

# ZONING ORDINANCE



## CITY OF ALPENA

ALPENA COUNTY, MICHIGAN

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# City of Alpena ZONING ORDINANCE

City of Alpena  
Alpena County  
Michigan

Adopted: January 18, 2010

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[Amendments table at end of ordinance](#)

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# ARTICLE 1 PURPOSE

SECTION	PG	NAME
1.0	1	PURPOSE
1.1	2	AUTHORITY
1.2	2	TITLE

## SECTION 1.0 PURPOSE

An Ordinance enacted under Public Act 110 of 2006, as amended, governing the incorporated portions of the City of Alpena, Alpena County, Michigan to establish districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings shall be regulated by this ordinance, and within which districts regulations shall be established; to provide for the enforcement of this ordinance, and for any amendments, supplements, or changes hereto; and to provide penalties for the violation of this ordinance.

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of the City of Alpena. The provisions herein are intended to regulate land development; establish districts within the City of Alpena which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to integrate residential and non-residential uses where appropriate and beneficial to the community; to promote the establishment of mixed-use development on appropriate properties; to provide for transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources and properties; and to be one means of implementing the policies, goals, and objectives as set forth in the current Comprehensive Plan.

It is the purpose of this Ordinance to manage the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to promote development in the City of Alpena that enhances the quality of the built and natural environment and the overall quality of life of both residents and visitors. Within each district, regulations shall be provided designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district and its structures, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

# PURPOSE

## ARTICLE 1

### SECTION 1.1 AUTHORITY

This Ordinance is enacted into law pursuant to Act 110, Public Acts of 2006, as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

### SECTION 1.2 TITLE

This Ordinance shall be known as the City of Alpena Zoning Ordinance of 2010 and shall be referred to herein as “this Ordinance.”

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

## ARTICLE 2

### CONSTRUCTION OF LANGUAGE & DEFINITIONS

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#### SECTION 2.0 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning of implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future, words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
7. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.



- b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 9. Terms not herein defined shall have the meaning customarily assigned to them.
- 10. "City" shall refer specifically to the City of Alpena.

## SECTION 2.1 DEFINITIONS

### A

**ABUTTING:** Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

**ACCESS:** A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

**ACCESSORY APARTMENT:** An attached or detached dwelling unit accessory to a single-family residence, located in the principal residential structure or an accessory structure. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. Accessory apartments shall not be available for remuneration.

**ACCESSORY BUILDING OR ACCESSORY STRUCTURE:** A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building or buildings. An accessory structure attached to a main structure shall be considered part of the main structure. Fences and walls are not considered accessory structures.

**ADJACENT PROPERTY:** All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

**ADULT FOSTER CARE FACILITY:** See [State Licensed Residential Facility](#).

**AGGRIEVED PERSON:** A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

**ALLEY:** Any dedicated public right-of-way affording a means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**AMATEUR RADIO:**

1. **AMATEUR RADIO ANTENNA:** The arrangement of wires or metal rods used in the sending and receiving of radio signals in conjunction with an amateur radio station licensed by the **Federal Communications Commission**.
2. **AMATEUR RADIO ANTENNA SUPPORT STRUCTURE:** Any structure, mast, pole, tripod or tower used to support an antenna, antennas or antenna array as a component of an amateur radio station.
3. **AMATEUR RADIO FACILITY OR STATION<sup>1</sup>:** All antennas, support structures and accessory equipment necessary for the operation of amateur radio activities, whether temporary or permanent, located on an approved site.
4. **GUY WIRES<sup>1</sup>:** Tensile members including wires, ropes, chains, turnbuckles and the like used to support an antenna or antenna support structure.

**AMUSEMENT ARCADE:** Any place, premises, room or establishment in which a substantial and significant portion of the business is devoted to the operation of amusement devices, or in which more than five mechanical amusement devices are located and available for operation. For purposes of this Zoning Ordinance, a mechanical amusement arcade shall not include the following:

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

**AMUSEMENT DEVICE:** Any machine or device which, upon the insertion of a coin, slug, token, plate, disc, or card, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical, or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical, or electronic baseball, football, basketball, hockey and similar sports-type games, mechanical, electrical, or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

**ANIMAL HOSPITAL:** A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

**ANTENNA:** Any exterior transmitting or receiving device mounted on a tower, building or

structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

**APARTMENT:** The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

1. **EFFICIENCY UNIT:** A dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
2. **ONE BEDROOM UNIT:** A dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
3. **TWO BEDROOM UNIT:** A dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
4. **THREE OR MORE BEDROOM UNIT:** A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

**APPLICANT:** Any person who applies for a permit or petition.

**APPLICATION:** The process by which the owner of a parcel of land within the City submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

**ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

**ASSISTED LIVING HOME:** A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

**AUTOMOBILE REPAIR:** The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles or components, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

**AUTOMOBILE SERVICE STATION:** A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

**AUTOMOBILE OR TRAILER SALES AREA:** Any enclosed building or area or open

space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

**AUTOMOBILE STORAGE, DAMAGED:** Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

**AWNING:** Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

## **B**

**BASEMENT:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story nor counted as floor area, unless the room has emergency egress.

**BEACH:** The land between the ordinary high water mark and the first line of terrestrial vegetation.

**BED AND BREAKFAST ESTABLISHMENT:** A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

**BERM:** A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

**BLOCK:** The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the Municipality.

**BOARDING HOUSE:** See [Rooming House](#).

**BOAT LAUNCH RAMP:** Facility to launch and retrieve recreational watercraft from a trailer.

**BOAT LIVERY AND/OR CANOE LIVERY AND BOAT YARD:** Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing or providing use thereof to persons other than the owners for a charge or fee.

**BOAT SLIP:** A space used for the mooring/docking of a one (1) or more watercraft.

**BREEZEWAY:** Any covered passageway with open or enclosed sides between two

buildings.

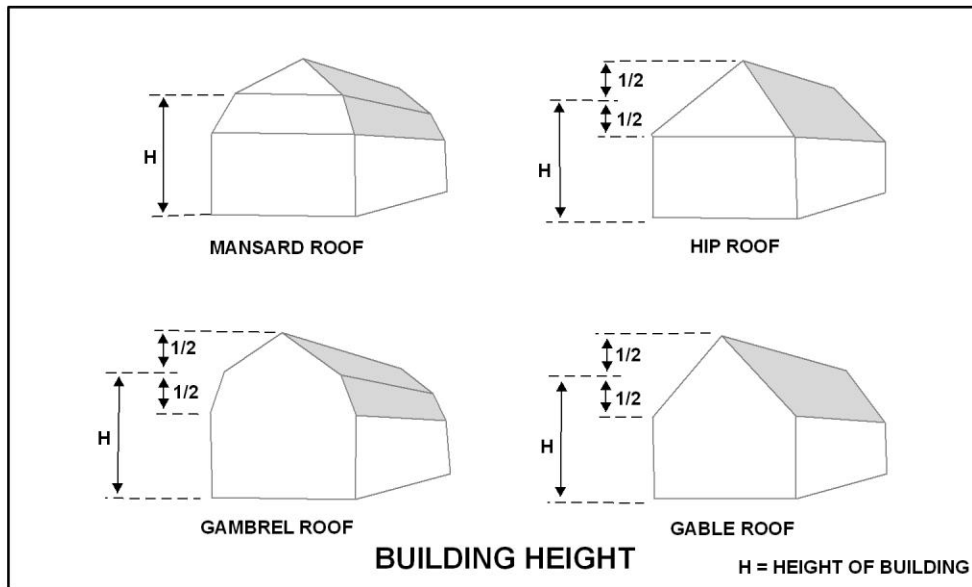
**BUFFER STRIP:** A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

**BUILDABLE AREA:** That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

**BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

**BUILDING, ACCESSORY:** See [Accessory Building](#).

**BUILDING HEIGHT:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.



**BUILDING LINE:** A line formed by the wall of the building, and for the purposes of this Ordinance, a minimum building line is the same as a setback line.

**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the premises on which it is situated.

## C

**CABIN:** Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

**CABIN COURT:** One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

**CAMPGROUNDS:** Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

**CANOPY:** A permanent roof-like shelter that extends from part or all of a building face.

**CEMETERY:** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or household pets.

**CHILD CARE FACILITY:** A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under [Act 116 of the Public Acts of 1973](#), being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

1. **FAMILY CHILD CARE HOME:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
2. **GROUP CHILD CARE HOME:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
3. **CHILD CARE CENTER:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
4. **PRIVATE HOME:** A private residence in which the registered facility operator permanently resides as a member of the household.

**CHURCH:** See Religious Institution.



**CLINIC, ANIMAL:** A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

**CLINIC, HUMAN:** A building or group of buildings where human patients are admitted for examination and treatment by a professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

**CLUB:** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, agriculture, or the like, but not operated for profit.

**CLUSTER DEVELOPMENT:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COLLEGE:** A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

**COMMERCIAL:** A business use or activity at a scale greater than a home occupation involving retail or wholesale marketing of goods or services.

**COMMISSION:** Alpena City Planning Commission.

**COMMON AREAS, USES AND SERVICES:** Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

**COMMUNITY/EMERGENCY & OTHER RELIEF SERVICES:** Establishments engaged in providing food, clothing, medical relief, resettlement, and counseling services.

**COMPREHENSIVE PLAN:** The City of Alpena Comprehensive Plan including background information, maps, goals and objectives, and plans for the development of the City of Alpena and including any part of such plan and any amendments to such plan or parts thereof.

**CONDOMINIUM ACT:** [Act 59, Public Acts of 1978](#), as amended.

**CONDOMINIUM UNIT:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.

**CONVALESCENT OR NURSING HOME:** A structure qualified for license under



applicable Michigan law, with sleeping rooms where lodging, meals, nursing and limited medical care are provided for persons who are dependent upon others to provide services.

**COTTAGE INDUSTRY:** A home occupation of which the sale of goods or products on the premises is a significant portion.

## **D**

**DECK:** A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.

**DENSITY:** The number of dwelling units on, or to be developed upon, a net acre of land.

**DEVELOPMENT:** All structures and other modifications of the natural landscape above and below ground or water on a particular site.

**DISTRICT:** A portion of the incorporated area of the City of Alpena within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. "District" as used herein is synonymous with the word "zone", "zoning district", or "overlay district".

**DRIVE-IN RESTAURANT:** An establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

**DRIVE-THROUGH:** An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

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

**DWELLING UNIT:** A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

**DWELLING UNIT, MANUFACTURED:** A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used

as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

**DWELLING UNIT, MODULAR:** A dwelling unit which has the majority of its structural components built off-site and shipped for final assembly on the foundation.

**DWELLING UNIT, SITE-BUILT:** A dwelling unit which is substantially built, constructed, assembled and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

**DWELLING, ONE-FAMILY:** A building designed exclusively for and occupied exclusively by one (1) family.

**DWELLING, TWO-FAMILY OR DUPLEX:** A building designed exclusively for occupancy by two (2) families living independently of each other.

**DWELLING, MULTIPLE-FAMILY:** A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

## **E**

**ERECTED:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like shall be considered a part of erected.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public or private utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, fiber optic, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

**EXCAVATION:** Any breaking of ground, except common household gardening and ground care.

## **F**

**FAÇADE:** The exterior wall of a building exposed to public view.

**FAMILY:** either of the following:

- A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building Official in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Planning Commission for a special land use based upon the applicable standards in this Ordinance.

**FENCE:** A man-made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

**FENCE, ORNAMENTAL:** A man-made structure, the surface area of which is more than fifty (50) percent open and which is no more than four (4) feet in height. Ornamental fences shall not be chain link or wire construction.

**FLOOD PLAIN:** The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by **FEMA** (Federal Emergency Management Agency).

**FLOOR AREA, RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the

centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**FLOOR AREA, GROSS (FOR THE PURPOSES OF COMPUTING PARKING):** The sum of the gross horizontal area of the several floors of a building or buildings, including if habitable the horizontal areas of the basement. Basement space used solely for storage or utility shall be exempt.

**FULLTIME EQUIVALENT EMPLOYEE:** One or more employees whose combined hours do not total more than forty (40) hours in any seven (7) day period.

## G

**GARAGE, PRIVATE:** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

**GARAGE, YARD OR PORCH SALE:** Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative. Refer to City of Alpena Code of Ordinances for regulations.

**GARAGE, SERVICE:** Any premises used for repair and maintenance of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

**GARBAGE:** Waste material which will or may decompose and become offensive or dangerous to public health.

**GASOLINE SERVICE STATION:** See [Automobile Service Station](#).

**GRADE:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**GREENBELT:** A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

## H

**HAZARDOUS SUBSTANCES:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

**HOME OCCUPATION:** An occupation or profession carried on by the occupant of a

dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

**HOMELESS SHELTER:** See [Residential Human Care Facility](#).

**HOSPITAL:** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

**HOTEL:** A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior or the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

## **I**

**INDIVIDUAL AND FAMILY SERVICES:** Establishments engaged in providing nonresidential individual and family social assistance services.

**IMPERVIOUS SURFACE:** Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

**IMPROVEMENTS:** Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the City to protect natural resources or the health, safety and welfare of the residents of the City, and future users or inhabitants of the proposed project or project area.

**INOPERABLE VEHICLE:** A vehicle which cannot be operated legally on a public street.

## **J**

**JUNK:** All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

**JUNK YARD:** An area where junk, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk. A "Junk Yard" shall include

any premise upon which two (2) or more motor vehicles which are unregistered and/or which cannot be operated under their own power, are kept or stored for a period of fifteen (15) days or more outside of an enclosed building.

## K

**KENNEL:** Any lot or premises on which more than four (4) animals of the same species six (6) months of age or older are kept. Kennel shall also include any lot or premise where household pets are bred or sold for remuneration.

## L

**LANDSCAPING:** Some combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, art works, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc.

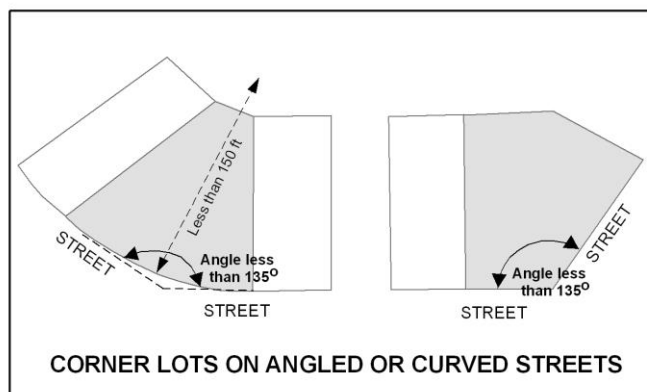
### **LAWN EXTENSION:**

- A. The area within the public right-of-way located between the public sidewalk and the curb or edge of pavement, if there is no curb; or
- B. If there is no sidewalk, the area within the public right-of-way located between the front property line and the curb or edge of pavement, if there is no curb.

**LOADING SPACE:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.

**LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight





street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT, REVERSED CORNER:** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**LOT, THROUGH:** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

**LOT, WATERFRONT:** A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

**LOT, ZONING:** A single trace of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

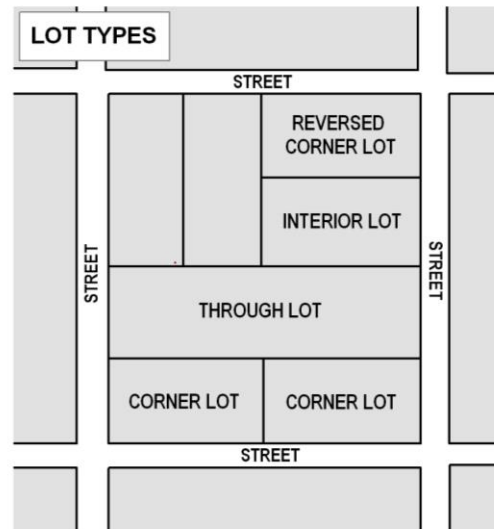
**LOT AREA:** The total horizontal area within the lot lines of the lot.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, swimming pools, decks above 8" above grade, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences.

**LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT LINES:** The lines bounding a lot as defined herein:

1. **FRONT LOT LINE:** In the case of an interior lot, that line separating said lot from the street or right-of-way. In the case of a through lot, that line separating said lot from either street or right-of-way. In the case of a corner lot, is that line separating said lot from the street or right-of-way on which an address has been assigned by the City of Alpena.





2. **REAR LOT LINE**: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot.
3. **SIDE LOT LINE**: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD**: A parcel of land, the dimensions of which are shown on a document or map on file with the [County Register of Deeds](#) or in common use by City or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT WIDTH**: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

## **M**

**MAJOR THOROUGHFARE**: An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the Act 51 Map within the City Engineering Department.

**MANUFACTURED HOME**: see [Dwelling, Manufactured](#).

**MANUFACTURED HOUSING COMMUNITY**: A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

**MANUFACTURED HOUSING COMMUNITY HOMESITE**: The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

**MANUFACTURING**: The production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

**MARIHUANA FACILITIES (MEDICAL)<sup>1</sup>**: The [Michigan Medical Marihuana Facilities Licensing Act \(2016 PA 281\)](#) specifies five different types of commercial medical marihuana facilities that a community may allow and regulate. These facilities include:

1. **GROW FACILITY OR GROWER**: A commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.

2. **PROCESSOR**: A commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.
3. **SECURE TRANSPORTER**: A commercial entity located in this state that stores marihuana and transports marijuana between marihuana facilities for a fee.
4. **PROVISIONING CENTER**: A commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers.
5. **SAFETY COMPLIANCE FACILITY**: A commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

All other definitions pertaining to medical marihuana are defined by [2016 PA 281](#).

**MARINA**: A commercial or public mooring, berthing or docking facility for watercraft with or without provisions for launching, retrieving, servicing, boat storage, fueling, sales of accessory supplies, or boater services such as restrooms, showers, self-service laundry, fish cleaning station, etc.

**MARQUEE**: A permanent structure that extends from part or all of the building face of a motion picture or live theater and is constructed entirely of non-combustible materials and contains advertising for activities occurring within the building.

**MASTER DEED**: The condominium document recording the condominium project as approved by the City to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the [Condominium Act](#).

**MDNRE**: [Michigan Department of Natural Resources and the Environment](#) or any subsequently named agency.

**MEZZANINE**: An intermediate floor in any story occupying not to exceed one-half (1/2) of the floor area of such story.

**MOBILE HOME**: See [Manufactured Home](#).

**MOBILE HOME PARK**: See [Manufactured Housing Community](#).

**MOORING BUOY**: A floating device anchored to the lake, river or harbor bottom to which one (1) boat can be secured.

**MOTEL**: A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms.

**MUNICIPALITY**: The City of Alpena, Michigan.

## **N**

**NET ACRE**: The actual land available for development within a parcel after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e. steep slopes, wetlands, and the like).

**NONCONFORMING SIGN**: A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

**NONCONFORMING STRUCTURE**: A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not comply with the provisions of the Ordinance in the district in which it is located.

**NONCONFORMING USE**: A use which lawfully occupied a building or parcel of land at the effective date of this Ordinance, or amendments thereto, and that does not comply with the use regulations of the district in which it is located.

**NUISANCE**: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

**NURSERY, PLANT MATERIALS**: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery, within the meaning of this Ordinance, does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**NURSERY SCHOOL OR PRE-SCHOOL**: A daytime facility which has as its main objective a development program for pre-Kindergarten children and whose staff meets the educational requirements established by the State.

**NURSING HOME**: See [Convalescent or Nursing Home](#).

## O

**OPEN SPACE:** Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

**OUTDOOR STORAGE:** A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment and other supplies.

**ORDINARY HIGH WATER LINE:** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On a river or stream, the ordinary high water mark shall be the ten year flood limit line. On Lake Huron, the ordinary high water line is set by [Michigan Great Lakes Submerged Lands Act](#) at 581.5 feet above mean sea level, per international Great Lake datum of 1985.

**OWNER:** A person holding any legal, equitable, option or contract of interest in land.

## P

**PARCEL:** See [Lot](#).

**PARK:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, for recreational purposes.

**PARKING, OFF-STREET:** Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

**PARKING SPACE:** An area of definite length and width, said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**PATIO:** A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than eight (8) inches above the finished grade of the property.

**PET, DOMESTIC:** Only such animals as may commonly be housed within domestic living quarters.

**PERFORMANCE GUARANTEE:** Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Alpena Municipal Council.

**PLACE OF WORSHIP:** See [Religious Institution](#).

**PLANNED UNIT DEVELOPMENT (PUD):** A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix of uses resulting in more efficient and effective use of the land and infrastructure. A Planned Unit Development provides the City with increased oversight and guidance in the design process.

**PLANNING COMMISSION:** The body appointed by the Municipal Council under the provisions of [Public Act 33 of 2008](#), the "Michigan Planning Enabling Act" as amended. Refers to the Alpena City Planning Commission.

**PLANNING DIRECTOR:** Refers to the City of Alpena Planning & Development Director.

**PLAT:** A map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

**PLOT PLAN:** The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

**PORCH, ENCLOSED:** A covered entrance to a building or structure which has a roof and/or walls and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN:** An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

**PRINCIPAL STRUCTURE:** A building/structure in which is conducted the principal use of the lot upon which it is situated.

**PUBLIC PLACE:** Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**PUBLIC SEWER SYSTEMS:** A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

**PUBLIC UTILITY:** A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

## **R**

**RECREATIONAL EQUIPMENT:** Watercraft, boat trailers, snowmobiles, horse trailers, dune buggies, tents and other similar equipment.

**RECREATIONAL FACILITY:** A public or private facility for athletic activities such as ice arenas, stadiums, indoor sports arenas, community recreation centers, indoor and outdoor swimming pools, and similar facilities.

**RECREATIONAL VEHICLE:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and pop-up campers.

**RECREATION VEHICLE PARK (RV PARK):** A facility for the overnight, short-term or seasonal, but not permanent or year-round parking of travel trailers, recreation vehicles or tents and which can include other recreational facilities. May also be known as a campground.

**RECYCLING CENTER:** See [Resource Recovery Facility](#).

**RELIGIOUS INSTITUTION:** A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

**RESIDENTIAL HUMAN CARE FACILITY:** A facility providing:

1. Emergency shelter and services for battered individuals and their children in a residential structure;
2. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
3. Emergency shelter for individuals who are homeless.
4. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

**RESIDENTIAL STRUCTURE:** Means any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by families or individuals.



**RESORT:** A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

**RESOURCE RECOVERY FACILITY:** Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

**RESTAURANT:** A building in which food or beverages are prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. See also “Drive-Through” and “Drive-In Restaurant”.

**RETAIL AND RETAIL STORES:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**RIGHT-OF-WAY:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**ROAD:** See [Street](#).

**ROADSIDE STAND:** An accessory and temporary structure operated for the purpose of temporarily selling goods or products.

**ROOMING HOUSE:** A residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, two and multi-family dwellings or fraternity and sorority houses.

## **S**

**SCHOOL:** A public or private educational institution offering students an academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

**SCRAP YARD:** An establishment where scrap metals are collected, processed, stored, and/or sold.

**SEASONAL RESIDENCE:** A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during the calendar year.

**SEASONAL USE:** Any use or activity that cannot be conducted or should not be conducted during each month of the year.



**SEASONAL USE SALES:** Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

**SETBACK:** The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

**SEXUALLY ORIENTED BUSINESS:** A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

1. **ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
2. **ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
  - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25) percent or more of the floor area or visible inventory within the establishment.

3. **ADULT CABARET:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
  - a. Persons who appear in a state of nudity;
  - b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

- c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
  - d. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- 4. **ADULT MOTEL**: A hotel, motel or similar commercial establishment that:
  - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
  - b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- 5. **ADULT MOTION PICTURE THEATER**: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- 6. **ADULT THEATER**: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- 7. **NUDE MODEL STUDIO**: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- 8. **NUDITY OR A STATE OF NUDITY**: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

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

- a. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  - b. Material as defined in section 2 of **Act No. 343 of the Public Acts of 1984**, being section 752.362 of the Michigan Compiled Laws.
  - c. Sexually explicit visual material as defined in section 3 of **Act No. 33 of Public Acts of 1978**, being section 722.673 of the Michigan Compiled Laws.
9. **SPECIFIED ANATOMICAL AREAS:** Means and includes any of the following:
- a. Less than completely and opaquely covered:
    - (1) Human genitals;
    - (2) Pubic region;
    - (3) Buttocks
    - (4) Female breast below a point immediately above the top of the areola.
  - b. Human male genitals in a discernible turgid state even if completely or opaquely covered.
10. **SPECIFIED SEXUAL ACTIVITIES:** Means and includes any of the following:
- a. Human genitals in a state of sexual arousal;
  - b. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
  - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
  - d. Excretory functions as part of or in connection with any of the activities set forth in a – c above.

**SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

**SIGN:**<sup>1</sup> Any structure or wall or other object used for the display of any message.

**SIGN AREA:**

1. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or

structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

2. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
3. With respect to two-sided, multi-sided, or three dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing:
  - a. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed eighteen (18) inches.<sup>1</sup>
  - b. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

**SIGN HEIGHT:** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

**SIGN TYPES:**<sup>1</sup> The following definitions are related to signs:

1. **A-FRAME SIGN:** Self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.
2. **MOVING SIGN:** A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
3. **AWNING SIGN:** A sign painted on, printed on, or attached flat against the surface of an awning.
4. **BANNER:** A linear sign made of natural or synthetic material used to call attention to a message; however, not including pennants or flags.
5. **CLUSTER SIGN:** An on-premises sign which identifies a complex of establishments on one parcel and contains multiple signs on one structure including one for each establishment and one for the complex as a whole.
6. **CANOPY SIGN:** A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.
7. **ELECTRONIC MESSAGE BOARD:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through

- electronic means.
8. **FREESTANDING SIGN**: A pylon sign or monument sign.
  9. **LIGHTED SIGN**: Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.
  10. **MARQUEE SIGN**: Any sign attached to or supported by a marquee structure.
  11. **MESSAGE BOARD, STATIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
  12. **MESSAGE BOARD, ELECTRONIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
  13. **MONUMENT SIGN**: Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material.
  14. **OFF-PREMISE ADVERTISING SIGN (BILLBOARD)**: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.
  15. **OFF-PREMISE ADVERTISING SIGN, DIGITAL (BILLBOARD - DIGITAL)**: A billboard displaying static images controlled by electronic communications.
  16. **PORTABLE SIGN**: Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed.
  17. **PROJECTING SIGN**: A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure.
  18. **PYLON SIGN**: A sign which is an elevated sign supported by one (1) or more bearing columns, the sign portion of which is not less than ten (10) feet from the surface of the ground.
  19. **ROOF SIGN**: A display sign which is erected, constructed, and maintained above the roof of the building.
  20. **TEMPORARY SIGN**: A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this ordinance. A temporary sign is one that is not affixed to

the ground permanently and can easily be moved.

21. **WALL SIGN**: A display sign which is painted on or attached directly to the building wall.

22. **WINDOW SIGN**: A sign installed inside a window and intended to be viewed from the outside.

**SITE CONDITIONS**: Shall mean or refer to height and area regulations, parking area regulations, screening, landscaping and all other items regulated by this Ordinance.

**SITE CONDOMINIUM (CONDOMINIUM SUBDIVISION)**: A method of subdivision where the sale and ownership of sites is regulated by the [Condominium Act](#) (P.A. 59 of 1978, as amended MCLA 559.101) as opposed to the subdivision Control Act of 1967 (MCL 560.101). Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning Ordinance and the [City Subdivision Regulations Ordinance](#).

**SITE CONDOMINIUM SUBDIVISION PLAN**: Means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

**SITE PLAN**: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

**SOLAR ENERGY STRUCTURES**: A design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

**SOLID WASTE TRANSFER FACILITY**: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

**SPECIAL LAND USE**: A use which is subject to approval by the Alpena City Planning Commission. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming Use.

**SPECIAL LAND USE PERMIT**: A permit issued by the City of Alpena to a person or persons intending to undertake the operation of an activity upon land or within a structure which is classified in this Ordinance as a Special Land Use and which has been given approval by the Planning Commission.

**STATE LICENSED RESIDENTIAL FACILITY**: A structure constructed for residential purposes that is licensed by the State pursuant to [Act No. 218 of the Public Acts of 1979](#) (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or [Act No. 116 of the Public Acts of 1973](#) (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the



Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

**STORAGE**: To leave or deposit in a place for preservation or disposal in one or more of the following ways:

1. **STORAGE-ACCESSORY**: Storage which is accessory to the principal use of the premises.
2. **STORAGE BUILDING**: A building in which storage is the principal activity.
3. **STORAGE FACILITY**: A building or property on which storage is carried out as the principal use of the property.

**STORY**: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

**STORY, HALF**: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet (7'). For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

**STREET**: A dedicated public right-of-way or private roadway, other than an alley, which affords the principal means of access to abutting property.

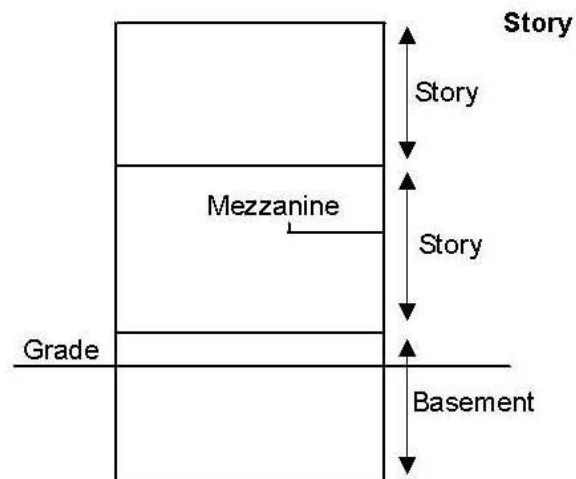
**STREET, PRIVATE**: Any street which is privately owned and has not been accepted for maintenance by a public street agency.

**STREET, PUBLIC**: Any street or portion of street which has been dedicated to and accepted for maintenance by a public street agency.

**STREET RIGHT-OF-WAY LINE**: The line which forms the outer limits of a street right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

**STRUCTURE**: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A structure may or may not be a building.

**SUBDIVISION**: The division of land, lot, tract, or parcel into two or more lots, parcels,



plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, plat or other instrument.

**SWIMMING POOL**: Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

## **T**

### **TELECOMMUNICATION TOWERS AND FACILITIES DEFINITIONS:**

1. **ANTENNA ARRAY**: An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
2. **ATTACHMENT STRUCTURE**: Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
3. **CO-LOCATION/SITE SHARING**: Co-location/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder, or by one wireless license holder for more than one type of communication technology and/or placement of a Wireless Communication Facility on a structure owned or operated by a utility or other public entity.
4. **EQUIPMENT FACILITY**: An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.
5. **FTA**: **Federal Telecommunications Act of 1996**, as amended.
6. **HEIGHT**: When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
7. **SETBACK**: Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure and equipment shelter or cabinet where applicable.

8. **SUPPORT STRUCTURE:** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, and other similar structures. Any device (Attachment Device) which is used to attach an Attachment Structure shall be excluded from this definition.
9. **TEMPORARY WIRELESS COMMUNICATION FACILITY:** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.
10. **WIRELESS COMMUNICATIONS:** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
11. **WIRELESS COMMUNICATION FACILITY:** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).

**TEMPORARY USE OR BUILDING:** A use or structure permitted to exist for one hundred eighty (180) days or less.

**TOWNHOUSE:** A structure in which each dwelling unit shares a common wall with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and upper floor and has a separate ground-floor entrance.

**TRANSIT CENTER:** A fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

**TRANSITION:** For the purposes of this Ordinance, the word or term transition or transitional shall mean a zoning district which may serve as a district of transition; i.e., a buffer zone between various land use districts or land use types.

**TRAVEL TRAILER:** See [Recreational Vehicle](#).

## U

**UNAUTHORIZED ACTIVITY:** Any use contrary to the provisions of this Ordinance.

**USE:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**USE, PRINCIPAL:** The primary use to which the premises are devoted and the primary purpose for which the premises exist.

**USE, ACCESSORY:** A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use.

## **V**

**VARIANCE:** A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or unnecessary hardship as defined in [Article 8](#) of this Ordinance.

**VARIANCE, DIMENSIONAL:** A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or development requirement/limitation.

**VARIANCE, USE:** A variance to provide relief from the requirements of this Ordinance pertaining to uses of land.

**VEHICLE:** A conveyance that transports people or objects, operates by a motor, and requires a license to operate.

**VEHICLE SALES - NEW:** An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

**VEHICLE SALES - USED:** An authorized dealership for the sale of used vehicles with an office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

**VIDEO ARCADE:** See Amusement Arcade.

**VOCATIONAL REHABILITATION SERVICES:** Establishments primarily engaged in providing job counseling, job training, and work experience to the unemployed or underemployed persons, persons with disabilities, and persons who have a job market disadvantage because of lack of education, job skill, or experience.

## **W**

**WALL, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**WATERS EDGE:** A fluctuating line where the water and the land meet. May or may not be the ordinary high water line.

**WATERFRONT SETBACK:** The minimum required horizontal distance from the ordinary high water line of a waterfront lot within which no buildings or structures may be placed.

**WETLAND:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

## **WIND ENERGY DEFINITIONS:**

1. **AMBIENT:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
2. **ANEMOMETER:** A device used to measure wind speed.
3. **dB(A):** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. **DECIBEL:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
5. **HUB HEIGHT:** The distance measured from the ground level to the center of the turbine hub.
6. **SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
7. **SMALL ON-SITE WIND ENERGY SYSTEMS:** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily replace or reduce on-site consumption of utility power.
8. **SOUND PRESSURE:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
9. **SOUND PRESSURE LEVEL:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
10. **WIND ENERGY FACILITY:** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
11. **WIND TURBINE GENERATOR:** A wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the

following are mounted:

- a. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
  - b. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
  - c. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
12. **WIND TURBINE (HORIZONTAL AXIS):** A wind energy system in which the rotor(s) rotate around a horizontal shaft.
  13. **WIND TURBINE (VERTICAL AXIS):** A wind energy system in which the rotor rotates around a vertical shaft.
  14. **WIND TURBINE GENERATOR TOTAL HEIGHT:**
    - a. **HORIZONTAL AXIS WIND TURBINE ROTORS:** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
    - b. **VERTICAL AXIS WIND TURBINE:** The distance between the ground and the highest point of the wind turbine generator.

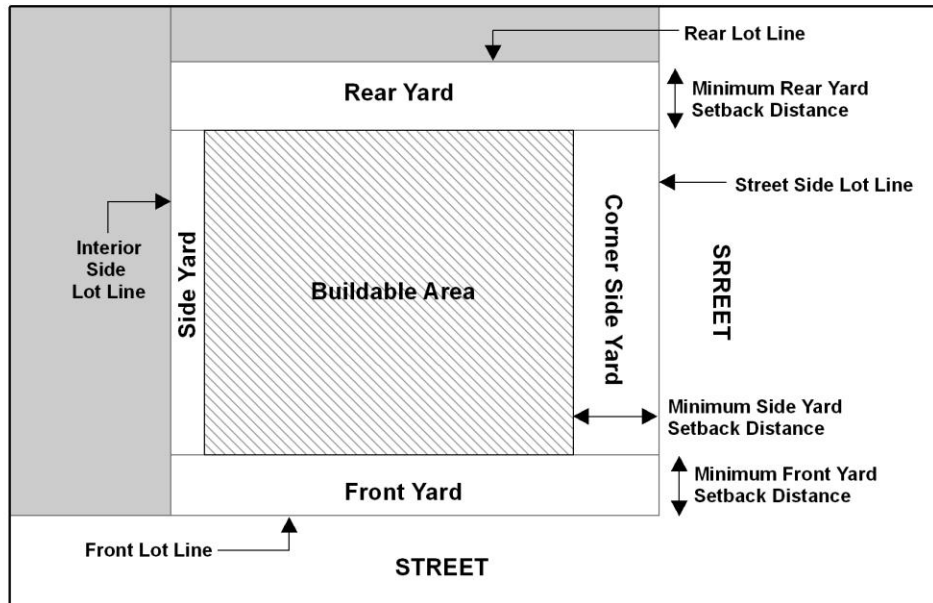
## Y

**YARD:** An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied and unobstructed from the ground upward, except for projections, such as porches and steps, and specific accessory uses or structures allowed in such open space under the provisions of this Ordinance. Yards are further defined herein:

1. **FRONT YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
2. **REAR YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. **SIDE YARD:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



4. **CORNER SIDE YARD:** An open space between a main building and the street side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the street side lot line to the nearest point of the main building.



## Z

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

**ZONING ADMINISTRATOR:** The person retained by the City of Alpena to administer and enforce this Zoning Ordinance. The Zoning Administrator is the Building Official in the City of Alpena unless otherwise designated by the City Manager.

**ZONING APPEAL:** An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

**ZONING BOARD OF APPEALS:** As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

**ZONING DISTRICT:** A portion of the City of Alpena within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**ZONING PERMIT:** A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.



## ARTICLE 3

### GENERAL PROVISIONS

SECTION	PG	NAME	SECTION	PG	NAME
3.0	38	PURPOSE	3.17	49	SIDEWALKS
3.1	38	APPLICATION OF REGULATIONS	3.18	50	MANUFACTURED HOMES
3.2	39	CONFLICTING REGULATIONS/GRAPHICS	3.19	51	HOME OCC./COTTAGE IND.
3.3	39	ZONING LOT OCCUPANCY	3.20	55	REQUIRED WATER/SANITARY
3.4	40	RESTORATION OF UNSAFE BUILDINGS/ BARRIER-FREE MODIFICATION	3.21	55	HAZARDOUS SUBSTANCES
3.5	40	CONTINUED CONFORMANCE WITH REGULATIONS	3.22	55	ON-SITE DRAINAGE & RUNOFF
3.6	40	UNCLASSIFIED USES	3.23	55	STORAGE IN FRONT YARDS
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#### SECTION 3.0 PURPOSE

It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted uses and special uses.

#### SECTION 3.1 APPLICATION OF REGULATIONS

Zoning affects every structure and use, and extends vertically. The provisions of this Article shall apply to all districts, except as noted herein. The following shall apply to all of the City of Alpena.

- A. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, with the provisions and intent of the specific zoning district in which it is located, and the applicable zoning permit or building permit has been obtained. Lawful nonconforming uses or buildings shall be regulated by the provisions of **§3.32**.
- B. No building shall hereafter be erected or altered to exceed the height limitations, or to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard or inner or outer courts, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the zoning district in which such building is located.
- C. No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this

Ordinance, said area or dimension shall not be further divided or reduced.

- D. No parcel may be divided in a manner which conflicts with the requirements set forth in the Michigan Land Division Act, as amended.
- E. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- F. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than two (2) years from the effective date of this Ordinance for completion.

### SECTION 3.2 CONFLICTING REGULATIONS/GRAPHICS, TABLES, AND TEXT

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other City law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only. If a conflict exists between Section 5.26 (Use Matrix) and the individual Use Tables found in each district section in Article 5, the individual Use Tables shall control.

### SECTION 3.3 ZONING LOT OCCUPANCY

Hereafter, every building erected, altered or moved shall be located on a zoning lot. In the R-1, R-2, and RT Districts, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.

Multiple principal uses on a zoning lot:

- A. Multiple uses shall be restricted to zoning lots in nonresidential districts.
- B. Multiple uses shall not be allowed on a zoning lot occupied by a non-conforming use.
- C. Off street parking required by ordinance shall be provided in common to create a single, compact, orderly system and so designed as to minimize points of access

along major thoroughfares; facilitate safety and ease in circulation of vehicles and pedestrians, and promote more efficient use of available parking spaces.

### SECTION 3.4 RESTORATION OF UNSAFE BUILDING/BARRIER FREE MODIFICATION

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector.

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**.

### SECTION 3.5 CONTINUED CONFORMANCE WITH REGULATIONS

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

### SECTION 3.6 UNCLASSIFIED USES

When a use is not expressly mentioned in the Zoning Ordinance, the Planning Director or Planning Commission at the request of the Planning Director shall make an interpretation as to what district or districts should accommodate the use. The decision shall be based on the intent of each district and similar uses allowed in the district. The decision of the Planning Director or Planning Commission regarding unclassified uses may be appealed to the Zoning Board of Appeals.

### SECTION 3.7 TEMPORARY BUILDINGS FOR CONSTRUCTION PURPOSES

Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building and/or construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

### SECTION 3.8 ILLEGAL DWELLINGS

The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of occupancy has been issued. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

### SECTION 3.9 RELOCATED BUILDINGS

The relocation of a building to a different site shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is relocated. No building shall be moved onto a lot into the City of Alpena without first obtaining a zoning permit from the Zoning Administrator.

### SECTION 3.10 DEMOLITION OF BUILDINGS

No structure shall be demolished until an inspection has been completed by the City of Alpena Building Department and a Demolition Permit issued by the Department. The demolition shall be completed within such reasonable time period as shall be prescribed by the City of Alpena and under conditions that may be specified by the City of Alpena as necessary to protect the public health, safety and welfare. The demolition of structures within the City of Alpena shall comply with the following:

- A. An application for a Demolition Permit shall include the reasons for the demolition and the intended use of the property following demolition. If the intended use is not permitted under the property's current zoning, a Demolition Permit shall be withheld until such time as approval for the new use is obtained, unless the property is deemed a hazard or attractive nuisance to the general public by the Building Official, in which case a Demolition Permit may be issued.
- B. If the structure is more than fifty years old and is not deemed to be a threat to the public health or safety, the Building Official may withhold the approval of a Demolition Permit for up to sixty (60) days to permit a review of the historical significance of the structure, determine possible adaptive reuses of the property and possible funding for rehabilitation/preservation/ or re-location. Such information shall be provided to the owner. In the event the owner still wishes to demolish the structure a Demolition Permit shall be issued.
- C. Following demolition of the structure and the removal of all required debris, any excavation or foundation shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties.
- D. Following grading all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil, seeded with an appropriate grass seed, and properly maintained in accordance with the City Code of Ordinances.
- E. An accessory building remaining on a property following the demolition of the principal structure shall be maintained in good condition.



## SECTION 3.11 ACCESSORY BUILDINGS/STRUCTURES

Accessory buildings/structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations (this section shall not apply to decks and porches which are addressed in [§3.31 \(E\)](#)):

A. No accessory structure shall be erected, constructed or placed upon a lot without a principal structure.

B. **ATTACHED ACCESSORY BUILDINGS/STRUCTURES:** Where any accessory building or structure is attached to a principal building, such accessory building or structure shall be considered part of the principal building and shall be subject to and must conform to all regulations of this Ordinance applicable to the main building regardless of whether the accessory building was constructed as a detached building and then attached.

### C. PLACEMENT ON LOT:

1. **Location in Yards:** All accessory buildings/structures shall be located in the rear or side yard of the lot except when attached to the main building in one- and two-family dwellings.

2. **Relationship to Main Building:** No detached accessory building/structure shall be located closer than six (6) feet to any main building, *except amateur radio support structures/antennas as defined in this Ordinance and other telecommunication structures seventy-five (75) feet or less in height, upon approval of the Building Official*<sup>1</sup>.

3. **Accessory Building/Structure Setback for Rear and Interior Side Lot Lines:** No detached accessory building shall be located closer than six (6) feet to any interior side or rear lot line.

4. **Detached Accessory Building/Structure Setback – Alleys:** Where the rear lot line is coterminous with an alley right-of-way, a detached accessory building shall not be closer than six (6) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

### 5. Detached Accessory Building/Structure Side Setback on Corner Lot:

a. When an accessory building is located on a corner lot, the side setback for said building shall be ten (10) feet.

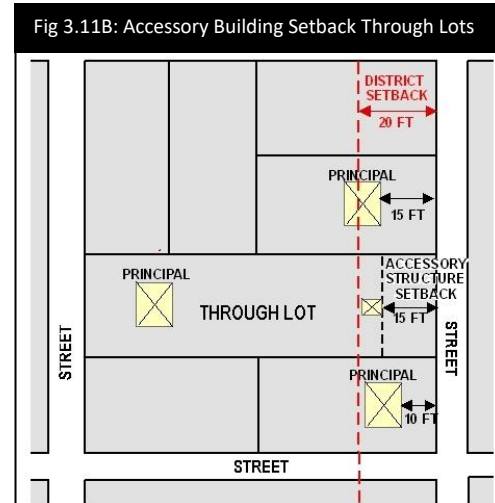
b. When an accessory building is located on a reversed corner lot, the side lot line of which is substantially a continuation of the front lot line on the lot to its rear, the side setback for said building shall be equal to setback of the residence/building of the adjoining lot or the front yard setback of the district, whichever is less.



## 6. Accessory Building/Structure on Waterfront Lots:

- Accessory buildings/structures on waterfront lots shall adhere to the requirements in §3.24 pertaining to waterfront setbacks.
- Detached garages are permitted in the front yard (street side) of waterfront lots and shall adhere to the setbacks of the district.

- Accessory Building/Structure on Through Lots:** The setback of an accessory building on a through lot shall be equal to the largest setback of the principal structure of each adjoining lot along a common street or equal to the setback of the district in which it is located, whichever is less.



## D. ACCESSORY BUILDING/STRUCTURE SIZE:

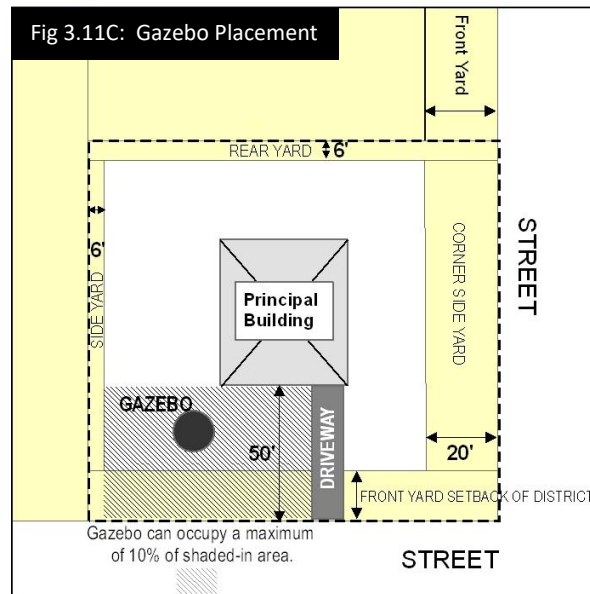
- Residential accessory buildings shall not occupy more than twenty-five (25) percent of a required rear yard.
- In a residential district, the combined area of all accessory buildings on a zoning lot shall not exceed the ground floor area of the principal building or a maximum square footage of twelve-hundred (1,200) square feet, whichever is less.

## E. ACCESSORY BUILDING/STRUCTURE HEIGHT:

- No detached accessory building in R-1, R-2, RT, RM-1, RM-2, and OS-1 Districts shall exceed the height of the principal building. P-1 is limited to one story or 14 feet.

## F. GAZEBO:

- A gazebo must be an open (“see through”) structure with no length or width dimension exceeding fifteen (15) feet; the height must not exceed fifteen (15) feet.
- Gazebos are permitted in the front yard, rear, or side yards and must meet the side and rear setback requirements in §3.11(C). Gazebos must meet the front setback requirements for a primary structure of the district in which it is located.
- A minimum total front yard depth of fifty (50) feet is required for a gazebo to be placed in the front yard. The gazebo shall not occupy more than ten (10) percent of a contiguous yard which is not separated by a driveway.



- G. **NONTRADITIONAL STORAGE FACILITIES:** Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear yard only. In a commercial zone, semi-trailers used as temporary storage must be screened from visibility from all public rights-of-way including streets or alleys.
- H. **ACCESSORY BUILDING AS A DWELLING:** No detached accessory building or structure shall be used for dwelling purposes unless otherwise permitted in this Ordinance.
- I. Accessory buildings shall be architecturally consistent with the primary structure on the lot.

## SECTION 3.12 ACCESSORY USES

### A. RECREATIONAL EQUIPMENT:

1. **Storage:** Recreational equipment owned by residents of the City may be stored on their individual lots and shall be stored only within the confines of the rear yard and shall further respect the placement requirements of [§3.11\(C\)](#) applicable to Accessory Buildings/Structures. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be used for permanent dwelling purposes. In those instances where the rear yard is not accessible by means of a driveway or alley or has insufficient side yard clearance for the passage of recreational equipment, the Zoning Administrator may allow the parking or storage of such recreational equipment in the side or front yard. In those instances where recreational equipment is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational equipment be parked or stored closer than ten (10) feet to the front property line. Storage of recreational equipment on a lot without a principal structure shall only occur if the lot upon which the recreational equipment is stored is adjacent to another lot which is under the same ownership and contains a principal structure. Said lots shall not be separated by a public right-of-way.
2. **Overnight Camping:** Overnight camping in a recreation vehicle on a lot in the city shall be permitted in all residential districts providing that the recreational vehicle shall be occupied for no more than a week in any thirty (30) day period but not longer than thirty (30) days in a calendar year. The Zoning Administrator shall have the authority to increase the length of stay up to an additional seven (7) days in any thirty (30) day period. However, the additional seven (7) days shall not increase the total stay of not longer than thirty (30) days in a calendar year. Overnight camping in a recreational vehicle shall only occur on a lot with a principal structure or on a lot which is adjacent to another lot which is under the same ownership and contains a principal structure. Said lots shall not be separated by a public right-of-way.

- B. **SALE/STORAGE OF VEHICLES:** A resident of a dwelling unit may have not more than two (2) motorized vehicles for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property. In no instance shall vehicles for sale be displayed in a front yard other than on the driveway portion of such yard. No more than one (1) inoperable vehicle may be stored outside the dwelling or the garage of the dwelling. Any such inoperable vehicle stored outside the dwelling or garage of the dwelling shall not be stored in the front yard and must be properly covered.

### C. SOLAR ENERGY PANELS:

1. Freestanding solar panels shall be considered an accessory structure and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

2. Roof or wall-mounted panels shall be installed as follows:

a. Roof-mounted panels:

- 1) Located on a pitched roof (4:12 or greater) shall be installed flat against the roof deck.
- 2) Located on a pitched (less than 4:12) or flat roof may be installed at an angle with the top edge a maximum of four (4) feet above the eave line of the building.

b. Wall-mounted panels:

Panels shall be installed either flat against or angled so that the top edge abuts the building and the bottom edge is a maximum of two (2) feet out from the base of the wall.

3. Panels shall not result in glare onto adjoining properties or public rights-of-way.

4. All electrical equipment and battery storage shall be located within a locked panel or building (principal or accessory structure) so as not to be readily accessible. A small sign shall be placed on the panel or building with emergency contact information. A Manufacturers Materials Safety Data Sheet(s) for all coolants, lubricants, batteries (acid), etc. shall be provided to the City prior to installation, and updated or amended sheets provided as may be required.

**D. PERMANENT PRIVATE POOLS:** Private pools shall be permitted as an accessory use within the rear and side yard only, provided they meet the following requirements:

1. There shall be a minimum distance of not less than six (6) feet between the adjoining property line or alley right-of-way and the outside of the pool wall. Setbacks for a reversed corner lot shall be the same as for accessory buildings.
2. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
3. For the protection of the general public, all yards containing swimming pools shall be completely enclosed by a privacy fence not less than six (6) feet in height. The gates shall be of a self-closing and latching type with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
4. Portable pools of a depth of twenty-four (24) inches or greater shall conform to the requirements of the current Building Code used by the City of Alpena Building Department.

**E. PARKING OF COMMERCIAL VEHICLES:** A commercial vehicle may be parked on residentially-zoned property if all of the following conditions are met:

1. The vehicle is used as the principal means of transportation for a resident in the conduct of his employment or profession or is the resident's sole means of motor vehicle transportation.

## ACCESSORY USES

2. The vehicle is not a dump truck, stake truck, flatbed truck, or semi tractor which exceeds 5,000 pounds empty weight.
  3. The vehicle does not exceed ten thousand (10,000) pounds, empty weight, as defined in 1949 PA300, as amended. (Ord. No. 95-247).
- F. **OUTDOOR MECHANICAL EQUIPMENT:** The following regulations shall apply to outdoor mechanical equipment (such as air conditioning units) on residential property or commercial property which abuts a residential use:
1. Shall not be located in the front yard.
  2. Shall be located so as to create the least disturbance to neighboring properties.

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6 Site Plan Review

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9 Administration

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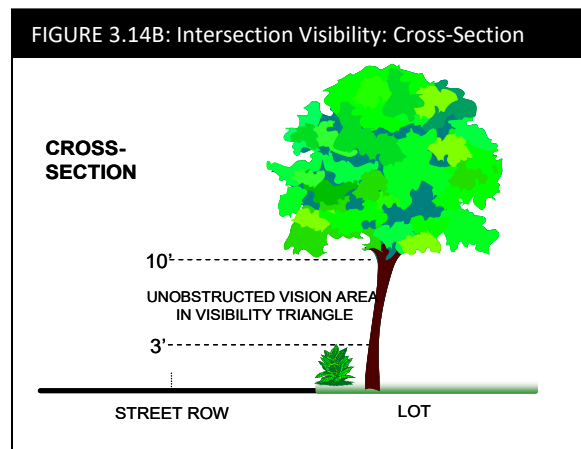
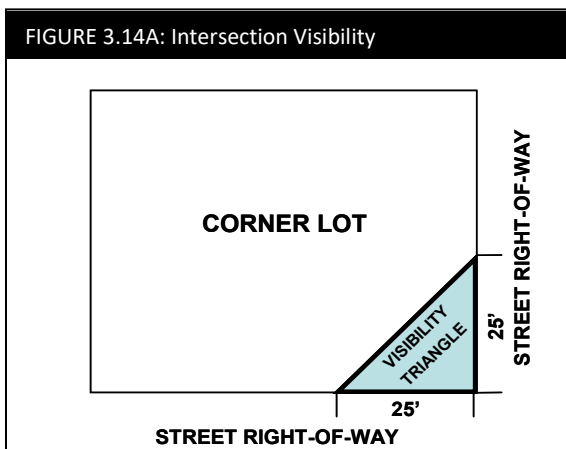


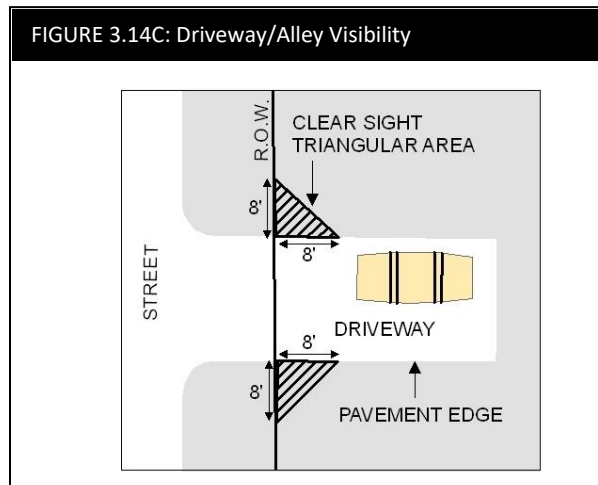
**SECTION 3.13 ACCESS TO PUBLIC STREET**

In every Zoning District, every use, building or structure established after the effective date of this Ordinance shall be located on a parcel which abuts a public street or a private street or easement which provides access to a public street, such private street or easement being at least forty (40) feet in width, unless a lesser width was duly established of record prior to the effective date of this Ordinance or as part of a Planned Unit Development, provided that private easements in all cases shall be at least twenty (20) feet in width.

**SECTION 3.14 INTERSECTION & DRIVEWAY VISIBILITY**

- A. **INTERSECTION VISIBILITY REQUIREMENTS:** On any corner lot, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3') feet and ten (10') feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and twenty-five (25') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. Driveways and alleys shall not be located within the intersection visibility triangle.
- B. **DRIVEWAY AND ALLEY VISIBILITY REQUIREMENTS.** At intersections of driveways and alleys with streets, no fence, hedge, wall, sign or other structure shall be erected, placed or allowed to grow, and no motor vehicle or recreational vehicle may be placed in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the established driveway or alley grade level in the area bounded by the driveway or alley lines and lot lines and a line joining points along the lines (eight) 8 feet from the point of intersection of the driveway or alley lines and such lot lines





### SECTION 3.15 RESIDENTIAL ENTRANCE-WAY

In all Residential Districts, entrance-way structures, including but not limited to, walls, columns and gates marking entrances to single-family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a required yard, except as provided in [§3.14 \(Intersection Visibility\)](#), provided that such entrance way structures shall comply to all codes of the City of Alpena, and shall be approved by the Building Department and a permit issued.

### SECTION 3.16 ESSENTIAL SERVICES

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of essential services shall be permitted as authorized or regulated by law and other Ordinances of the City of Alpena in any use District, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. Electrical substations shall comply with the fencing provisions of [§3.28](#) of this Ordinance.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

### SECTION 3.17 SIDEWALKS

For new construction, sidewalks shall be required in accordance with City standards in all City streets. The standard shall not apply to industrial parks and in those situations specifically exempted by the Planning Commission.

## SECTION 3.18 MANUFACTURED HOMES ON INDIVIDUAL LOTS/PARCELS

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled **"Manufactured Home Installation Standards"**, and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled **"Manufactured Home Construction and Safety Standards"**, being 24 CFR part 3280, as amended.
- D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- E. No manufactured home shall be located or placed in the City of Alpena without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and **District Health Department** regulations.
- F. Manufactured homes shall not be used as accessory buildings.

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**SECTION 3.19 HOME OCCUPATIONS/COTTAGE INDUSTRIES**

While the City of Alpena recognizes that many residents feel the necessity to work at home, the City also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus maintain and preserve the residential character of the neighborhood.

**A. HOME OCCUPATIONS & COTTAGE INDUSTRIES: GENERAL STANDARDS**

1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
2. In cases where a significant portion of a home occupation is to produce and sell goods or products on the premises, the use is considered a Cottage Industry. Cottage Industries are permitted as a Special Land Use in any Zoning District in which single-family dwellings are allowed, subject to review and approval by the Planning Commission as a Special Land Use in accordance with [Article 6](#) of this Ordinance. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
3. Home Occupations or Cottage Industries shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.
  - a. **Home Occupations or Cottage Industries in the Primary Dwelling:** No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home Occupation or Cottage Industry.
  - b. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building:** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.
4. Home Occupations or Cottage Industries shall be conducted by the person or persons occupying the premises as their principal residence. No other person other than the occupants of the dwelling shall be employed at the place of the Home Occupation or Cottage Industry.
5. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.

6. Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
7. Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the City as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
8. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.
9. Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties.
10. No such Home Occupation shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.
11. Hours of operation for Cottage Industries shall be approved by the Planning Commission.
12. Sufficient solid waste receptacles must be provided and sufficiently screened from view. The property must be maintained free of debris.
13. There shall be no parking permitted within any setback areas. No Home Occupation or Cottage Industry shall require parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space at curbside on the street.

To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.
14. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
15. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Home Occupation or Cottage Industry permit.
16. Signage shall conform to the requirements of [Article 4](#) of this Ordinance.

**B. HOME OCCUPATIONS & COTTAGE INDUSTRIES:** Termination, Extensions, Revisions, and Inspections.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

**C. TYPICAL HOME OCCUPATIONS AND COTTAGE INDUSTRIES:**

1. The following table shows typical home occupations and cottage industries (this list is not comprehensive):

TABLE 3.19	
Typical Home Occupations	Typical Cottage Industries
Dressmaking, sewing, tailoring	Selling of home-made food products
Fine arts, craftmaking	Selling of fine arts & crafts
Telemarketing, telephone answering	
Catering	
Tutoring	
Professional office	
Sales office	
Massage therapy	
Beauty salon	
Computer technician/programmer	
Internet business	
Woodworking	Selling of home-made wood products
Laundry, ironing (no commercial equipment)	



# HOME OCCUPATION/COTTAGE INDUSTRY

## ARTICLE

# 3

Small appliance repair	
Dance studio	
Similar uses as determined by the Zoning Administrator or Planning Director. The Zoning Administrator or Planning Director may refer the determination of similar uses to the Planning Commission.	Similar uses as determined by the Zoning Administrator or Planning Director. The Zoning Administrator or Planning Director may refer the determination of similar uses to the Planning Commission.

1. Following are typical uses prohibited as home occupations:

- a. Private clubs
- b. Restaurants
- c. Stables/kennels

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 3.20 REQUIRED WATER SUPPLY AND SANITARY FACILITIES**

Buildings hereafter erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the District Health Department.

**SECTION 3.21 HAZARDOUS SUBSTANCES GROUNDWATER PROTECTION**

These provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current **USEPA** and/or **MDNRE** standards and applicable sections of the Michigan Building Code, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the City Building Official as part of the site and plan review process.

- A. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sanitary sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may also require site plan review at five-year intervals.

**SECTION 3.22 ON-SITE DRAINAGE & RUNOFF**

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.

**SECTION 3.23 STORAGE IN FRONT YARDS**

The storage of goods or materials shall not be allowed in a front yard in any district unless otherwise allowed by this Ordinance.

## SECTION 3.24 WATERFRONT SETBACK; FLOODPLAINS; HIGH RISK EROSION AREAS

A. **WATERFRONT SETBACK:** To provide minimum setback standards in the Zoning Ordinance to protect surface water resources and flood plains from adverse construction or alteration, these measures are deemed to be the minimum necessary in order to:

- Avoid structural encroachment of the natural waters and waterways, except in the situation of uses traditionally depending upon direct water access.
- Promote high water quality through the encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and to prevent erosion.
- Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.

With the exception of property located within the Waterfront Development (WD) District, any property which borders on Lake Huron or the Thunder Bay River shall be subject to waterfront setbacks for buildings and uses, as follows:

1. Principal structures shall observe a minimum setback of thirty-five (35) feet from the documented Ordinary High Water Mark in all Districts. Accessory structures, parking lots, and other impervious surfaces, except boat docks, boat houses, boat slips, ramps, or marinas, pumphouses, or other water-dependent uses, shall observe a minimum setback of fifteen (15) feet from the documented Ordinary High Water Mark in all Districts. Except for a potential interference in floodways, the setbacks of this paragraph shall not apply to drains or intermittent streams. An intermittent stream is one which holds water at some time during each year, but for not more that eight (8) months.
2. Decks and patios shall not extend beyond the Ordinary High Water Mark.
3. Other Environmental Rules: Any filling or construction within flood plains or wetlands, or other environmental areas protected by State Law, or other laws, shall require appropriate permits from the government unit or agency having jurisdiction.

B. **FLOODPLAINS:** Datum utilized in conjunction with the Federal Emergency Management Agency Flood Insurance Rate Map Number 2600100005 B, as amended, shall control all construction in accord with standards established to minimize flood hazards. For construction within the 100-year floodplain, the lowest floor of the structure must be elevated one (1) foot above the 100-year flood elevation.

1 Purpose

2 Definitions

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## SECTION 3.25 ANIMALS

- A. The keeping, housing, raising, use, or medical care of domestic, farm or exotic animals, other than up to three (3) domestic pets 6 months of age or older and belonging to an occupant of the premises, is prohibited in all Residential Districts within this ordinance. Kennels and veterinary hospitals shall be permitted by right or by Special Land Use only as set forth in [Article 5](#) hereof.
- B. All animals shall be kept in compliance with the currently adopted Generally Accepted Agricultural Management Practices (GAAMPS).

**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 3.26 REMOVAL & DUMPING OF MATERIALS

### A. SOIL, SAND, CLAY, GRAVEL OR SIMILAR MATERIALS; REMOVAL; FILLING (NOT INCLUDING MINING AS A SPECIAL USE)

1. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership or any other organization or entity to strip any topsoil, sand, clay, gravel, or similar material, or to use lands for filling within the area of the City without first obtaining permission from the City Engineering Department.
2. Exceptions:
  - a. Excavations for building construction purposes pursuant to a duly issued building permit.
  - b. Where the moving, grading or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are found and according to a site plan approved by the Zoning Administrator or the Planning Commission.
3. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the City Engineering Department and shall contain the following information as a condition precedent to the obligation to consider such request:
  - a. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
  - b. Full legal description of the premises wherein operations are proposed.
  - c. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
  - d. Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
  - e. Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
  - f. Such other information as may be reasonably required by the City to base an opinion as to whether a permit should be issued or not.
4. Where, in the opinion of the City there is a reasonable danger involved for persons and/or property, adequate fencing and other measures may be required to insure the keeping of the health, safety and general welfare of City residents.
5. In any permitted filling operation all materials deposited shall be adequately covered with a minimum of six (6) inches of clean fill material and an adequate amount of topsoil to cover those materials below.

6. No approval shall be issued for fill operations which involve the burning of materials or depositing of garbage, offal and other wastes capable of decay, producing odors, attracting vermin, or producing other nuisances. Fill material shall not consist of glass, wire, plastics, metal piping, blacktop, or other man-made items with the exception of concrete or a similar material.
  7. If concrete or similar material is used for fill, the size of the material shall be of no greater size than two (2) square feet.
  8. Any excavating or filling within five hundred (500) feet of a lake or stream must first have a permit from the soil erosion and sedimentation control officer.
  9. No excavation or fill operation shall be of a duration of over ninety (90) days without written approval from the City.
  10. Material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.
- B. DUMPING OF WASTE MATERIALS:** The dumping of garbage is prohibited in the City. Garbage must be collected and hauled away by a licensed sanitation company and deposited in a certified landfill. The collection, accumulation, storage or disposal of waste material, used construction material, junk, or debris, is prohibited, except under the following circumstances as properly sealed and adequately concealed materials:
1. Such practices occur in a junk yard or recycling facility authorized under this Ordinance and are included in the approved site plan.
  2. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance and are included in the approved site plan.
- C. TEMPORARY STORAGE OF USED MATERIALS:** The temporary storage, collection or placing of used or discarded material, such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only during demolition and or construction periods, not to exceed six (6) months. Temporary storage must comply with all Federal and State Regulations. After six (6) months, the Zoning Administrator shall require the removal of such material. Such removal shall take place in a time frame at the discretion of the Zoning Administrator after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him/her that such material must be removed and stating the date on which such materials must be removed from the premises.



## SECTION 3.27 EXTERIOR SITE LIGHTING

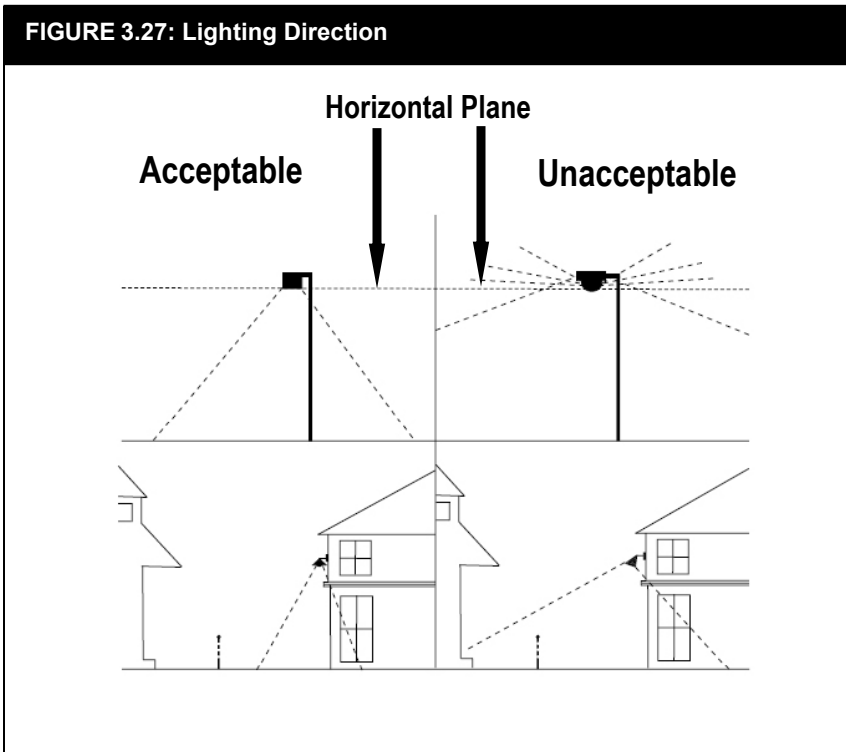
A. **INTENT AND PURPOSE:** The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

### B. GENERAL STANDARDS:

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
  - a. Residential decorative lighting such as porch or entry lights, low level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
  - b. Lights located within the public right-of-way or easement.
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
  - a. Parking lot lighting and site lighting for commercial, industrial and institutional developments.
  - b. Multiple-family development parking lot lighting and site lighting.
  - c. Privately-owned street lighting.
  - d. Building facade lighting.
  - e. Security lighting, spotlights, and floodlights.
  - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator or Planning Director, is similar in character, luminosity and/or glare to the foregoing.
  - g. Standards related to the lighting of signs are contained in [Article 4](#).
3. **Standards:** Lighting shall be designed and constructed as per the following requirements:
  - a. All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be

- harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
- b. Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property.
  - c. Except for diffused globe-style walkway lights, lighting for sporting events, and the lighting addressed in **§3.27 (B)(3)(d)**, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
  - d. All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
  - e. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.
  - f. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
  - g. Pedestrian lighting shall be no more than sixteen (16) feet in height. Parking lot lighting and lighting for public and private streets shall be no more than twenty-five (25) feet in height. The Planning Commission may permit taller fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or bulk of light fixtures; not adversely impact neighboring properties; and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. The Planning Commission may require shorter fixtures.
  - h. Lighting poles and structures shall be located within landscaped areas where possible.
  - i. All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.
  - j. No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.

- k. Ceiling lights in gas pump island canopies shall be recessed.

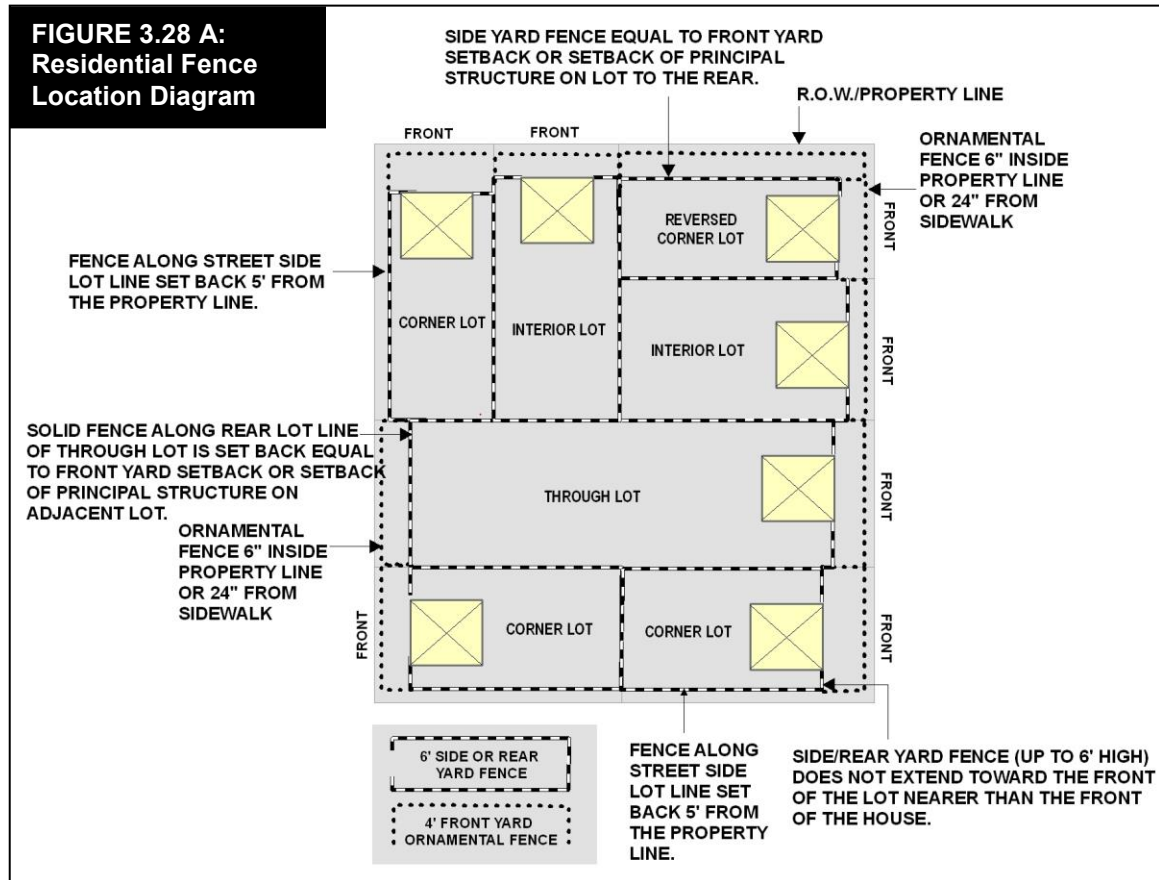


## C. ADMINISTRATIVE PROCEDURES

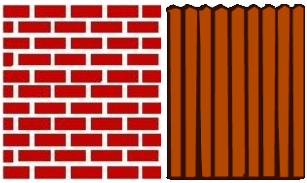
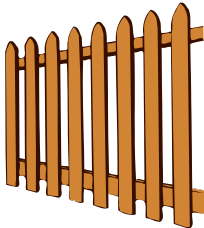
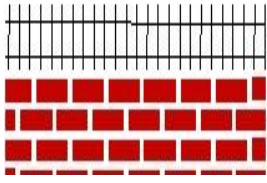
<b>Administrative Departures</b>	<ol style="list-style-type: none"> <li>Greater intensities may be allowed where additional security may be needed.</li> <li>Higher fixtures may be permitted for pole lighting if the fixture is located at least two hundred (200) feet from a Residential District or use.</li> </ol>
<b>Planning Commission Departures</b>	<ol style="list-style-type: none"> <li>Greater intensities may be allowed where additional security may be needed.</li> <li>Higher fixtures may be permitted for pole lighting if the fixture is located at least two hundred (200) feet from a Residential District or use.</li> </ol>

## SECTION 3.28 FENCES AND WALLS

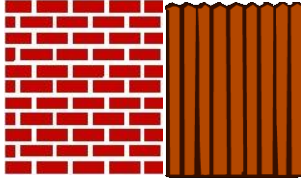
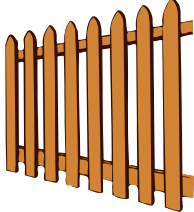
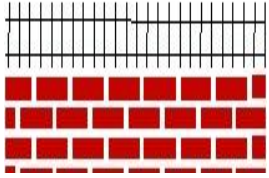
- A. **RESIDENTIAL FENCES AND WALLS:** Fences and walls shall require a Zoning Permit issued by the Zoning Administrator and shall comply with the following regulations and requirements:



**Table 3.28 A**  
**Residential Fences & Walls**

	<b>Solid Fences &amp; Walls</b>	<b>Open Style Fences</b>	<b>Wall/Fence Combination</b>
	<b>Have less than 50% open space.</b>	<b>Have 50% or more open space.</b>	
			
<b>Front Yard</b>		<ul style="list-style-type: none"> <li>Up to 4' high.</li> <li>Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.</li> </ul>
<b>Rear Yard &amp; Interior Side Yard</b>	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Outer face may abut property line<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Outer face may abut property line (<a href="#">SEE §3.28 H</a>).</li> </ul>	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Outer face may abut property line<sup>1</sup></li> </ul>
<b>Street Side Yard</b> (not reversed corner lot)	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Set back at least 5' from the property line.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.</li> </ul>
		<ul style="list-style-type: none"> <li>Between 4' – 6' high: Set back at least 5' from the property line.</li> </ul>	<ul style="list-style-type: none"> <li>Between 4' – 6' high: Set back at least 5' from the property line.</li> </ul>
<b>Corner Side Yard</b> (on reversed corner lot)	<ul style="list-style-type: none"> <li>Up to 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 4 high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 4' high: Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.</li> </ul>
		<ul style="list-style-type: none"> <li>Between 4' - 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</li> </ul>	<ul style="list-style-type: none"> <li>Between 4' - 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</li> </ul>

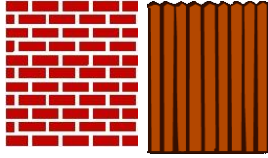
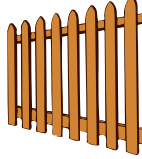
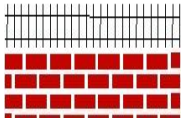
**Table 3.28 A (continued)**  
**Residential Fences & Walls**

	<b>Solid Fences &amp; Walls</b> Have less than 50% open space.	<b>Open Style Fences</b> Have 50% or more open space.	<b>Wall/Fence Combination</b>
			
<b>Through Lots</b>			
<b>Front Yard</b> (the lot line upon which the front of the principal structure faces)		<ul style="list-style-type: none"> <li>Up to 4' high.</li> <li>Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.</li> </ul>
<b>Rear Yard</b> (the lot line opposite the front lot line)	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 4' high.</li> <li>Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 4' high</li> <li>Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.</li> </ul>
		<ul style="list-style-type: none"> <li>4' – 6' high.</li> <li>Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</li> </ul>	<ul style="list-style-type: none"> <li>4' – 6' high.</li> <li>Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</li> </ul>
<b>Waterfront Yards</b> (rear yards along the water's edge)	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Set back at least 15' from the Ordinary High Water Mark.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>May be located at the Ordinary High Water Mark.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Set back at least 15' from the Ordinary High Water Mark.</li> </ul>
NOTE: Fence requirements for swimming pools are contained in <a href="#">§3.12 (D)</a> .			

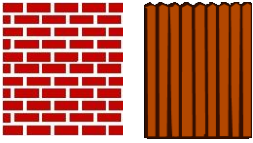
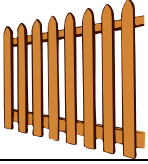
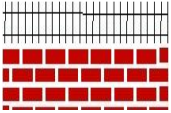
**B. COMMERCIAL & INDUSTRIAL FENCES & WALLS:** Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:



**Table 3.28 B**  
**Commercial and Industrial Fences & Walls<sup>1</sup>**

	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
<b>Front Yard</b>		<ul style="list-style-type: none"> <li>Up to 4' high.</li> <li>Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.</li> </ul>
<b>Rear Yard &amp; Interior Side Yard</b>	<ul style="list-style-type: none"> <li><b>Commercial Lots:</b> Up to 6' high.</li> <li><b>Industrial Lots:</b> Up to 8' high.</li> <li>6 additional inches allowed for fence posts.</li> <li>Outer face may abut property line<sup>1</sup>.</li> </ul>	<ul style="list-style-type: none"> <li><b>Commercial Lots:</b> Up to 6' high.</li> <li><b>Industrial Lots:</b> Up to 8' high.</li> <li>6 additional inches allowed for fence posts.</li> <li>Outer face may abut property line (<a href="#">SEE §3.28 H</a>).</li> </ul>	<ul style="list-style-type: none"> <li><b>Commercial Lots:</b> Up to 6' high.</li> <li><b>Industrial Lots:</b> Up to 8' high.</li> <li>6 additional inches allowed for fence posts.</li> <li>Outer face may abut property line<sup>1</sup></li> </ul>
<b>Street Side Yard</b> (not reversed corner lot)	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Up to 6' high and set back at least 5' from the property line.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8' must be set back at least 10' from the property line.</li> </ul>	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.</li> </ul>
		<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Between 4' – 6' high: Set back at least 5' from the property line.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8' must be set back at least 10' from the property line.</li> </ul>	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Between 4' – 6' high: Set back at least 5' from the property line.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8' must be set back at least 10' from the property line.</li> </ul>
<b>Corner Side Yard</b> (on reversed corner lot)	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Up to 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8', must be set back an additional 5' beyond the above requirements.</li> </ul>	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Up to 4' high: Fence/ wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.</li> </ul>
		<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Between 4' - 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8' must be set back an additional 5' beyond the requirements listed above.</li> </ul>	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Between 4' - 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8' must be set back an additional 5' beyond the requirements listed above.</li> </ul>

**Table 3.28 B (continued)**  
**Commercial and Industrial Fences & Walls<sup>1</sup>**

	<b>Solid Fences &amp; Walls</b>	<b>Open Style Fences</b>	<b>Wall/Fence Combination</b>
	<b>Have less than 50% open space.</b>	<b>Have 50% or more open space.</b>	
			
<b>Through Lots</b>			
<b>Front Yard</b> (the lot line upon which the front of the principal structure faces)		<ul style="list-style-type: none"> <li>Up to 3.5' high.</li> <li>Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.</li> </ul>
<b>Rear Yard</b> (the lot line opposite the front lot line)	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> Up to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8', must be set back an additional 5' beyond the requirements listed above.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 3.5' high.</li> <li>Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 3.5' high: Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.</li> </ul>
		<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> 3.5' – 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8', must be set back an additional 5' beyond the requirements listed above.</li> </ul>	<ul style="list-style-type: none"> <li><b>Commercial &amp; Industrial Lots:</b> 3.5' – 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</li> <li><b>Industrial Lots:</b> Over 6' but not more than 8', must be set back an additional 5' beyond the requirements listed above.</li> </ul>
<b>Waterfront Yards</b> (rear yards along the water's edge)	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Set back at least 15' from the Ordinary High Water Mark.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>May be located at the Ordinary High Water Mark.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 6' high.</li> <li>Set back at least 15' from the Ordinary High Water Mark.</li> </ul>

<sup>1</sup> Fence heights shall apply to all commercial and industrial uses unless otherwise permitted in this Ordinance.

- C. **COMMERCIAL AND INDUSTRIAL FENCES & WALLS REQUIRED FOR SCREENING PURPOSES:** For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by §3.14 Intersection Visibility):

TABLE 3.28 C: Fences & Walls for Residential Screening Purposes	
Use	Requirements
<b>SIDE AND REAR YARD SCREENING REQUIREMENTS</b>	
P-1 Vehicular Parking District	4' 6" high fence or wall
All off street parking areas	4' 6" high fence or wall
OS-1, B-1, B-2, CBD, CCD Districts	4' 6" high fence or wall
B-3	6' high wall
I-1 and I-2 Districts	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Auto wash, drive-in restaurants, drive-through establishments, loading areas, dumpsters	6' high fence or wall
Hospital - ambulance and delivery areas	6' high fence or wall
Public utility buildings, stations and/or sub-stations	6' high fence or wall; 8' if in an Industrial Zone.
Outdoor storage areas	6' high fence or wall; 8' if in an industrial zone
<b>FRONT YARD SCREENING REQUIREMENTS</b>	
Any non-residential use with a residential use across the street	24" – 30" high wall or shrubs

1. **Screening Materials:** Chain link or other wire fence utilizing metal, plastic or wood slats shall not be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Greenbelt plantings shall be regulated under §3.29. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Location:** Required fences and walls may abut the lot line except where

underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines on abutting residential lots. Upon review of the site plan, the Planning Commission may approve an alternate location for the fence or wall or may waive the fence or wall requirement if in specific cases it would not serve the purposes of effectively screening the use. Required fences or walls may, upon approval of the Planning Commission, be located on the opposite side of an alley when mutually agreeable to the affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request.

### 3. Construction for Screening Purposes:

a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.

b. Walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface where uses to be screened do not generate noise which may impact abutting residential uses. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

Walls which screen uses that do generate noise which may impact abutting uses shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator.

c. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.

4. The City may require that a suitable maintenance guarantee be provided for the continued maintenance of walls required under this Ordinance.

5. The requirement for an obscuring wall between off-street parking areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential use or district.

6. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served.

D. **DUMPSTER/TRASH AREA SCREENING:** All outside trash storage areas, including dumpsters, shall be screened with a solid fence or wall at least six (6) feet in height.

1 Purpose

2 Definitions

3 Provisions

4 Signs

5 District Regulations

6 Site Plan Review

7 Supplemental Regulations

8 ZBA

9 Administration

10 Adoption & Amendments

The construction of the fence/wall shall be architecturally consistent with the primary structure on the lot. Fence/wall materials shall be block, wood, or vinyl. A chain link fence with slats shall not be permitted. A self-latching gate shall be required.

- E. **RETENTION PONDS:** Every retention pond required by the City for water runoff storage and in which the deepest point is more than two feet below adjacent ground level with a slope from water's edge being no greater than 4 to 1, shall be enclosed with a fence or protective barrier a minimum of 6 feet in height. This requirement may be waived for those retention ponds that are incorporated within an approved landscape plan as a design feature.

F. **JUNKYARDS, MOTOR VEHICLE IMPOUNDMENT YARDS, SCRAP YARDS, RECYCLING FACILITIES, MOTOR VEHICLE WRECKING YARDS**

1. A wall or opaque fence, a minimum of eight (8) feet in height and a maximum of fifteen (15) feet in height (including any barbed wire), constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set 15 feet or more inside the lot lines, shall be maintained in good repair around junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards or similar establishments.
2. In a front or corner side yard the fence shall not project beyond the front façade of buildings located on adjacent lots on the same side of the street.
3. Entryways to junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards, or similar establishment shall be gated and closed at all times when not in use. Gates shall be opaque and match the style of the fence.
4. A landscaped strip shall be maintained between the fence and property line in the following yards:
  - a. All front and corner side yards;
  - b. The front 1/3 of any side yard; and
  - c. Any yard abutting a residential zoning district or use.

G. **CONSTRUCTION AND MAINTENANCE: ALL DISTRICTS**

1. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, chain link, or other materials as approved by the City of Alpena. Scrap lumber, plywood, sheet metal, plastic or fiberglass sheets are specifically prohibited.
2. Ornamental fences located in front yards shall be constructed in a style similar to split rail, picket, wrought iron fences, or decorative masonry. No chain link fences shall be permitted in front yards. Ornamental fences in a front yard must contain openings at least fifty (50) percent the width of the slats. If a wall/fence combination is used, the wall may be solid up to twenty-four (24) inches in height

- and an open-style fence can make up the balance to total forty-two (42) inches high.
3. Fences on residential or commercial lots shall not contain barbed wire, electric current or charge of electricity.
  4. Fences located in the side or rear yard of industrial lots may contain barbed wire, electric current or charge of electricity.
  5. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
  6. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
  7. **Visibility Triangle:** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in [§3.14](#).
- H. **FENCES LOCATED DIRECTLY ON THE PROPERTY LINE:** In all districts, fences and walls may be located directly on the property line in the interior side and/or rear yards if a prearranged agreement is signed by both abutting property owners and recorded with the Register of Deeds. Said agreement shall run with the land but shall terminate as per said agreement or upon removal of the fence. If a property line is in dispute, the City shall require either (1) an agreement signed by both property owners or (2) a property survey prior to the installation of a fence.



## SECTION 3.29 LANDSCAPING & BUFFERING

**LANDSCAPING AND BUFFERING:** These requirements apply to all uses for which site plan review is required in the RM-1, RM-2, B-1, B-2, B-3, OS-1, WD, PUD, I-1, I-2, and US 23 Corridor Overlay Districts.



A. **INTENT:** It is the intent of this section to protect and manage vegetation to:

1. Contribute to air purification, oxygen regeneration, groundwater protection and recharge and the control of stormwater runoff.
2. Safeguard and enhance private and public property values and encourage continued investment in the community.
3. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.
4. Provide visual screens between land uses of differing character and use intensities.
5. Provide for the preservation of native trees and vegetation.

B. **FLEXIBLE DESIGN STANDARDS:**

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section. The provisions of this section shall be considered the minimum development standards and not a design goal.
2. The Planning Director or Planning Commission upon request of the Planning Director, may approve variations from strict compliance with this section when an applicant can demonstrate that any of the following apply to a specific development site:
  - a. When topography, shape, size or other natural features make full compliance impractical or impossible.
  - b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the City.
  - c. When safety considerations warrant alternative compliance.

- d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.
- e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this section.

## C. LANDSCAPE PLAN REQUIRED:

1. A separate detailed landscape plan shall be submitted as part of a site plan review. The landscape plan shall include, but not necessarily be limited to, the following items:
  - a. Location, spacing, size, and root type [bare root (BR), balled and burlaped (BB), or container] and descriptions for each plant type proposed for use within the required landscape area.
  - b. Scale shall be equal to the scale of the accompanying site plan.
  - c. Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet where practical. The Planning Director may waive or modify this requirement based on specific site circumstances.
  - d. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
  - e. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
  - f. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
  - g. Identification of existing trees and vegetative cover to be preserved.
  - h. Identification of grass and other ground cover and method of planting.
2. Industrial uses are required to submit a landscape plan for the front yard and corner side yard only. Rear or side yard landscape plans are only required if the industrial use abuts a residential use or district. All other uses for which a landscape plan is required shall submit a landscape plan for the entire property.

## D. GENERAL STANDARDS:

1. All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water surfaces shall be planted with living vegetation, including canopy trees, shrubbery and ground covers. The combination of plant materials selected shall be placed in harmonious and natural associations and represent the approved indigenous landscape materials listed in [subsection H](#).

2. Not less than twenty (20) percent of any landscape area shall be covered by trees, shrubs and ground cover in combination. A combination of stone and other mulches, grass and other ground covers, pedestrian walks, other impervious surfaces or water surfaces may cover the remaining eighty (80) percent of the landscape area. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be part of this eight (80) percent. Within a front and corner side yard, the following shall apply to the twenty (20) percent tree, shrub, and ground cover combination area:
  - a. At least one (1) canopy or ornamental tree per four thousand (4,000) square feet of yard area for the first twenty-four thousand (24,000) square feet; and
  - b. One additional canopy or ornamental tree per six thousand (6,000) square feet of yard area above twenty-four thousand (24,000) square feet.
3. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible to reinforce the local and regional character.
4. The substitution of natural vegetation in lieu of landscaping may be approved on a case by case basis.
5. All trees shall be located to allow sufficient room for growth.
6. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy and vigorous growing condition, and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.

## E. SPECIFIC LANDSCAPE DEVELOPMENT STANDARDS

### 1. Minimum Landscape Material Standards:

- a. All plant material shall be healthy, free of disease and insects, compatible with local climate, site soils, drainage, have available water supply, and meet the current American Association of Nurserymen Standards.

- b. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
  - c. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections, not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
  - d. Minimum plant sizes at time of installation:
 

Deciduous Canopy Trees	2½"	dbh
Deciduous Ornamental Trees:	2"	dbh
Evergreen Tree:	6'	height
Deciduous Shrub:	2'	height
Upright Evergreen Shrub:	2'	height
Spreading Evergreen Shrub:	18" – 24" spread	
  - e. Existing plant material, which complies with the standards and intent of the Ordinance, as determined by the Planning Director or Zoning Administrator, shall be credited toward meeting the landscape requirements.
  - f. The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.
  - g. The overall landscape plan shall not contain more than thirty-three (33%) percent of any one plant species.
2. **Existing Vegetation:** The following standards shall apply to existing site vegetation whenever compliance is required:
- a. Existing healthy trees and shrubs in areas not required for development shall be preserved and incorporated into the final development plan where possible.
  - b. Trees to be preserved shall be pruned to remove dead, diseased or irregular branching, but the crown form characteristic of the respective species shall be maintained.
  - c. Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees, at approximately the critical root zone or dripline.
  - d. The critical root zone of the tree shall remain undisturbed by cutting, filling or storage of materials and equipment during the development process.

- e. Healthy, younger trees on development sites shall be preserved wherever possible to allow normal succession as older trees are lost.

### 3. Minimum Standard for Berms:

- a. Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
- b. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition.
- c. Berms shall be constructed in a way that does not alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.

## F. GREENBELTS AND BUFFERS

1. For nonresidential uses which abut a residential use or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts or buffers. These requirements do not apply whenever the use, storage area, etc. is more than four hundred (400) feet from an adjacent residential use or residential district boundary.
2. The selection, spacing and size of plant material shall be such as to create, within a four (4) year period from the date of planting, a horizontal obscuring effect for the entire length of the required greenbelt area, and a vertical obscuring effect of such height as is determined adequate by the Planning Commission for proper screening between land uses.
3. The relationship between deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
4. Greenbelts shall be reviewed by staff for site plans requiring administrative review and by the Planning Commission for site plans requiring Planning Commission review to determine adequate width, length, and materials for screening purposes.
5. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.
6. Required screening of parking areas shall be achieved through the use of a decorative masonry/brick wall, decorative fencing, earth berms and landscape plant materials, either in combination or independently.

- a. Within the CBD and CCD Districts or along a major thoroughfare, only a decorative masonry/brick wall or wrought iron fence shall be erected. Minimal landscaping (shrubs, groundcover, flowers) may be installed to provide visual variety.

7. The Planning Commission may require or allow the substitution of walls and/or earth berms in those instances where a greenbelt or planting screen will not appropriately provide necessary screening to abutting properties. Where under the provisions of the Ordinance an option is provided to the developer relative to a required wall or berm for a greenbelt, the minimum starting height of plant materials in said greenbelt shall be equivalent to the required wall or berm height.

**G. LANDSCAPE REQUIREMENTS ALONG STREETS.** The following landscape requirements shall apply:

1. A strip of land with a minimum depth of ten (10) feet within the front yard setback shall be located between the abutting right-of-way of a public street and shall be landscaped with a minimum of one (1) tree with a minimum caliper of two and one-half (2 ½) inches (whichever is greater at the time of planting) for each forty (40) lineal feet of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, landscape material.
2. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

**H. SUGGESTED PLANT MATERIALS**

EVERGREEN TREES:	Fir Spruce	Pine Hemlock Douglas Fir
NARROW EVERGREEN TREES:	Cedar Arborvitae	Junipers
LARGE DECIDUOUS TREES:	Oaks Hard Maples Beech Lindens Black Cherry Basswood Sycamore (Plane Tree)	Ash (disease and insect resistant) Ginkgo (male only) Honey locusts (seedless and thornless varieties) Birch Elms (disease-resistant)
SMALL DECIDUOUS TREES:	Flowering Dog-wood Hawthorn (thornless) Redbud Magnolia Serviceberry Sweet Birch	Mountain Ash Hornbeam Kwansan Cherry Flowering Crabapple (disease resistant varieties) River Birch

## Purple Leaf Plum

### LARGE DECIDUOUS SHRUBS:

Honeysuckle  
Lilac  
Border Privet  
Yellow Osier  
Buckthorn  
Pyracantha  
Viburnum  
Spirea

Flowering Quince  
Barberry  
Forsythia  
Cotoneaster (Peking, Spreading)  
Sargent Crabapple  
Dogwood (Red Osier, Grey)  
Burning Bush  
Ninebark

### LARGE EVERGREEN SHRUBS:

Irish Yew  
Hicks Yew  
Mugo Pine

Pfitzer Juniper  
Savin Juniper

### SMALL DECIDUOUS SHRUBS:

Compact Burning Bush  
Regal Privet  
Potentilla

Japanese Quince  
Cotoneaster (Cranberry, Rockspray)

### SMALL EVERGREEN SHRUBS:

Spreading Yews (Dense, Brown's, Ward, etc.)

Dwarf Mugo Pine  
Big Leaf Winter-creeper (Euonymus)

Low Spreading Junipers (Andora, Hughes, Tamarack, etc.)

Bird's Nest Spruce

### Trees Not Permitted

Box Elder  
Catalpa  
Elms (unless disease-resistant)  
Tree of Heaven  
Horse Chestnut (nut bearing)  
Jack Pine

Poplars  
Soft Maples

Willows  
Cottonwoods  
Scotch Pine

## I. ADMINISTRATIVE PROCEDURES

Administrative Approval	Landscape Plans for Uses Permitted by Right
Planning Commission Approval	Landscape Plans for Special Land Uses (a “general plan” with less landscaping detail may be submitted to the Planning Commission for its review. This general plan shall indicate areas of shrubs, trees, ground cover, etc. Specific details shall be required for final staff review).
Administrative Departures	Flexible Design Standards based on site conditions <a href="#">[3.29(B)]</a>
Planning Commission Departures	Flexible Design Standards based on site conditions <a href="#">[3.29(B)]</a>



## SECTION 3.30 CIRCULATION AND PARKING

A. **PURPOSE:** The purpose of parking regulations is to make Alpena safe for and accessible by pedestrians, cyclists, and drivers. Equal consideration should be given to pedestrians, cyclists and drivers in the design of all public and private parking areas. Site design should help to reduce the number of conflicts between the parking area users. Public rights-of-way shall be designed to ensure the movement of people safely. Design of parking areas and rights-of-way shall contribute to the walkability of the City of Alpena. Screening, landscaping, and lighting shall contribute to the enhancement of the community.

**B. PEDESTRIAN TRAVELWAYS**

1. **Requirements:** All developments except for one and two-family dwellings shall provide clearly defined pedestrian travelways from the public sidewalk to main entrances of the buildings or uses of the land or to the sidewalk fronting the building in the case of a multi-entrance building as per the following:
  - a. For properties with one hundred (100) feet or less of frontage abutting a public right-of-way there shall be a minimum of one (1) designated route.
  - b. For properties with more than one hundred (100) feet of frontage abutting a public right-of-way a minimum of one (1) designated route per vehicular access or one (1) designated route per three hundred (300) feet of frontage, whichever is greater.
  - c. For properties with frontage abutting two (2) or more public streets, the minimum required designated routes shall be provided along each street.
  - d. Pedestrian travelways shall be at least five (5) feet wide.
2. **No Existing Public Sidewalk:** When a public sidewalk does not exist, the following shall apply:
  - a. For new construction on vacant land, both a public sidewalk as per city standards and the required designated pedestrian connections shall be installed. The sidewalk must be constructed with a minimum five (5) foot landscaped green space (tree lawn) between the curb and the outside edge of the sidewalk. Street trees must be planted at intervals of not less than forty (40) feet apart.
  - b. For reconstruction on an existing development, a public sidewalk shall be installed if at least forty (40) percent of the properties on both sides of the street in the same block have public sidewalks, as well as the required designated pedestrian routes.

**3. Construction Standards:**

- a. Walkways shall be designed to be recognizable to both drivers and pedestrians. Any combination of at least two (2) of the following walkway treatments shall be used:
  - (1) Constructing the walk/crosswalk with different materials, such as concrete or brick or other material approved or recognized under The **Americans with Disabilities Act (ADA)** requirements;
  - (2) Placing bollards at sufficient regular intervals to delineate the walk/crosswalk;
  - (3) Aligning planting islands to define the walk/ crosswalk;
  - (4) Raising the walk/ crosswalk; and
  - (5) Painting pavement with walk/crosswalk striping.
- b. Pedestrian travelways shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travel way shall be defined with a separate and contrasting material such as the use of a textured concrete or brick paver.

### C. BICYCLE PARKING

1. **Compliance required:** Whenever full off-street parking compliance is required, a minimum of one bicycle rack or locker which can accommodate four (4) bicycles total is required and shall be located within 50 feet of the main entrance of a building or inside a building in a location that is easily accessible by bicyclists. For sites that require more than 25 motor vehicle spaces, the ratio is one rack or locker which can accommodate four (4) bicycles total for every 25 motor vehicle spaces. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
2. **Exception.** The requirements of this section do not apply to residential uses in all districts as well as to the CBD District, except if on-site vehicular parking is provided in the CBD District.
3. **Standards**
  - a. **Bicycle lockers.** Where required bicycle parking is provided in lockers, the lockers must be securely anchored.
  - b. **Bicycle Racks.** Where required bicycle parking is provided in racks, the racks must meet the following standards:
    - (1) The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.

(2) A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and

(3) The rack must be securely anchored.

c. **Maneuvering Areas**

(1) Each required bicycle parking space must be accessible without moving another bicycle; and

(2) There must be an aisle at least five feet wide behind all required bicycle parking to allow room for bicycle maneuvering.

D. **MOTOR VEHICLE PARKING: RESIDENTIAL USES**

1. The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.
2. Parking areas shall be accommodated in paved (concrete, asphalt, brick and other similar materials) driveways which may be located in the front, side or rear yard but may not occupy more than fifty (50) percent of any yard. Such parking area shall provide two (2) parking spaces per dwelling unit where no garage is provided.

E. **MOTOR VEHICLE PARKING: COMMERCIAL AND INDUSTRIAL USES**

1. **Compliance Required:** Off-street parking and loading provisions of this section shall apply to the following:
  - a. **New Construction:** For all buildings and structures erected and all uses of land established after the effective date of this chapter.
  - b. **Enlargement:** Whenever a building is expanded to increase its gross floor area.
  - c. **Change in Use:** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
  - d. **Parking Area Construction and Expansion (For all new parking areas and whenever existing parking areas are expanded or upgraded).** Normal maintenance, such as re-grading of legal non-conforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.

- e. Regulations pertaining to off-street parking shall not apply to:
  - 1) commercial buildings in existence at the time of adoption of this Ordinance; or
  - 2) new commercial construction projects where it can be demonstrated that adequate public parking exists when located within the CBD.
2. **Permit Required:** No parking lot shall be constructed unless and until a permit therefore is issued. Applications for a permit shall be submitted with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
3. **Plan Review:** Any off-street parking lots, parking structures or loading areas required under this chapter shall be required to submit a plan for review and approval of applicable regulations. All elements shall be dimensioned on the plan and distances from property lines and structures shall be noted. The plan shall show the following:
  - a. Total number of parking spaces provided, existing and proposed; and total required by ordinance;
  - b. Location and size of spaces;
  - c. Parking aisles;
  - d. Vehicle circulation;
  - e. Ingress and egress;
  - f. Sidewalks and pedestrian circulation;
  - g. Signage;
  - h. Lighting;
  - i. Storm water retention areas;
  - j. Proposed and existing grades;
  - k. Landscaping islands;
  - l. Landscape and buffer areas; and
  - m. Parking details and any other information deemed necessary by Planning Staff or City Engineer.
4. **Owned or Leased Parking.** The owner or occupier of the property to be served shall own or lease all property utilized to meet minimum parking requirements. A five (5) year lease on such property shall be required. At least six (6) months before the lease expires, an extension or renewal of the lease shall be acquired or other parking shall be made available. The lease shall include a provision that advance notice of cancellation shall be given one hundred eighty days (180) prior to cancellation of the lease. The lease agreement shall be kept on file with the City of Alpena.
5. **Loading Space:** Loading space as required elsewhere in this ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
6. **Changes to Required Parking:** Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the

standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas shall be revised and approved by the Planning Director or Zoning Administrator.

7. **Excessive Parking Space:** A maximum of one hundred thirty (130) percent of the required number of parking spaces may be provided (rounded down to the nearest whole number). Each ten (10) percent increase above the required number of parking spaces shall require an additional one (1) percent in the interior parking lot landscaping provisions provided in this section of the Zoning Ordinance. Provision of more than one hundred thirty (130) percent of the requirement will require a variance from the Board of Zoning Appeals.
8. **Collective Parking:**
  - a. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
  - b. Joint use of the required parking areas may be permitted for two (2) or more uses located on the same, adjacent, or nearby parcels provided that the developer or owner demonstrates to the satisfaction of the planning staff that the uses will not overlap in hours of operation or in demand for shared spaces. The owners of all parcels used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(s) and shall be recorded with the Register of Deeds. Shared parking areas shall be located not more than three hundred (300) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.
9. **Reduction of Parking Spaces/Land Banking:**
  - a. For development in any zoning district, the Planning Director may approve a total reduction of not more than 30% of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) and the customary operation of the use(s) that adequate parking would be provided.
  - b. When such a reduction is approved, an area of sufficient size to include the number of parking spaces necessary to meet the minimum requirements stated herein shall be designated on the site plan (land banking) and no structure or other permanent feature
  - c. shall be permitted within such designated area. The area shall not be included in any required buffer yards. The areas shall be reserved to accommodate additional parking so as to meet the otherwise applicable minimum requirements. In the event additional parking is required, a site plan shall be submitted to the staff for approval. The additional parking shall be constructed within 4 months thereafter.

- d. **Off-Site Land Banking:** The Planning Director may approve land banking at a location off-site. A written agreement shall remain on file at the City of Alpena which records that the off-site land which has been set aside for future parking is under the control of the applicant.

**10. Ingress/Egress:**

- a. A maximum of one (1) ingress and egress driveway for each sixty-six (66) feet of lot width shall be allowed in office, business and industrial zones. Modification of this standard shall only be allowed where the plan for such access can be demonstrated to the satisfaction of the City Engineer that traffic movement and traffic safety can better be served by such modification.
- b. Entrances shall be designed to allow vehicles entering the site to be stacked to prevent backup on the adjacent street. Parking lot entrances and exits shall be consolidated when possible to limit the number of access points to the site. In instances where parking areas are 100 feet or more wide, the parking lot entrance shall be a minimum of 50 feet from the nearest existing access drive.
- c. Ingress/egress to parking lots shall be located as far away from street intersections as possible to prevent impeding the flow of traffic in the parking lot and prevent hazards in the street. Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family and two-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district and shall be located at least twenty-five (25) feet distant from any corner.

- 11. Display and Storage:** Accessory off-street parking facilities required herein shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicles, equipment or material. Parking of commercial vehicles as defined in this ordinance is prohibited in residential zones with the exception of maintenance vehicles for a multi-family use in the RM-1 and RM-2 Districts.

**12. Parking Area Standards:**

- a. **Location of Parking Areas:** Off-street parking areas shall be located in the same district as the use they are intended to serve, in a district that allows the use, or as provided by a special land use permit or the granting order of a planned unit development. In addition, parking areas are to meet the following requirements:
- (1) **Front Setbacks.** Refer to [Article 5](#) for front setback requirements in individual districts. For through lots, parking may be provided streetward of the principal building on the street that carries less traffic.
- (2) **Side Setbacks:** Any parking area which is contiguous to the side property line of a residential district shall provide a minimum side setback of ten (10) feet from the side contiguous to the residential district. All other parking areas shall maintain a minimum five (5) foot side setback. The



side setback requirement may be reduced by the Planning Director or Zoning Administrator to a minimum of five (5) feet when it can be demonstrated that the property exhibits site constraints which preclude or render permitted parking configurations impractical.

- (3) **Rear Setbacks.** A rear setback of five (5) feet shall be required for any parking area abutting, adjacent to or across a public alley from a residential district with the exception of the following:

- (a) The rear setback requirement may be waived by the Planning Director or Zoning Administrator to allow parking designed to back directly into a public alley when it can be demonstrated that the property exhibits site constraints which preclude or render permitted parking configurations impractical.

- (4) **Off-Site Locations.**

- (a) All off-street parking areas shall be located on the immediate premises or within 300 feet for commercial uses and 500 feet for industrial uses as measured from the nearest point of the parking area to the nearest point of the building intended to be served. Either a proof of ownership or evidence of at least a five (5) year lease must be provided. In addition, an adequate pedestrian route from the parking area to the use must be provided and maintained.

- (b) The required number of parking spaces may be reduced, at the discretion of the Planning Director, if a public parking area or sufficient on-street parking is located within 500 feet of the building to be served.

- b. **Surface:** An entire parking area, including parking spaces, maneuvering lanes and ingress and egress driveways required under this Section, shall be provided with asphalt, concrete, brick or other similar hard surface which meets drainage requirements in accordance with specifications approved by the City. The parking area shall be surfaced prior to the issuance of a permanent certificate of occupancy. In those instances where a parking area is non-conforming, the expansion or significant improvement of the use of the land or structure shall require the paving of such parking area to conform with this Section. This surface shall be striped and maintained in good condition and free of weeds, dirt, trash and debris.

The use of pervious concrete, grasscrete, and other pervious surfaces may be permitted for specific uses as approved by the Planning Commission or Planning Staff.

For industrial uses, storage yards for construction equipment, raw materials, or partially or fully finished product, may be surfaced with gravel or slag when located in a rear yard. The storage yard shall be properly graded and maintained to insure proper drainage and shall be kept free of weeds, trash and other debris.



- c. **Screening:** Parking areas shall conform to the requirements set forth in **§3.29 Landscaping and Buffering**.

- d. **Design Standards:**

(1) **Parking Space Design:**

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space		
		Width	Length	Total Width of 2 Parking Stalls Plus Maneuvering Aisle
0 degrees (parallel parking)	12'	8'	22'	28' (one-way)
				38' (two-way)
30 degrees	12'	9'	18'	48' (one-way)
45 degrees	14'	9'	18'	52' (one-way)
60 degrees	18'	9'	18'	58' (one-way)
90 degrees	22'	10'	19'	60' (two-way)

(2) **Parking Lot Design**

- (a) All parking lots shall be designed to provide adequate storm water drainage, including onsite detention capabilities.
- (b) All curbing shall conform to City standards, unless approved otherwise by the Planning Commission.
- (c) All parking areas shall be provided with circulation aisles of adequate dimension to assure efficient internal circulation.
- (d) Parking lots with 300 or more spaces shall include perimeter drives and a central access drive leading to the main building.
- (e) A shelter of not more than 50 square feet in size for use by a parking lot attendant may be maintained on a parking lot containing at least 25 spaces.
- (3) **Drainage:** Except for one- and two-family dwellings, off-street parking areas shall be drained with internal site drainage so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Drainage must comply with **§3.22**. The Planning Commission, upon recommendation of the City Engineer, may allow the upgrading of drainage without providing for full internal site drainage for existing structures upon determination of no negative impact to future or potential development. A drainage plan and calculations shall be approved by the City Engineer prior to the issuance of a permit.

Storm water retention or detention facilities on site shall be provided to assure storm water runoff at a rate of flow in keeping with City standards

and with capacity of existing public storm water drainage-ways.

- (4) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
- (5) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- (6) Ingress and egress to a parking lot lying in an area zoned for other than single-family or two-family residential use shall not be across land zoned for single-family or two-family residential use.

### 13. Parking Spaces Required:

- a. **Computing the Number of Spaces:** For the purpose of determining off-street parking requirements, gross floor area shall be calculated as the sum of the gross horizontal area of the several floors of a building or buildings, including if habitable the horizontal areas of the basement. Basement space used solely for storage or utility shall be exempt.
- b. **Fractional Spaces:** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- c. **Uses Not Mentioned:** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Director or Planning Commission considers to be similar in type.
- d. **Bicycle Parking Substitution:** In off-street parking areas with greater than 25 automobile parking spaces, bicycle parking spaces may be substituted for automobile parking spaces at the rate of 10 bicycle spaces per 1 off-street parking space, up to 4% of the total number of required automobile parking spaces with a maximum of 10 automobile spaces replaced with bicycle parking.
- e. **Handicap-Accessible Spaces:** Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of Act 230 of the Public Acts of the State of Michigan 1972, as amended.

PARKING FOR HANDICAPPED (ALL DISTRICTS)	
Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces <sup>1</sup>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total Spaces
1,001 and Over	20 Plus 1 for Each 100 Over 1,000 Spaces
<sup>1</sup> For every 8 accessible spaces, at least 1 must be a van accessible space.	

- f. **Number of Spaces Required:** The requirements of the following table shall not be applicable to those uses located in the CBD Central Business District or DOD Downtown Overlay District except where required by [§7.2 \(Accessory Dwelling Units Above a Commercial Establishment\)](#). In order to meet their parking needs, those land uses located in the CBD or DOD may utilize public parking which currently exists at the time they are determining their parking needs. However, such public parking is not guaranteed to meet those parking needs. In addition, the City of Alpena is not obligated to provide additional public parking to meet those needs. For those buildings existing within all Business Districts, no additional parking space need be provided when remodeling or rebuilding of structures is proposed, provided the floor area of existing structures on such site is not increased in the remodeling or rebuilding undertaken. Where floor area is increased or a change of use occurs, parking spaces shall be provided for such increased floor area or change of use in accord with the provisions of this Ordinance. All of the following parking requirements are based upon floor area unless otherwise specified:

Residential Parking Requirements	
Use	Requirements
One-family and two-family	2 for each dwelling unit
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms
Manufactured Homes located in a Manufactured Housing Community	2 for each manufactured home site
Housing for the elderly	1 for each 4 units, and 1 for each employee on the largest shift
Rooming houses and group quarters	1 for each bed and 2 for the owner/resident manager
Group day care homes	2 in addition to the 2 required for the residence
State-Licensed Residential Facilities (Adult Foster Care Homes)	3 for each establishment.

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Institutional Parking Requirements	
Use	Requirements
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 4 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Nursery schools, day nurseries, or child day care centers (non-residential)	1 for each employee plus 1 space for each 8 children of licensed authorized capacity
Elementary, middle, and junior high schools	1 for each teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater. If no such auditorium exists, then two spaces per classroom in addition to that for each teacher, employee or administrator.
Senior high schools	1 for each teacher, employee, or administrator, and 3 for each 10 students; or the requirements of the auditorium, whichever is greater.
Colleges and universities	1 for each teacher, employee, or administrator, and 3 for each 10 students
College housing	2 spaces per unit and one per dorm bed
Government offices; libraries; museums	1 for every 400 square feet of gross floor area
Post offices	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet
Homes for the aged and convalescent homes	1 for every 3 beds or 2 rooms, whichever is less, plus 1 for each employee on the largest shift.
Assisted living facility	1 for every 2 dwellings plus 1 for each employee on the largest shift
Private clubs or lodges	1 for every 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes
Hospitals	1 for every 2 beds plus 1 for every employee based upon the largest shift, plus 1 for every 1,000 square feet of treatment area.

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<b>Business Parking Requirements</b>	
<b>Use</b>	<b>Requirements</b>
Professional medical and dental offices or offices of similar professions.	1 for every 150 square feet of waiting room floor area plus one for each examining room.
Bank, business offices, or non-medical professional offices	1 for each 350 square feet of gross floor area, plus 2 spaces for each ATM, and stacking area equivalent to 4 stacking spaces for each drive up window
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for every 2 persons of seating capacity plus 1 space per employee on the largest shift
Food consumption services or drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Tavern and night club	1 space per 100 square feet
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code as determine by the Building Official.
Furniture and appliance sales and service, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 850 feet of gross floor area
Retail sales and services establishment	1 space per 400 square feet
Bowling alley	5 spaces per lane plus parking for accessory uses.
Dance Halls, Exhibition Halls, Pool Halls, Billiard Parlors and Assembly Halls without fixed seats	1 per every 2 persons allowed within the maximum occupancy load.
Convenience store, with or without automotive fuel service	3 spaces for every 1000 square feet of gross floor area, plus spaces required for fuel service
Video Rental Store	1 space per employee on the largest shift plus 1 space per every 350 square feet
Beauty parlor or barber shop	2 per chair.
Greenhouse	1 space per 1,000 square feet
Laundromats and coin operated dry cleaners	1 for each 3 washing or dry cleaning machines
Dry cleaners	2 for every 1000 square feet of gross floor area
Auto service station and repair	1 space per pump plus 2 spaces per service bay
Car wash (self service or automatic)	1 space per employee on the largest shift and a minimum of 7 stacking spaces.
Automobile, mobile home, truck, recreational vehicle, boat and farm implement sales	1 space per 300 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area
Rental agency	1 space per 300 square feet plus 1 space per 1,000 square feet outdoor display area
Marine sales and service centers, including RVs	1 space for each employee, and 1 for each service stall. Add 1 space for every 300 square feet gross floor area of the sales room, but not less than 5 spaces with or without a showroom
Veterinary clinics or hospitals	3 for every 1000 square feet of gross floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area

Industrial Use Parking Requirements	
Use	Requirements
Wholesale establishments	1 space per 600 square feet plus 1 space per employee on the largest shift
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees; or 1 for every 1500 square feet of gross floor area, whichever is greater
Industrial Establishments	1 space per employee on the largest shift, plus 1 space per 300 square feet of public office area
Mineral extraction, borrow pit, top soil removal and storage	1 space per employee on the largest shift
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift plus 1 space per 4 acres
Truck terminal	1 space per 1,000 square feet plus a reasonable number of spaces for visitors
Water treatment or wastewater facility	1 space per employee on the largest shift

Misc. Use Parking Requirements	
Use	Requirements
Private club or lodge	1 space per 3 persons up to maximum capacity
Penal or correctional institution	1 space per employee on the largest shift plus 1 space per 5 cells
Research, medical or optical laboratory	1 space per 300 square feet
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift
Marinas	1 per boat slip
Boat Launch Ramp	7x the maximum trailer capacity of the ramp (double length spaces accommodating vehicle and trailer)
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Golf Courses	5 per hole, plus one for each employee
Cemetery	1 space per employee on the largest shift
Mortuary or crematory	2 for each 100 square feet of gross floor area

**14. Parking Lot Landscaping:** Parking lot landscape requirements shall be applicable to all parking areas in all districts, and a parking lot landscape plan shall be provided.

a. **Parking Lot Perimeter Landscaping:** A landscape strip shall be provided around the perimeter of the parking lot, as defined below:

(1) When the parking lot abuts a building(s) the strip shall be:



- (a) Four feet wide— parking lot with 1 to 40 spaces or a single parallel driving aisle or any other configuration of equal or greater square footage.
  - (b) Six feet wide— parking lot with 41 or more spaces, or any other configuration of equal or greater square footage.
  - (c) For single use buildings with front facades less than 100 feet in length a minimum 150 square feet of landscape area may be installed at the building entrance (total square footage for both sides of entrance) in place of the required planting strip along the front façade.
  - (d) For buildings with an arcade across the front facade or an access aisle immediately adjacent and parallel to the front facade, the required landscaping may be consolidated at focal points along the front facade and/or incorporated into other required parking lot landscape areas (perimeter or interior).
  - (e) A landscape strip abutting a building shall have at least 50% of its length occupied by shrubs.
- (2) When the parking lot abuts a right-of-way, the strip will be:
- a. 1–75 spaces: 10 feet.
  - b. 76–150 spaces: 20 feet.
  - c. 151+ spaces: 30 feet
- (3) When the parking lot abuts vacant land or an existing parking area with no landscape strip, the strip will have a minimum width as follows:
- i. 1–75 spaces: 6 feet.
  - ii. 76–150 spaces: 8 feet.
  - iii. 151+ spaces: 12 feet.
- (4) When the parking lot abuts an existing parking lot which provides for a perimeter landscape strip, the width of the strip will be equal to the additional width needed to create a strip with an overall minimum width as prescribed hereinabove. However, a landscape strip of at least 4 feet wide must extend from the property line inward.
- (5) When a parking lot abuts a residentially zoned or used property, a landscape area shall be provided as prescribed in the individual zoning district and shall have a screen as prescribed in [§3.29](#).
- (6) When a new development is constructed either adjacent to or in between existing developments, the type and placement of street trees in the right-of-way along the new development shall be consistent with the type and

placement of street trees along the existing development right-of-way; however, at a minimum, trees shall be planted per subsection (7) below.

- (7) All landscape strips shall be planted with shrubbery, trees and groundcover. There shall be 1 tree for every 40 feet of landscape strip.

Piped utilities, such as water, sewer and gas, may cross through, run parallel and adjoining to, or within the outer 2 feet of a landscape strip. Cable utilities, such as electricity, cable television, telephones, and fiber optic lines located within a landscape strip must be placed a minimum of 24 inches below grade.

**b. Landscaping of Interior Parking Areas.**

- (1) Parking areas totaling 76 or more spaces shall provide a minimum of 10% interior landscaping. Parking areas totaling 75 or less spaces shall provide a minimum of 5% interior landscaping, which may be transferred to the perimeter of the lot(s) if interior landscaping is not possible. Plant material within parking lots shall provide for safe visibility and maintain clear site lines between 3 and 8 feet from the top of the curb.
- (2) Interior landscaping shall occur in any combination of planting islands, planting peninsulas and entrance ways.
- (3) Unless otherwise approved all parking lot interior landscape areas shall have a minimum width of 6 feet.
- (4) Unless otherwise approved, plantings within islands and peninsulas shall consist of at least 1 tree and mulch or groundcover for each 162 square feet, or portion thereof, of required landscape area. Shrubs may also be used as long as they do not exceed 3 feet in height.
- (5) In cases in which trees exist on the property where the parking lot is proposed, the existing trees shall be maintained where they do not impede construction on the site and shall count toward the interior landscape requirement. Accepted best management practices for tree preservation shall be used. The location of existing trees to be saved shall be included in the landscape plan submitted to the planning and zoning staff prior to site clearance.
- (6) Parking lots for 300 or more spaces requiring a central access drive shall have a minimum 6 foot wide landscape area on both sides and running the length of the drive. A minimum of one shade tree for every 50 lineal feet of landscape area shall be provided. This landscape area may count toward 50% of the interior landscape requirement for the adjoining parking area of the development.

- c. Planting standards:** Planting areas can be landscaped with a variety of trees, shrubs or other planting materials. The variety of planting materials used should be tolerant of the existing urban conditions including exhaust, salt and poor and/or compacted soils.

- (1) Deciduous canopy trees shall be a minimum of 2-1/2 caliper inches d.b.h.; ornamental trees shall be a minimum 2 caliper inches; coniferous trees shall be a minimum of 6 feet in height; evergreen and deciduous shrubbery shall be a minimum of 18 inches in height, except where required as a screen.
- (2) All deciduous and coniferous trees and shrubs shall be prepared and planted in accordance with industry standards.
- (3) Planting islands and peninsulas shall encompass an area of not less than 160 square feet for single parking rows and 320 square feet for double parking rows.
- (4) Visibility requirements: All landscape plantings, shrubs, trees, walls, fences, temporary and permanent, shall permit completely unobstructed vision within a clear sight triangle in accordance with §3.14. Landscaping installed in parking areas shall be spaced and maintained so that a visual obstruction that represents a traffic hazard is not created.

#### F. OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of OS-1 Districts loading space shall be provided in the ratio of five (5) square feet per front foot of building and may be provided in the side or rear yard. Where an alley exists or is provided at the rear or side of buildings, loading spaces shall not be required in OS-1, B-1, B-2, CBD, DOD, WD, and DOD districts.
2. Within an I District, all spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I Districts shall be provided in the following ratio of spaces to floor area:

Off-Street Loading & Unloading	
Gross Floor Area	Loading & Unloading Space Required
0 - 1,400 ft <sup>2</sup>	None
1,401 - 20,000 ft <sup>2</sup>	One (1) space
20,001 - 100,000 ft <sup>2</sup>	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet
100,001 ft <sup>2</sup> and over	Five (5) spaces

3. All loading and unloading in an Industrial District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.
  4. Loading areas shall be designed to provide internal drainage.
  5. The Planning Commission may permit the modification of loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of these requirements.
- G. **SNOW STORAGE AREAS:** Snow storage areas shall be provided for all sites in the following districts as an unobstructed area of not less than ten percent (10%) of the surface area of all paved or surfaced areas such as but not limited to: parking areas, loading and service areas, driveways, etc. Such area may be lawn or landscaped areas, parking lot divider strips, tree planting areas in parking lots provided plantings are adequately protected. Snow storage areas shall not include public street rights-of-way.



## SECTION 3.31 GENERAL EXCEPTIONS

- A. **ESSENTIAL SERVICES:** The erection, construction, alteration, maintenance, and operation by public or private utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication (buried or above ground), fiber optic, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of the City of Alpena in any use District, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. The essential services addressed in this section must also meet all regulations and requirements of the authority having jurisdiction over the road.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

- B. **VOTING PLACE:** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

C. **HEIGHT LIMIT:**

1. The height limitations of this Ordinance shall not apply to any portion of a structure that could not be used for living or commercial space such as chimneys, church spires, flag poles, and public monuments; provided, however, the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Land Use.
2. **Ground mounted amateur radio transmitting and receiving towers** See [§7.3](#).
3. These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Regulations](#).

- D. **LOT AREA:** Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district where such lot is located, other than Special Land Uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements, other than lot area and width prescribed in this Ordinance are

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complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

## E. PROJECTIONS INTO YARDS (ENCROACHMENTS):

### 1. Enclosed Porch

A closed, roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained.

### 2. Open Porches and Decks

An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained.

### 3. Patios and Grade-Level Decks

A patio or grade-level deck shall maintain a two (2) foot setback from all property lines.

### 4. Architectural Features

For properties with a minimum six (6) foot side yard, chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24") inches.

### 5. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the property line.

**F. ACCESS THROUGH YARDS:** For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other surface servicing a like function, and not in excess of twelve (12) inches above the grade upon which placed, shall, for the purpose of this ordinance, not be considered to be a structure, and shall be permitted in any required yard.

## SECTION 3.32 NONCONFORMING STRUCTURES, USES, AND LOTS

A. **INTENT:** It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

B. **SPECIAL USES AND VARIANCES:** If a Special Use Permit or a variance has been approved, the structure or use is not considered “nonconforming”.

C. **CHANGE IN TENANCY OR OWNERSHIP:** There may be a change of tenancy, ownership or management of any existing nonconforming uses of land or of structures which does not alter the nonconforming status.

D. **NONCONFORMING STRUCTURE:** A lawful structure existing on the effective date of adoption or amendment of this Ordinance which could not be built under the requirements of this Ordinance by reason of restrictions in area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure.

### 1. Maintenance of Nonconforming Buildings and Structures

- a. Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.
- b. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the Americans with Disabilities Act.

### 2. Completion of Nonconforming Buildings and Structures

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

### 3. Damaged or Total Destruction of Nonconforming Structures

When a nonconforming structure is damaged to the extent of fifty (50) percent or

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less of the replacement cost of the structure, exclusive of foundation, the structure may be rebuilt in the same location, using the same building footprint, provided that rebuilding begins within one (1) year of the event which caused the damage. Restoration of a nonconforming structure pursuant to this subsection shall not increase the degree of nonconformance or noncompliance existing prior to such damage.

## 4. Alterations to Nonconforming Structures

Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

**E. NONCONFORMING USE:** A lawful use existing on the effective date of the adoption or amendment of this Ordinance which would not be permitted by the regulations imposed by this Ordinance. Such nonconforming use may be continued provided the following:

### 1. Extension/Improvement of Nonconforming Use

- a. A nonconforming use or an existing structure devoted to a use not permitted by this Ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, moved, allowed to occupy a greater area of land, or structurally altered following approval by the Planning Commission and subject to the following provisions:
  - (1) The alteration is compatible with the design of the existing structure;
  - (2) Traffic flow along adjoining streets is unaffected, maintain, or improved;
  - (3) City infrastructure is not overburdened (sewer, water, storm drainage);
  - (4) The function, physical, and visual characteristics of the overall site as it relates to the surrounding neighborhood is maintained or improved;
  - (5) The alteration or expansion shall not have a negative effect on nearby property;
  - (6) The alteration or expansion would not be contrary to the public health, safety, or welfare or the spirit of this Ordinance;
  - (7) No useful purpose would be served by strict application of the provisions of this Ordinance with which the structure does not conform;
  - (8) The alteration or expansion of the structure shall not exceed thirty (30) percent of the total area of the footprint of the existing structure being expanded or fifteen hundred (1,500) square feet, whichever is less.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

## 2. Change of Nonconforming Use

- a. No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former non-conforming use after said use has been changed to a conforming use.
- b. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

## 3. Abandonment of Nonconforming Use: If a property owner has the intent to abandon a nonconforming use of land and in fact abandons a nonconforming use of land for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

- a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.
- c. Whether signs or other indications of the existence of the nonconforming use have been removed.
- d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

## F. NONCONFORMING LOTS

1. Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
2. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance or which creates a nonconforming structure.

## SECTION 3.33 PERFORMANCE STANDARDS

All development within the City of Alpena shall comply with the following performance standards:

A. **SOUND:** The emission of measurable noise in decibels (dB) from the premises shall not exceed the sound levels specified in [Section 54-1](#) of the City of Alpena Code of Ordinances. These regulations do not apply to construction activities, maintenance activities, noises of safety signals, warning devices, emergency pressure relief valves or special community events approved by City Council.

B. **VIBRATION:** All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses.

C. **ODOR:** The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along any lot line so as to produce a public nuisance or hazard is prohibited.

For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in a [USEPA](#) and/or [MDNRE](#) air/water quality permit(s). As part of the Zoning Permit review the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.

For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by the [USEPA](#) and/or [MDNRE](#) in approved permits shall not be considered in violation of this ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors, and to comply to with any new standards required as part of a renewed or new [USEPA](#) and/or [MDNRE](#) environmental permit.

D. **TOXIC GASES:** The escape or emission of any gas, which is in violation of a [USEPA](#) and/or [MDNRE](#) permit shall be deemed a violation and shall be abated, as directed by the permit issuer.

E. **GLARE AND HEAT:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

F. **ELECTROMAGNETIC RADIATION:** The rules and regulations of the [Federal Communications Commission](#), as amended with respect to the propagation and dissemination of electromagnetic radiation must be followed and are hereby made a part of this Ordinance.

G. **DRIFTED AND BLOWN MATERIAL:** Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris

- beyond their lot lines. Any such activity shall be promptly abated upon notification by the City. During times of stockpiling or removal, excavation or grading those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.
- H. **SMOKE, DUST, DIRT, AND FLY ASH:** The discharge of any opaque smoke or particulate in violation of an issued permit from the **USEPA** or the **MDNRE** shall not be permitted, and shall be abated, as directed by the permit issuer.
- I. **NOTIFICATION:** The public shall be notified whenever scrubbers or other pollution control equipment used to reduce or eliminate the emission of odors, gases, or particulate matter into the air, or contaminants from discharging into ground or surface waters, will be shut down for maintenance or become inoperable due to breakdown.
- In the case of a planned shutdown, the public shall be notified at least 48 hours in advance. Such notice shall include the date and time of the shutdown, the duration of the shutdown and the impact of the shutdown (increased odors, etc.) on the community.
- In the case of a non-planned, sudden breakdown of such equipment the public shall be immediately notified of the problem, its expected duration and its impact on the community.
- Such notification shall be sent via e-mail, fax and/or other electronic means to the **MDNRE**, City of Alpena, adjacent governmental entities, local schools, district health department, and local media (TV, radio, newspaper, etc.).

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# ARTICLE 4

## SIGNS<sup>1</sup>

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### SECTION 4.0 PURPOSE

The purpose of this section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the mass communications needs of both businesses and other parties and creating a more attractive business environment. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to protect; property values and neighborhood character; create a more attractive business climate; promote pedestrian and traffic safety; and promoting pleasing community environmental aesthetics.

### SECTION 4.1 SIGN PERMIT PROCEDURE & ENFORCEMENT

- A. **APPROVAL:** No sign, plates and those signs established by the City, County, State or Federal governments, shall be erected, altered, replaced, or relocated until approved by the Zoning Administrator and a Sign Permit issued. A property owner may maintain an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same.
1. **Application for Sign Permit:** Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:
    - a. Name, address and telephone number of the applicant.
    - b. Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.
    - c. Site plan showing the location of the sign and nearby structures.
    - d. One (1) blueprint or drawing of the plans and specifications and methods of construction and attachment to the building or in the ground.

- e. In some cases, the Zoning Administrator may request copies of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City. Provided, further, that where the Zoning Administrator deems it advisable, he may require the approval of the structural design by a registered architect or engineer.
  - f. Name of person, firm, corporation or association erecting structure.
  - g. Written consent of the owner where the sign is to be erected on vacant land.
  - h. In all cases where wiring is to be used in connection with the sign, it shall comply with the National Electrical Code and the necessary permits shall be obtained.
  - i. Insurance policy or bond as required by **Subsection 7** below.
  - j. Such other information as the Zoning Administrator shall require to show full compliance with this and all other Ordinances of the City.
2. **Sign Permit Issued if Application in Order:** It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and, if it shall appear that the proposed structure is in compliance with all requirements of the City, the permit shall be issued. In the case of illuminated signs, an electrical permit and a sign permit must be issued.
  3. **Sign Permit Fee:** It shall be unlawful in the City of Alpena for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid to the City according to the schedule as shall be established from time to time by resolution of the City Council.
  4. **Sign Permit Revocable at Any Time:** All rights and privileges accrued under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within four (4) months after date of issuance, the said permit shall become null and void.
  5. **Signs Excluded from Permits:** The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this section and shall not require permits for erection.

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### Signs Excluded from Permits

- a. Wall signs not exceeding two (2) square feet in area.
- b. Plaques when cut into any masonry surface or when constructed of bronze or aluminum and attached to a building.
- c. Signs erected by an official governmental body, public utility, or historic agency.
- d. Flags.
- e. Signs on private property that do not exceed four (4) square feet each. This would take into account entrance, exit and off-premise directional signs.
- f. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain moving parts or lights.
- g. Signs less than two (2) square feet in size and located on the perimeter (along a parcel boundary).
- h. Projecting signs when located below a canopy, awning, or marquee which do not exceed two (2) feet in area or extend below a minimum height of eight (8) feet from ground level. Signs contained directly on a canopy or awning.
- i. Permanent signs on accessory structures such as gas pumps or storage sheds.
- j. Banners across public rights-of-way subject to any terms or conditions City Council or its designee deems appropriate.
- k. Temporary signs.
- l. Signs erected by the City of Alpena, State of Michigan, or Downtown Development Authority as part of a community wayfinding program.
- m. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
- n. Legal postings as required by law.

### 6. License for Sign Erectors:

- a. Every person, firm or corporation engaged in the business of erecting or installing signs for which permits are required by this Section shall obtain a license, hereinafter referred to as a sign erector's license, from the City Clerk to conduct such operation.
- b. The sign erector's license shall be renewed annually on or before May 1st of each year.
- c. A fee for sign erector's licenses shall be established by resolution of the City Council. A fee shall be paid to the City Clerk for each sign erector's license and each renewal of a sign erector's license.
- d. The City Manager shall revoke the license of any sign erector who does not comply with the requirements of this Article.

### 7. Sign Erector's and Owner's and User's Insurance:

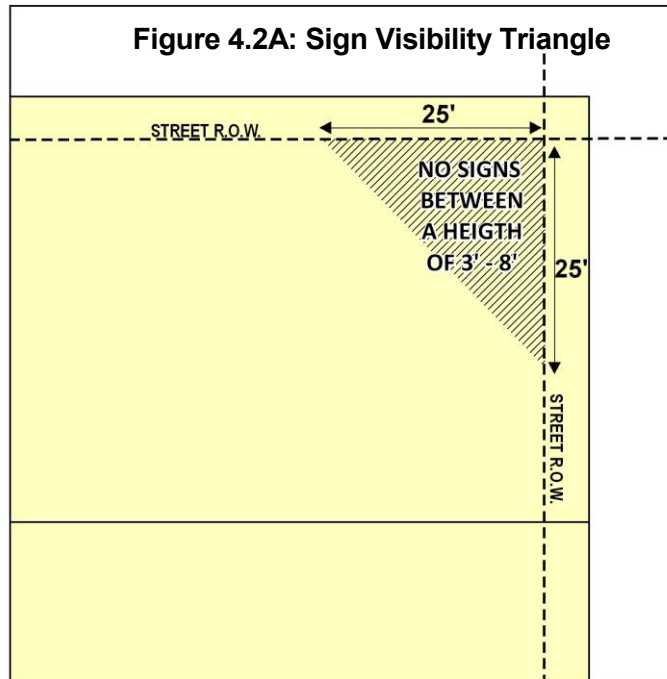


- a. Each licensed sign erector shall file evidence of insurance in amounts determined by the City of Alpena.
- b. Lapsing of Insurance: At any time the insurance of any sign erector is permitted to lapse, his license shall automatically be revoked.

B. **ENFORCEMENT**: See [Section 9.0 \(Enforcement\)](#) and [Section 9.7 \(Violations\)](#).

## SECTION 4.2 GENERAL SIGN STANDARDS

- A. **WIND PRESSURE AND DEAD LOAD REQUIREMENTS**: Ground, projecting, wall, and marquee signs shall be designed and shall be constructed to receive wind and dead loads as required in the City Building Code or other ordinances of the City.
- B. **SIGNS IN RIGHT-OF-WAY**: Any sign except those established and maintained by City, County, State or Federal governments shall not be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance. The owner of any sign which has been removed by the City from the right-of-way because it is in violation of this provision shall pay to the City the sum of Five Dollars (\$5.00) before recovering said sign. If any sign is not claimed within thirty (30) days, it shall be destroyed. Where a sign projects over a private right-of-way, there shall be a fourteen (14) foot vertical clearance.
- C. **SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD**: No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. At street intersections, no signs other than municipal traffic control signs shall be located in the clear-vision triangle formed by the property lines paralleling the streets and extending for a distance of twenty-five (25) feet each way from the intersection of the right-of-way lines at the corner lot. This clear vision triangle shall be free of any pole, column, support, sign face, or other obstruction having a width exceeding eight (8) inches. The clear vision triangle shall consist of that space which is between three (3) feet and eight (8) feet in height as measured from the curb. This vision triangle does not apply in zoning districts that allow buildings to be constructed up to a corner property line.



- D. **SIGNS AFFIXED TO NONTRADITIONAL SURFACES:** No sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects except signs of any political subdivision of this State. No sign shall be affixed to a fence without first being approved by the Zoning Administrator as meeting a special purpose. No sign shall be affixed to a stationary motor vehicle or other similar object not usually used for signage and put on non-mobile display.
- E. **ILLUMINATION/GLARE:** Internally and externally lighted reflective, glowing and other forms of illumination shall be permitted on all signs except where specifically prohibited. All illumination shall be concentrated on the area of the sign or landscape feature or directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property. Illumination shall not constitute a traffic hazard. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code. Any signs shall be a wattage not exceeding 60 watts per bulb.
- F. **FLASHING/MOVING SIGNS:** Illuminated signs shall not be of the flashing, moving or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not interfere with traffic control devices.
- G. **OBSTRUCTIONS TO DOORS, WINDOWS AND FIRE ESCAPES:** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.
- H. **FREE-SPEECH/OBSCENE MATERIAL:** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd or disgusting according to accepted moral standards.
- I. **SIGN CONSTRUCTION:** No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the structure. Signs shall be comparable to a professionally designed and constructed sign.
- J. **SIZE LIMITATIONS:** Size limitations apply to the sign face only, not the support structure.
- K. **MULTIPLE SIGNS:** Where multiple signs are permitted by zoning district, the number, size, and placement of signs in combination on a lot shall comply with the following:
1. A freestanding sign shall not be permitted on lots where a projecting, awning, canopy, or marquee sign extends into the front yard to within eight (8) feet of the public right-of-way.
  2. A projecting, awning, canopy, or marquee sign may not extend into the public right-of-way from lots on which a ground sign is located.
  3. A projecting, awning, canopy, or marquee sign shall not be located on the same building wall in which a permanent sign of a differing sign type is located, other than wall signs.

### L. NONCONFORMING SIGNS:

1. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
2. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
6. If a nonconforming sign, other than an off-premise sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within thirty (30) days after such abandonment.
7. If a nonconforming off-premise sign remains blank for a continuous period of 180 days, that off-premise sign shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is "blank" if:
  - a. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
  - b. The advertising message it displays becomes illegible in whole or substantial part; or
  - c. The advertising copy that either has been paid for by a party other than the sign

owner or promotes an interest other than rental of the sign has been removed.

8. **Subsections 6 and 7** above shall not apply to signs advertising seasonal businesses.

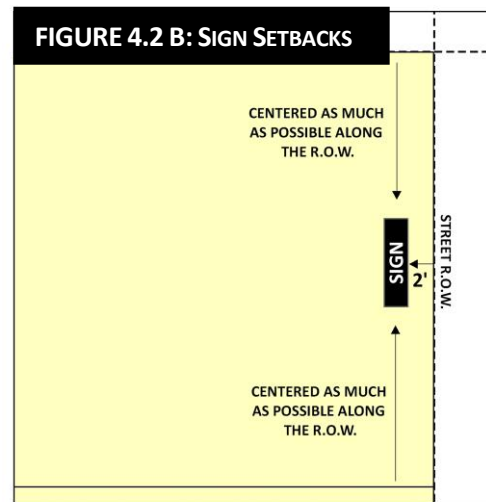
**M. UNSAFE, DAMAGED, AND ILLEGAL SIGNS:** In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall upon twenty-hour (24) hours of receipt of a written notice from the Zoning Administrator make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the City shall have a lien on the property and such cost shall be added to the tax bill for the property.

**N. PROHIBITED SIGNS:** The following signs are prohibited within the City:

1. No sign or banner shall be placed across any public right-of-way except by permission of the City.
2. It shall be unlawful for any person to display upon any sign or other structure any obscene, indecent or immoral matter.
3. Signs which incorporate in any manner any flashing or moving lights with the exception of approved electronic message boards.
4. String lights used in connection with business premises for commercial purposes, other than Christmas decorations.
5. Rotating signs, except as otherwise regulated in this ordinance.
6. Any sign unlawfully installed, erected or maintained.
7. Signs on park-type benches.
8. Any sign on the roof of any building.
9. Advertising devices such as pennants, pinwheels, streamers, search lights, or other devices with similar characteristics.
10. Signs which no longer advertise an existing use occurring on the premises after one (1) year has elapsed.

**O. SIGN MAINTENANCE:** The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

1. **Maintenance:** All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be maintained in good working order, and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair.
  2. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
- P. **SIGN SETBACKS:** Freestanding signs shall be set back at least two (2) feet from the property line and shall be centered as much as possible along the street frontage.



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## SECTION 4.3 REGULATIONS BY ZONING DISTRICTS: RESIDENTIAL DISTRICTS



The use of outdoor signs shall be limited in the **R-1, R-2, R-T, RM-1, RM-2, and Thunder Bay Junior High Neighborhood Overlay Districts** as follows ([Table 4A](#)), subject to the requirements contained in [Section 4.1](#) and [Section 4.2](#) above.

### A. FREESTANDING SIGNS (MONUMENT & PYLON SIGNS):

1. **Residential Uses:** Such sign, shall not have a surface area greater than four (4) square feet for each side of such sign and shall not exceed four (4) feet in height. If a home occupation is present on the lot, 1 sign that shall not exceed four (4) square feet will be allowed. There shall be allowed one (1) freestanding sign per street frontage on any one (1) lot unless otherwise allowed by ordinance.
2. **Temporary Signs:** The total amount of freestanding temporary signage for a residential lot may not exceed twelve (12) square feet. No individual temporary sign may exceed four (4) square feet.
3. The distance measured between the principal faces of any freestanding sign shall not exceed eighteen (18) inches.

### B. WALL SIGNS:

1. For each dwelling unit, one (1) wall sign not exceeding two (2) square feet in area shall be allowed.
2. **Lots on which a Home Occupation exists:** One (1) additional wall sign not exceeding four (4) square feet in area is allowed.
3. Window signs are regulated as wall signage in residential districts.

## SECTION 4.4 REGULATIONS BY ZONING DISTRICTS: PARKING DISTRICT

### P-1

The use of outdoor signs shall be limited in the **P-1** District as follows ([Table 4B](#)), subject to the requirements contained in [Section 4.1](#) and [Section 4.2](#) above.

#### A. FREESTANDING SIGNS (MONUMENT & PYLON SIGNS):

One (1) sign for each access way to the parking lot shall be allowed not to exceed four (4) square feet in area and four (4) feet in height.

#### B. WALL SIGNS:

1. Signs shall not exceed nine (9) square feet in area.

## SECTION 4.5 REGULATIONS BY ZONING DISTRICTS: OFFICE, BUSINESS & INDUSTRIAL DISTRICTS



The use of outdoor signs shall be limited in the above districts as follows ([Table 4B](#)), subject to the requirements contained in [Section 4.1](#) and [Section 4.2](#) above.

#### A. FREESTANDING SIGNS (MONUMENT & PYLON SIGNS):

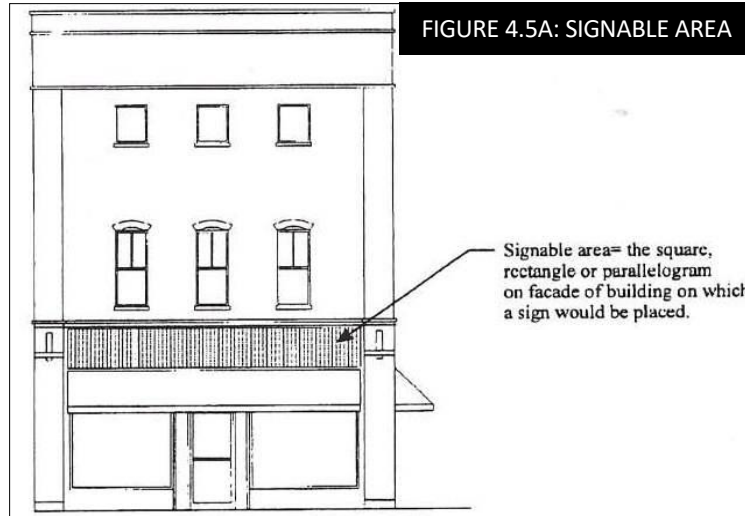
1. **Number & Size:** One (1) freestanding sign having a sign area of not more than forty (40) square feet for each side of the sign for all lots having not more than one hundred (100) feet of frontage on the front street. The sign area for lots having more than one hundred (100) feet of frontage may be increased by one (1) square foot for every seven (7) lineal feet of frontage in excess of one hundred (100) feet, not to exceed a total sign area of eighty (80) square feet. Lots with at least one hundred (100) feet of frontage on each of two (2) or more streets shall be allowed one (1) freestanding sign to be erected on each street having 100 feet of frontage, upon which the lot fronts. However, if a sign is erected at the intersection of those two (2) streets, then only one (1) sign shall be permitted. Freestanding signs shall be centered along the street frontage as much as possible.
2. **Height:**
  - a. **WD, B-1, OS-1, CBD and CCD Districts:** Freestanding signs with a sign area of forty (40) square feet or less shall not exceed a height of six (6) feet. The height may be increased by one (1) foot for each additional ten (10) square feet of sign area in excess of forty (40) square feet.
  - b. **B-2, B-3, I-1 and I-2, Districts:** Freestanding signs with a sign area of forty (40) square feet or less shall not exceed a height of thirteen (13) feet. The height may be increased by one (1) foot for each additional ten (10) square feet of sign area in excess of forty (40) square feet.



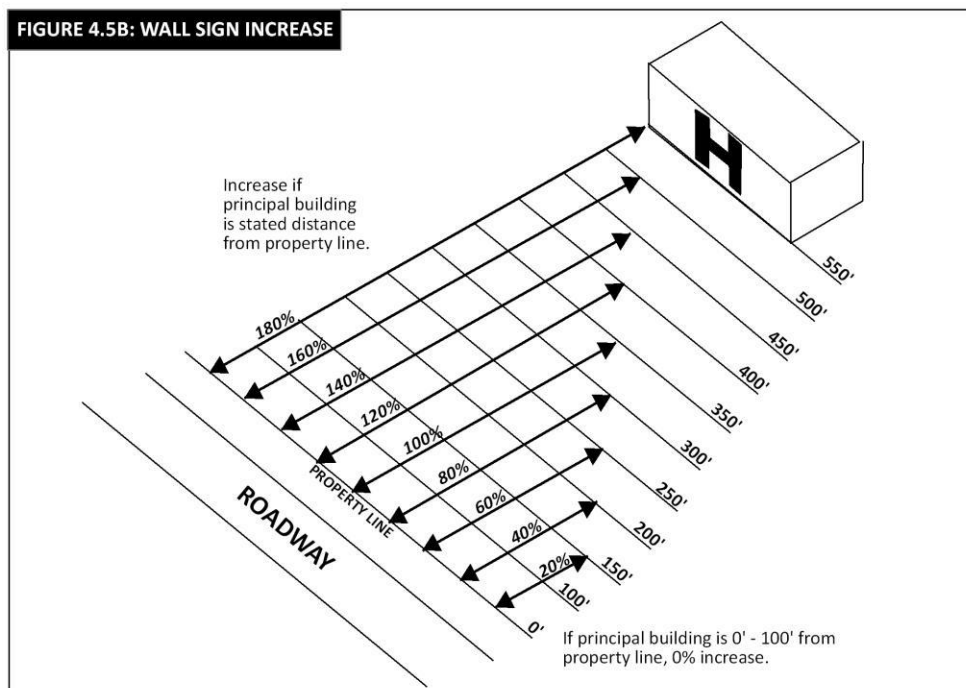
3. **Cluster Signs:** A development containing multiple buildings, separate parties, tenants, or uses shall be considered as a single development and shall adhere to the freestanding sign regulations stated in subsection 1 (above), regardless of the number of buildings, separate parties, tenants, or uses contained therein. Business Center Signs shall not exceed the maximum square footage for an allowable freestanding sign in each district.
4. **Sign Face Elements:** All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
5. **Distance between Faces:** The distance measured between the principal faces of any freestanding sign shall not exceed eighteen (18) inches.
6. **Multi-Sided Signs:** In the case of a sign with more than two (2) sides, the applicable square footage for a two- (2) sided sign shall apply.

## B. WALL SIGNS:

1. **Signable Area (Figure 4.5A):**
  - a. For walls or buildings with architectural detailing (windows, doors, cornices, moldings, columns, etc.), the signable area shall be the two-dimensional area that describes the square, rectangle, or parallelogram on the façade of a building free of architectural details where a wall sign would be placed.
  - b. The signable area for a building façade, with or without architectural detailing, shall not exceed twenty-five (25) percent of the total square footage of the façade.
  - c. **OS-1 and B-1 Districts:** Wall signs shall not exceed forty (40) percent of the signable area to a maximum of fifty (50) square feet of signage per façade unless regulated by subsection (2) (below).
  - d. **B-2, B-3, I-1, and I-2 Districts:** Wall signs shall not exceed fifty (50) percent of the signable area to a maximum of seventy-five (75) square feet of signage per façade unless regulated by subsection (2) (below).
  - e. **CDB and CCD Districts:** Wall signs shall not exceed fifty (50) percent of the signable area to a maximum of fifty (50) square feet of signage per façade unless regulated by subsection (2) (below).



2. **Wall Sign Increase (Figure 4.5B):** The size of a wall sign may be increased twenty (20) percent for principal structures located between one hundred (100) feet and one hundred fifty (150) feet from the property line, and twenty (20) percent for every fifty (50) feet beyond one hundred fifty (150) feet thereafter, to a maximum of one hundred eighty (180) percent of the original sign size. However, under no circumstances may the area of a wall sign(s) exceed ninety (90) percent of the signable area for a building façade.



3. **Materials Required:** All wall signs shall have a surface or facing of noncombustible material.

4. **Limitation on Placement:** No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
5. **Projection and Height:** No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached to the outer surface. Wall signs may project over the public right-of-way not to exceed twelve (12) inches and shall not extend below a minimum height of eight (8) feet above the ground level if such sign exceeds four (4) inches in thickness.
6. **Supports and Attachments:** All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws or other means as approved by the Building Official. In no case shall any wall sign be secured with wire, strips of wood, or nails.

**C. PROJECTING SIGNS:**

1. The Planning Commission, with a recommendation from the DDA, may authorize a sign to project into the public right-of-way subject to the following conditions:
  - a. One (1) projecting sign limited to not more than ten (10) square feet of sign area for each side of such sign.
  - b. No projecting sign shall exceed a height greater than the front wall height of the building to which it is attached or extend below a minimum height of eight (8) feet above the ground level.
  - c. The distance measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.
  - d. In the case of a zero lot line establishment, no projecting sign may project beyond the property line by more than three (3) feet.
  - e. Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
2. Time and temperature signs shall be permitted.

**D. MARQUEE, AWNING, OR CANOPY SIGNS:**

1. The signable area of a marquee, awning or canopy sign shall be limited to fifty (50) percent of the area of the front or top plane and twenty-five (25) percent of the side plane of the marquee, awning or canopy.
2. Signage shall be attached directly to the marquee, awning or canopy.
3. Letters shall not project above, below, or beyond the physical dimensions of the awning or canopy.
4. A marquee may extend above the building to which it is attached.

5. No marquee, awning, or canopy sign shall extend below a minimum height of eight (8) feet.
6. Every marquee sign shall be constructed entirely of noncombustible materials.
7. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods, braces, or other means as approved by the Building Official.
8. Awnings and marquees may project into the public right-of-way subject to the following conditions:
  - a. The awning or marquee is located on a building wall that is set back no more than two (2) feet from the property line.
  - b. The set back requirement for the yard in which the architectural feature is located is zero (0) feet.
  - c. The architectural feature shall not extend into the public right-of-way by more than forty (40) percent of the distance from the front property line to the edge of the street curb, unless otherwise permitted by ordinance.
  - d. The architectural feature will not interfere with any existing or planned public improvement.
  - e. The Planning Commission, with a recommendation from the DDA, may authorize a marquee to project into the public right-of-way in excess of the limitations set forth in item c when incidental to a theater, subject to the other conditions set forth in this section and subsequent to receipt of the Planning Commission's recommendations.

### E. TEMPORARY SIGNS:

1. **Number and Size of Temporary Signs:** No more than two (2) temporary signs shall be allowed per commercial or industrial establishment for a total of thirty (30) square feet in sum. The larger of any one (1) temporary sign shall be no greater than twenty (20) square feet.
2. **Portable Signs:** One (1) portable sign shall be considered the same as two (2) temporary signs and shall be no greater than thirty (30) square feet. The portable signs shall be permitted as a temporary sign for a period not to exceed fourteen (14) days in a one (1) year period. In no instance shall such sign be located so as to obstruct automobile or pedestrian travel lanes. Such signs shall neither be illuminated nor connected to an energy source. Such signs shall not constitute a safety hazard to the public.
  - a. **A-Frame Signs**
    - (1) Shall be permitted by right in all CBD districts. May be permitted in the B-1, B-2, B-3 and the OS-1 districts upon submittal of a request to the Zoning Administrator or Planning Director per the criteria listed below.

- (2) No more than one sign per business per street frontage.
  - (3) An annual no-fee permit is required.
  - (4) Must be constructed of durable materials
  - (5) Sign shall be removed when business is closed.
  - (6) Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. Maximum spread between the two panels at the base shall be 2'6". A-frame signs located entirely on private property may be a maximum of 3' in width.
  - (7) Must be located on or adjacent to the lot in which the business is located. Exception: If a building has no front yard the sign may be located on the sidewalk upon approval of the Zoning Administrator so long as the sign is not an obstacle to either pedestrians or vehicles. If located within the DDA District the Zoning Administrator must receive a recommendation from the DDA Director before acting.
  - (8) Sign shall not be illuminated.
  - (9) Sign may be located in a right-of-way as a directional off-premise sign upon approval by the Zoning Administrator and DDA Director, if necessary. See [Section 4.8](#).
3. Non-rigid material which is used to cover an existing permanent sign shall be placed on the sign on a temporary basis not to exceed six (6) months. Such material shall not be considered a temporary sign and shall not be affixed permanently to the sign.

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SECTION 4.6 SIGNS: CHURCHES, SCHOOLS OR NONPROFIT INSTITUTIONS – ALL DISTRICTS



Churches, colleges, schools, buildings housing governmental functions and utilities of the City, County or State or any subdivision thereof, and public or private nonprofit agencies are permitted to erect a sign. There shall be no more than one (1) sign of a permanent nature. Such signs, when of a permanent nature, shall be constructed of noncombustible materials and shall meet all the requirements of this Ordinance, except as provided hereafter and may include freestanding, wall, portable and temporary signs as defined in this Ordinance and subject to the following conditions ([Table 4C](#)):

A. **FREESTANDING SIGNS (MONUMENT AND PYLON SIGNS):**

1. There shall be no more than one (1) freestanding sign.
2. No sign shall exceed thirty (30) square feet in area, for each side of such sign, unless the sign is located more than fifty (50) feet behind the property line, then said sign may be increased by five (5) additional square feet for each additional ten (10) feet of setback, but in no event shall such sign exceed fifty (50) square feet in area for each side of such sign.
3. Illumination of signs shall be permitted.
4. The distance measured between the principal faces of any freestanding sign shall not exceed eighteen (18) inches.

B. **WALL SIGNS:**

1. There shall be no more than one (1) wall sign for each street frontage.
2. No sign shall exceed fifty (50) percent of the signable area to a maximum of forty (40) square feet. Wall sign increases may be permitted as per [Section 4.5\(B\)\(2\)](#).
3. **Limitation on Placement:** No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
4. **Projection and Height:** No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached to the outer surface. Wall signs may project over the public right-of-way not to exceed twelve (12) inches and shall not extend below a minimum height of eight (8) feet above the ground level if such sign exceeds four (4) inches in thickness.
5. **Supports and Attachments:** All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion

screws or other means as approved by the Building Official. In no case shall any wall sign be secured with wire, strips of wood or nails.

- C. **PORTABLE SIGNS AND TEMPORARY SIGNS:** Regulations contained in [Section 4.5 \(E\)](#) shall apply.

### SECTION 4.7 MESSAGE BOARDS

- A. **STATIC MESSAGE BOARDS:** One (1) static message board shall be allowed in addition to the primary freestanding or wall sign in the OS-1, B-1, B-2, B-3, CBD, CCD, I-1 and I-2 Districts and for churches, schools, or nonprofit institutions in all districts.
1. The static message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by zoning district, whichever is less.
  2. Static message boards shall only contain advertising for on-premise establishments or public service announcements.
  3. Static message boards shall be an integral part of the primary sign.
- B. **ELECTRONIC MESSAGE BOARDS:** One (1) electronic message board shall be allowed in addition to the primary freestanding or wall sign in the CCD, OS-1, B-1, B-2, B-3, I-1 and I-2 Districts and for churches, schools, or nonprofit institutions in all districts.
1. The electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by zoning district, whichever is less.
  2. Electronic message boards shall be an integral part of the primary sign.
  3. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
  4. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
  5. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
  6. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
  7. Electronic message boards shall only contain advertising for on-premise establishments unless otherwise allowed in this Ordinance.



- C. **Number Allowed:** Only one (1) static or one (1) electronic message board shall be permitted per property.

## SECTION 4.8 OFF-PREMISE ADVERTISING SIGNS & DIRECTIONAL SIGNS

- A. **OFF-PREMISE ADVERTISING SIGNS (Table 4D):** The regulation of off-premise signs is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Off-premise sign regulations address the location, size, height and related characteristics of such signs.
1. **Area and Height Limitations:** No off-premise sign may be erected or maintained of a greater surface area than three hundred (300) square feet for each side of such sign. The top of the sign shall be no more than fifteen (15) feet above the ground and the bottom of the sign shall be at least three (3) above the ground. Double faced off-premise sign structures (i.e., structures having back-to-back faces) and V-type structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one off-premise sign.
  2. **Location:** Static and digital off-premise signs may be erected only in an Industrial District along a State trunkline. No off-premise sign may be erected or maintained within five hundred (500) feet of any public park, recreation area, public reservation, bridge, school or church nor within fifty (50) feet of street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet. No off-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
  3. **Spacing:** Off-premise signs shall be located no closer to one another than two thousand (2000) feet.
  4. **Material Required:** All off-premise signs shall have a surface or facing of non-combustible material.
  5. **Illumination:** An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
  6. **Digital Off-Premise Signs:**
    - a. **Rate of Change:** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
    - b. **Luminance:** The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2

hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.

- c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.
7. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
8. An off-premise sign established within an industrial area, as defined in the [Highway Advertising Act of 1972](#) (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.

**B. COMBINATION OFF-PREMISE & ON-PREMISE ELECTRONIC MESSAGE BOARDS (Table 4D):** Digital signs which are used to advertise both on-premise and off-premise establishments shall comply with the following regulations:

1. A permanent, static on-premise primary sign must be in existence totaling at least twenty-five (25) percent of the allowable sign size in the district. The balance of the total allowable sign area may consist of the Combination Off-Premise/On-Premise Sign.
2. The Combination Off-Premise/On-Premise Sign shall adhere to the regulations contained in [§4.7\(B\)\(2-6\)](#).
3. Over fifty (50) percent of the digital messages contained on such sign shall advertise the on-premise establishment. The balance of the messages may advertise off-premise establishments under the same ownership and/or public service announcements.
4. Each message shall remain readable for at least six (6) seconds.
5. Combination Off-Premise & On-Premise Digital Signs shall be spaced at least one thousand (1,000) feet apart in all Districts.
6. Combination Off-Premise & On-Premise Digital Signs shall be allowed in the OS-1, B-2, B-3, CBD, CCD, I-1 and I-2 Districts.
7. Combination Off-Premise/On-Premise Signs shall count toward the total sign area allowed for the property.

**C. OFF-PREMISE DIRECTIONAL SIGNS:**

1. Off-premise signs shall be no greater than six (6) square feet.
2. Off-premise signs must be located at intersections.

3. Off-premise signs shall only be located on commercial or industrial property on the streets designated on [Map 4.1](#).
  4. One (1) off-premise sign is permitted per commercial or industrial zoning lot.
- D. **OFF-PREMISE SIGNS IN THE PUBLIC RIGHT-OF-WAY:** A-frame signs may be allowed in the public right-of-way. The following regulations shall apply:
1. Signs shall be approved by the City Council.
  2. Signs shall be removed each night.
  3. Signs shall only be located at intersections on the streets designated in [Map 4.1](#).
  4. Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. Maximum spread between the two panels at the base shall be 2'6".
  5. The owner of the property abutting the right-of-way on which the sign is placed shall be notified, prior to City Council approval, that the sign is being requested.

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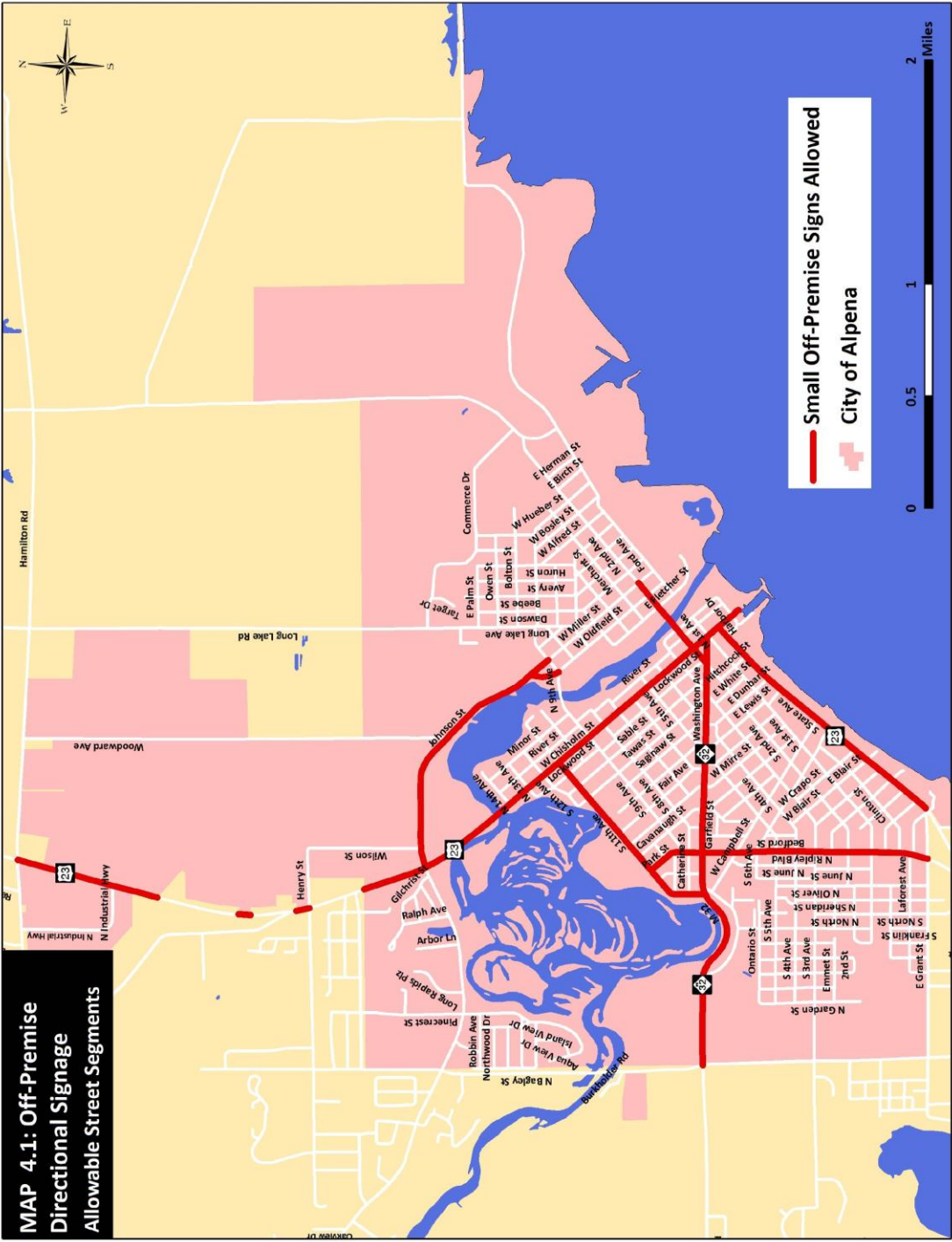
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### SECTION 4.9 TABLES OF SIGN REGULATIONS

TABLE 4A: ON-PREMISE SIGNS RESIDENTIAL SIGN REQUIREMENTS			
	<div> <div>R-1</div> <div>R-2</div> <div>TBO</div> <div>R-T</div> <div>RM-1</div> <div>RM-2</div> </div>		
	Single & Two- Family Uses	Multiple Family, Subdivisions, Manufactured Housing Dev.	Lots on which a Home Occupation Exists (additional signage allowed)
Free-Standing Signs	1 at 4 sq ft per street frontage	1 double-sided or 2 single- sided per entrance 24 sq ft Height = 6 ft	1 at 8 sq ft or a 4 sq ft wall sign
Temporary Signs	Up to 12 sq ft of temporary signs. No individual temporary sign shall exceed 4 sq ft		
Wall Signs	1 at 2 sq ft		1 at 4 sq ft or an 8 sq ft freestanding sign

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**TABLE 4B: ON-PREMISE SIGNS**  
**CITY OF ALPENA SIGN REQUIREMENTS: BUSINESS & INDUSTRIAL**












		 	   	   
<b>Free-Standing Signs</b>	2 signs each at 4 sq ft and 4 ft high.	<p>Lots with 100 ft or less of frontage: 1 at 40 sq ft</p> <p>Lots with more than 100 ft of frontage: 40 sq ft may be increased 1 sq ft for each 7 lineal feet of frontage above 100 ft. Not to exceed 80 sq ft.</p> <p>Lots with at least 100 ft of frontage of each of 2 streets: 1 sign on each street. If sign is at intersection of 2 streets, only 1 sign is permitted.</p> <p>Height Limit: 6 ft Height may be increased 1 ft for each additional 10 sq ft of sign area in excess of 40 sq ft</p>	<p>Lots with 100 ft or less of frontage: 1 at 40 sq ft</p> <p>Lots with more than 100 ft of frontage: 40 sq ft may be increased 1 sq ft for each 7 lineal feet of frontage above 100 ft. Not to exceed 80 sq ft.</p> <p>Lots with at least 100 ft of frontage of each of 2 streets: 1 sign on each street. If sign is at intersection of 2 streets, only 1 sign is permitted.</p> <p>Height Limit: 13 ft Height may be increased 1 ft for each additional 10 sq ft of sign area in excess of 40 sq ft.</p>	<p>Lots with 100 ft or less of frontage: 1 at 40 sq ft</p> <p>Lots with more than 100 ft of frontage: 40 sq ft may be increased 1 sq ft for each 7 lineal feet of frontage above 100 ft. Not to exceed 80 sq ft.</p> <p>Lots with at least 100 ft of frontage of each of 2 streets: 1 sign on each street. If sign is at intersection of 2 streets, only 1 sign is permitted.</p> <p>Height Limit: 6 ft Height may be increased 1 ft for each additional 10 sq ft of sign area in excess of 40 sq ft.</p>
<b>Wall Signs</b>	1 sign at 9 square feet	40% of the Signable Area to a maximum of 50 sq ft per façade	50% of the Signable Area to a maximum of 75 sq ft per façade	50% of the Signable Area to a maximum of 50 sq ft per façade
		See <a href="#">Section 4.5(B)</a> for "Signable Area" and "Wall Sign Increase"		
<b>Projecting Signs</b>		1 at 10 sq ft Minimum height of 8 ft	1 at 10 sq ft Minimum height of 8 ft	1 at 10 sq ft Minimum height of 8 ft
<b>Marquee, Awning or Canopy Signs</b>		Signable Area shall be limited to 50% of the area of the front and top plane and 25% of the side plan. Minimum height of 8 ft	1 at 32 sq ft Minimum height of 8 ft	1 at 32 sq ft Minimum height of 8 ft
<b>Message Boards (Static &amp; Digital)</b>		1 Shall be used in conjunction with a primary sign. Shall be no greater than 50% of the area of the primary sign existing or as allowed by district, whichever is less.		
<b>Temporary Signs</b>				
<b>Temporary Event/Product</b>		2 at 30 sq ft in sum. The larger sign shall equal no greater than 20 sq ft.		
<b>Portable Signs</b>		1 portable sign - considered the same as 2 temporary signs. Maximum 30 sq ft. Not to exceed 14 days in 1 year.		
<b>A-Frame Signs</b>		1 at 2 ft wide X 4 ft high.		

TABLE 4C: ON-PREMISE SIGNS CITY OF ALPENA SIGN REQUIREMENTS: Churches, Schools, and Nonprofit Institutions	
	<b>All Districts</b>
<b>Free-Standing Signs</b>	1 at 30 sq ft If sign is located more than 50 ft behind the property line, may be increased by 5 additional ft for each additional 10 ft of setback. Shall not exceed 50 sq ft
<b>Wall Signs</b>	No sign shall exceed fifty (50) percent of the signable area to a maximum of forty (40) sq ft. Wall sign increases may be permitted as per <a href="#">§4.5(B)(2)</a> .
<b>Temporary Signs</b>	No more than two (2) temporary signs shall be allowed per commercial or industrial establishment for a total of thirty (30) square feet in sum. The larger of any one (1) temporary sign shall be no greater than twenty (20) square feet.
<b>Portable Sign</b>	1 portable sign - considered the same as 2 temporary signs. Maximum 30 sq ft. Not to exceed 14 days in 1 year.
<b>A-Frame Signs</b>	1 at 2 ft wide X 4 ft high.



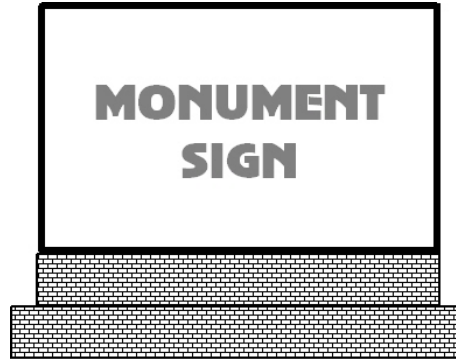
TABLE 4D OFF-PREMISE SIGNS & COMBINATION OFF-PREMISE/ON-PREMISE ELECTRONIC MESSAGE BOARDS			
	<div>OS-1</div> <div>B-1</div>	<div>B-2</div> <div>B-3</div> <div>CBD</div> <div>CCD</div> <div>DOD</div>	<div>I-1</div> <div>I-2</div>
<b>Exclusively Off-Premise</b>	Not Allowed	Not Allowed	<ul style="list-style-type: none"> <li>Allowed along State trunklines.</li> <li>300 sq ft per side.</li> <li>Height = 15 ft (the bottom of which is at least 3 ft above the surface of the ground).</li> <li>Not within 500 ft of public park, recreation area, public reservation, bridge, school or church.</li> <li>Not within 50 ft of street lines at any intersection.</li> <li>Minimum setback of 25 ft from front property line.</li> <li>Spacing requirement: 2,000 ft</li> <li>Digital off-premise signs allowed as per regulations stated. In 4.8(A)(6)</li> </ul>
<b>Combination Off-Premise/On-Premise Electronic Message Boards.</b>	Not Allowed	<ul style="list-style-type: none"> <li>Must be used in conjunction with permanent static primary signs.</li> <li>Primary sign must total at least 25% of allowable sign area. The balance of the sign may consist of combination off-premise/on-premise digital sign.</li> <li>Majority of messages must relate to on-premise establishment.</li> <li>Balance of messages may relate to off-premise establishment under the same ownership and/or public service announcements.</li> <li>Shall be spaced 1,000' apart in all Districts.</li> </ul>	<ul style="list-style-type: none"> <li>Must be used in conjunction with permanent static primary signs.</li> <li>Primary sign must total at least 25% of allowable sign area. The balance of the sign may consist of combination off-premise/on-premise digital sign.</li> <li>Shall be spaced 1,000 ft apart.</li> <li>Majority of messages must relate to on-premise establishment. Balance of messages may relate to off-premise establishment under the same ownership and/or public service announcements.</li> </ul>

## SECTION 4.10 SIGN DIAGRAMMS

**Pylon Sign  
(Freestanding)**



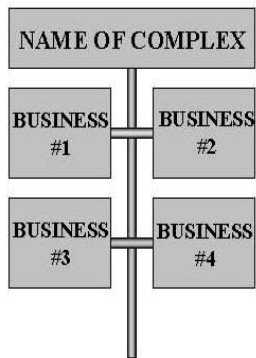
**Monument Sign (Freestanding)**



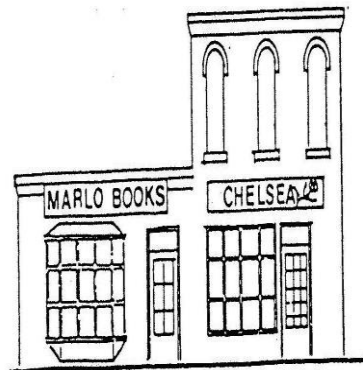
**Message Board**



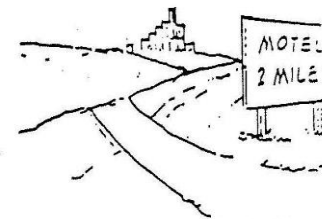
**Cluster Sign**



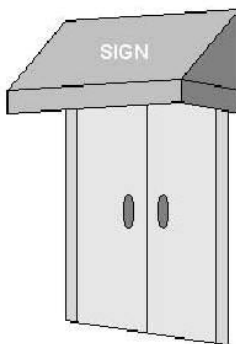
**Wall Signs**



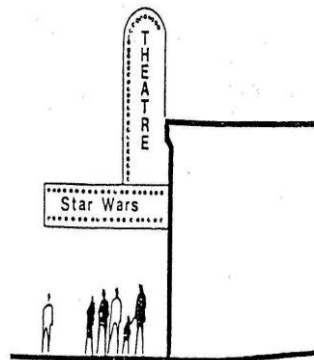
**Off-Premise Sign**



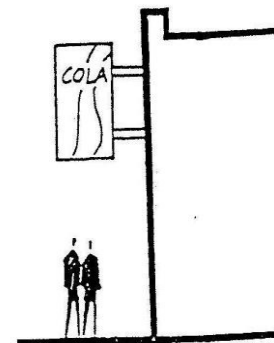
**Awning Sign**



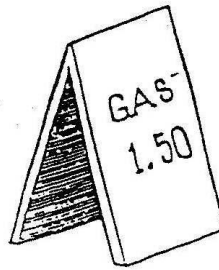
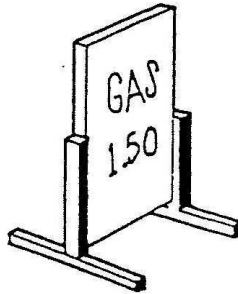
**Marquee Sign**



**Projecting Sign**



### Temporary Signs



A-Frame Sign



Portable Sign

### SECTION 4.11 SEVERABILITY CLAUSE FOR SIGNS

Provisions of Article 4 shall be deemed to be severable, and should any section, subsection, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Chapter as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Chapter to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

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## ARTICLE 5 ZONING DISTRICTS

SECTION	PG	NAME	SECTION	PG	NAME
5.0	134	DISTRICTS ESTABLISHED	5.13	162	DOD: DOWNTOWN OVERLAY DIST.
5.1	135	ZONING MAP	5.14	172	CCD: COMMERCIAL CORRIDOR DIST.
5.2	135	ZONING DISTRICT BOUNDARIES	5.15	179	OS-1: OFFICE SERVICE DIST.
5.3	136	ZONING OF VACATED AREAS	5.16	182	B-1: LOCAL BUSINESS DIST.
5.4	136	ZONING OF FILLED AREAS	5.17	185	B-2: GENERAL BUSINESS DIST.
5.5	136	ZONING OF ANNEXED AREAS	5.18	189	B-3: COMMERCIAL DIST.
5.6	137	GENERAL: ALL DISTRICTS	5.19	194	I-1: LIGHT INDUSTRIAL DIST.
5.7	138	R-1 & R-2: ONE-FAMILY RES. DIST.	5.20	199	I-2: GENERAL INDUSTRIAL DIST.
5.8	142	THUNDER BAY OVERLAY DIST.	5.21	205	P-1: VEHICULAR PARKING DIST.
5.9	147	RT: TWO FAMILY RESIDENTIAL DIST.	5.22	207	CR: CONSERVATION & RESOURCES
5.10	150	RM-1 & RM-2: MULTI FAMILY RES. DIST.	5.23	208	PR: PARKS & RECREATION DIST.
5.11	154	WD: WATERFRONT DEVELOPMENT DIST.	5.24	210	PUD PLANNED UNIT DEV DIST.
5.12	159	CBD: CENTRAL BUSINESS DIST.	5.25	218	US 23 OVERLAY DIST.
			5.26	225	USE MATRIX

### SECTION 5.0 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the City of Alpena is hereby divided into the following districts:

<b>R-1</b> ONE-FAMILY RESIDENTIAL DISTRICT	<b>B-1</b> LOCAL BUSINESS DISTRICT
<b>R-2</b> ONE-FAMILY RESIDENTIAL DISTRICT	<b>B-2</b> GENERAL BUSINESS DISTRICT
<b>TBNO</b> THUNDER BAY NEIGHBORHOOD OVERLAY	<b>B-3</b> COMMERCIAL DISTRICT
<b>RT</b> TWO-FAMILY RESIDENTIAL DISTRICT	<b>I-1</b> LIGHT INDUSTRIAL DISTRICT
<b>RM-1</b> MULTIPLE-FAMILY RESIDENTIAL DISTRICT	<b>I-2</b> GENERAL INDUSTRIAL DISTRICT
<b>RM-2</b> MULTIPLE-FAMILY RESIDENTIAL DISTRICT	<b>P-1</b> VEHICULAR PARKING DISTRICT
<b>WD</b> WATERFRONT DEVELOPMENT DISTRICT	<b>CR</b> CONSERVATION & RESOURCES DISTRICT
<b>CBD</b> CENTRAL BUSINESS DISTRICT	<b>PR</b> PARKS & RECREATION DISTRICT
<b>DOD</b> DOWNTOWN OVERLAY DISTRICT	<b>PUD</b> PLANNED UNIT DEVELOPMENT DISTRICT
<b>CCD</b> COMMERCIAL CORRIDOR DISTRICT	<b>US 23 CORRIDOR OVERLAY DISTRICT</b>
<b>OS-1</b> OFFICE SERVICE DISTRICT	



## SECTION 5.1 ZONING MAP

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Zoning Map of the City of Alpena, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. The official Zoning Map shall be located in Alpena City Hall and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Planning Director and Planning Commission Chair.

## SECTION 5.2 ZONING DISTRICT BOUNDARIES

The boundaries of these districts are hereby established as shown on the "Zoning Map of the City of Alpena, Michigan", which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- E. Boundaries indicated as following shore lines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. When shorelines of lakes have changed, the boundary line shall be constructed as following the contour of the new shoreline and in case of changes in the course in the stream, the boundary shall be considered as the centerline of the new course.
- G. Boundaries indicated as parallel to or extensions of features indicated in subsections A through F above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- H. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.
- I. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended

location of any district boundaries shown thereon interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

### SECTION 5.3 ZONING OF VACATED AREAS

Whenever any street, highway or other public right-of-way within the City of Alpena shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

### SECTION 5.4 ZONING OF FILLED AREAS

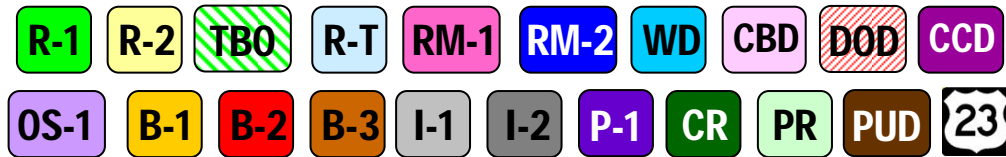
Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the City unless appropriate permits are obtained.

### SECTION 5.5 ZONING OF ANNEXED AREAS

Whenever any area is annexed to the City of Alpena, one of the following conditions will apply:

- A. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Council and the Council shall approve same by resolution.
- B. Land not zoned prior to annexation shall be automatically classified as an R-2 District until a Zoning Map for said area has been adopted by the City Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the City Council.

## SECTION 5.6 GENERAL (ALL DISTRICTS)



### A. Permitted Uses:

Permitted uses in all districts shall be limited to the uses listed in [Table 5.26: Use Matrix](#).

### B. Uses by Special Land Use Permit:

Permitted Special Land Uses in all districts shall be limited to the uses listed in [Table 5.26: Use Matrix](#) and shall be subject to the provisions of [Article 6: Plot Plans, Site Plan and Special Use Review](#), and the applicable portions of [Article 7: Supplemental Development Regulations](#).

### C. Area and Height Regulations:

No building or structure shall hereafter be erected, altered or enlarged unless the height, setback, and lot requirements in [§5.7–5.25](#) are provided and maintained in connection with such building, erection, alteration or enlargement.

### D. Approvals

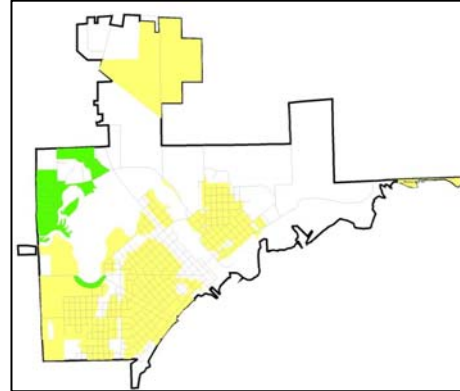
<b>Administrative Approvals</b>	The proposed development complies with all aspects of the Zoning Ordinance, requiring no Administrative Departures or variances from the Zoning Board of Appeals and the site plan is reviewed and approved by Planning Staff.
<b>Administrative Departures</b>	An Administrative Departure is a permitted deviation from the requirements of the Zoning District which are approved by the Planning Staff. Only those Administrative Departures that are listed within each Zoning District may be considered.
<b>Planning Commission Approval</b>	The development is subject to site plan review by the Planning Commission in accordance with the applicable provisions of <a href="#">Article 7</a> .
<b>Planning Commission Departure</b>	A Planning Commission Departure is a permitted deviation from the requirements of the Zoning District which are approved by the Planning Commission. Only those Planning Commission Departures that are listed within each Zoning District may be considered.
<b>Planning Staff</b>	Any member or designee of the City of Alpena planning staff with the authority to administer the Zoning Ordinance.
<b>Special Land Uses</b>	Special Land Uses are those uses listed within each Zoning District that require approval by the Planning Commission after a public hearing in accordance with the provisions of this Ordinance.
<b>Variances (Dimensional &amp; Use Variances)</b>	A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or unnecessary hardship as defined in <a href="#">Article 8</a> of this Ordinance. Any modification not considered an Administrative or Planning Commission Departure is considered a variance.

## SECTION 5.7 R-1 AND R-2: ONE-FAMILY RESIDENTIAL DISTRICTS

R-1 R-2

## A. INTENT

The R-1 and R-2 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

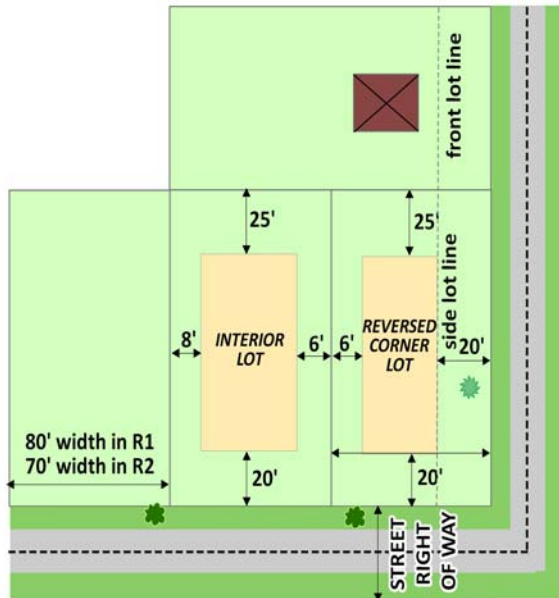


## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

<b>R</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *Uses with Supplemental Regulations -Article 7	<b>R-1</b>	<b>R-2</b>
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>		
<i>Accessory Buildings/Structures</i>	R	R
<i>Cottage Industry</i>	S*	S*
<i>Home Occupations</i>	R*	R*
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</i>		S*
<i>One-Family Dwelling (year round &amp; seasonal)</i>	R	R
<i>Secondary Dwelling Units</i>	S*	S*
<b>EDUCATIONAL SERVICES/RELIGION</b>		
<i>Public or private schools</i>	S	S
<i>Religious Institutions</i>	S	S
<b>PUBLIC FACILITIES</b>		
<i>Community Centers (public)</i>	S	S
<i>Libraries</i>	S	S
<i>Police/Fire Stations</i>	S	S
<b>PARKING LOTS</b>		
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*	S*
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>		
<i>Family Child Care Home</i>	R*	R*
<i>Group Child Care Home</i>	S*	S*
<i>Child Care Center or Day Care Center</i>	S*	S*
<i>Nursery Schools</i>	S*	S*
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R	R

<b>R</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	<b>R-1</b>	<b>R-2</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>		
<i>Assembly Halls</i>	S	S
<i>Botanical Gardens/Nature Parks</i>	S	S
<i>Docks, Launch Ramps and Associated Parking Areas</i>	S	S
<i>Golf Courses</i>	S*	S*
<i>Public Parks, Playgrounds, and Recreation Areas</i>	S	S
<i>RV Parks &amp; Campgrounds</i>	S*	S*
<b>ACCOMMODATION AND FOOD SERVICES</b>		
<i>Bed &amp; Breakfasts</i>	S*	S*
<i>Rooming &amp; Boarding Houses</i>		S*
<b>GENERAL COMMERCIAL/BUSINESS/SERVICE</b>		
<i>Cemeteries</i>	R	R
<i>Commercial Use in a Residential District (Neighborhood Business)</i>		S*
<b>UTILITIES/ENERGY/COMMUNICATIONS</b>		
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*	R*
<i>Public Utility Facilities (without storage yards)</i>	S	S
<i>Wind Energy Systems (small on-site)</i>	R*	R*
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>		S*

## C. DEVELOPMENT STANDARDS

**1. SETBACKS**

Minimum front yard <sup>1</sup> :	20ft
Minimum rear yard <sup>2</sup> :	25 ft
Minimum interior side yard:	6ft (14ft for two)
Minimum corner side yard <sup>3</sup> :	20 ft

- <sup>1</sup> For all other uses permitted other than single-family residential, the setback shall be equal the height of the main building or as required in [Article 7: Supplemental Development Regulations](#).
- <sup>2</sup> In the case of a corner lot which is addressed along the longest street frontage, the rear setback shall be 20 ft.
- <sup>3</sup> In the case of a reversed corner lot, the side lot line of which is substantially a continuation of the front lot line on the lot to its rear, the side setback for a principal structure shall be equal to setback of the principal structure of the adjoining lot or the front yard setback of the district, whichever is less.

Wall openings on lawful principal and accessory structures shall be prohibited on side or rear walls when the respective wall is less than five (5) feet from the nearest lot line.

**2.****MINIMUM LOT SIZE<sup>4</sup>**R1: 9,600 ft<sup>2</sup>R2: 8,400 ft<sup>2</sup>**MINIMUM LOT WIDTH**

R1: 80 ft

R2: 70 ft

**MAXIMUM LOT COVERAGE**

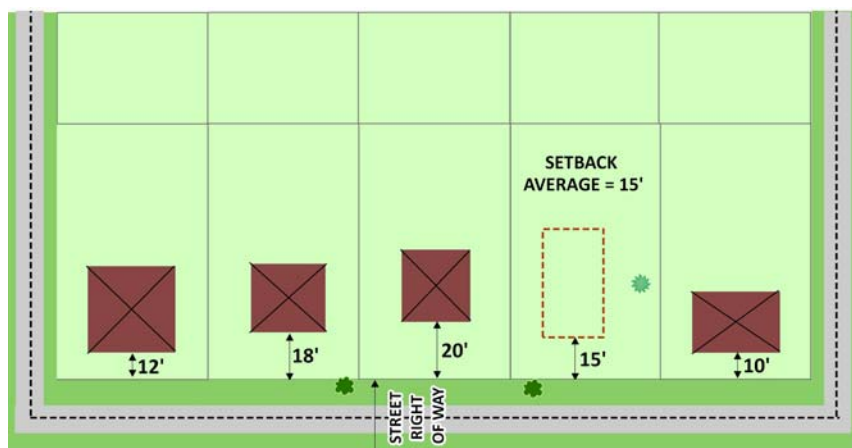
R1: 30%

R2: 35%

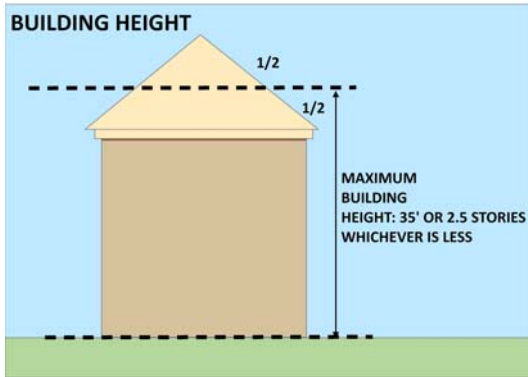
**MINIMUM DWELLING UNIT SIZE**

960 ft<sup>2</sup> of living space\*; for multi-story structure, a minimum of 480 ft<sup>2</sup> on the ground floor.

\*As defined by the Michigan Residential Code, as amended.

**3. FRONT YARD SETBACK FOR INFILL SITES:**

Front yard setback shall be the average, +/- three (3) feet, of the front yard setbacks of all residences in the block on the same side of the street as the proposed residence. No front yard shall be less than ten (10) feet.



#### 4. BUILDING HEIGHT MAXIMUM 35 ft or 2 ½ stories, whichever is less

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

#### 5. CONDITIONS FOR ONE-FAMILY DETACHED DWELLINGS: One-family detached dwellings, site-built or pre-manufactured, are subject to the following conditions:

- (a) Shall comply with applicable Building Codes and Ordinances unless exempt totally or partly under State or Federal Regulations.
- (b) Exterior building wall configurations shall represent an average width to depth ratio in reasonable conformity to dwelling units on adjacent properties in the surrounding neighborhood.
- (c) Each submittal for one-family residential structures shall include two (2) sets of plans and a material description list, and, if the dwelling proposed is a pre-manufactured unit, this submittal shall also include State of Michigan Bureau of Construction Codes or H.U.D. systems approval report and seal in accordance with Michigan Pre-manufactured Unit Rules and further shall meet all of the above criteria. (Ord. No. 202, Sec. 401).

#### 6. CONDITIONS FOR SINGLE-FAMILY DETACHED CONDOMINIUMS IN CONDOMINIUM SUBDIVISIONS:

Single-family detached condominiums shall meet all minimum requirements and standards of the district in which such dwellings are to be constructed, including minimum floor area requirements and excepting minimum lot size which shall be so developed that the number of dwelling units per gross acre shall not exceed the following:

**R-1** 3.4 dwelling unit per gross acre.

**R-2** 3.7 dwelling unit per gross acre.

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**D. ADMINISTRATIVE PROCEDURES**

<b>Administrative Approval</b>	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
<b>Planning Commission Departures</b>	

**E. ADDITIONAL REGULATIONS THAT APPLY****ARTICLE 3: GENERAL PROVISIONS**

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.15 Residential Entranceway
- 3.18 Manufactured Homes
- 3.19 Home Occupations/Cottage Industries
- 3.23 Storage in Front Yards
- 3.24 Waterfront Setback & Floodplains
- 3.25 Animals
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming

**ARTICLE 4: SIGNS**

- 4.3 Residential Districts
- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

**ARTICLE 5: DISTRICT REGULATIONS**

- 5.8 Thunder Bay Neighborhood Overlay District

**ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS**

- 7.3 Amateur Radio Antennas
- 7.7 Bed & Breakfasts
- 7.8 Campgrounds/RV Parks
- 7.9 Child Care Centers; Nursery Schools; Day Care Homes
- 7.10 Commercial/Office Use in Residential District
- 7.13 Golf Courses
- 7.20 Manufactured Housing Community
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.30 Rooming & Boarding Houses
- 7.32 Secondary Dwelling Units
- 7.40 Wind Energy Systems



## SECTION 5.8 THUNDER BAY NEIGHBORHOOD OVERLAY DISTRICT



## A. INTENT

The Thunder Bay Neighborhood Overlay District is designed to encourage the development of single family detached housing compatible with the existing residences in the neighborhood – both in terms of their site development and general building characteristics. The City recognizes the diversity of architectural styles within the neighborhood, which give it its unique character. It is not the intent of these regulations to dictate a particular architectural style, but to provide general development and design parameters to protect, enhance and complement the existing character of the neighborhood. All new construction and remodeling which enlarges or alters the exterior of an existing residence within the overlay district shall also be subject to the requirements of this article.

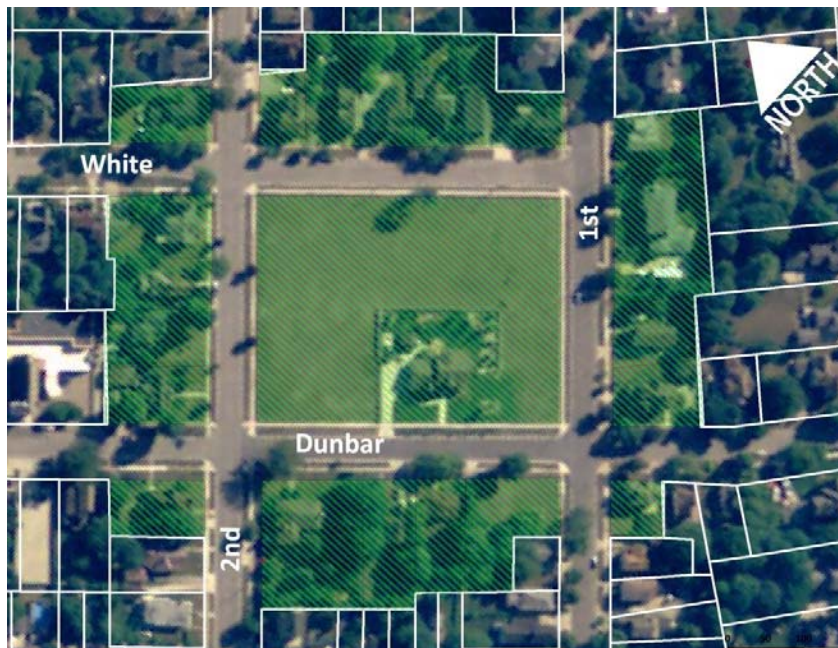
## B. USES

All principal uses and principal uses permitted subject to special conditions specified in **R-2, One-Family Residential District**, shall remain in full force and effect in the overlay zone.

**R-2**

## C. DISTRICT BOUNDARIES

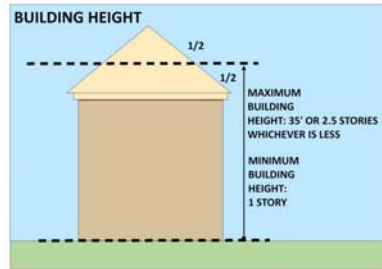
Block 10 of Hitchcocks 1<sup>st</sup> Addition plus all existing platted lots, parcels and zoning lots fronting on First Avenue, Second Avenue, Dunbar Street and White Street within 150 feet of the perimeter of said Block 10.



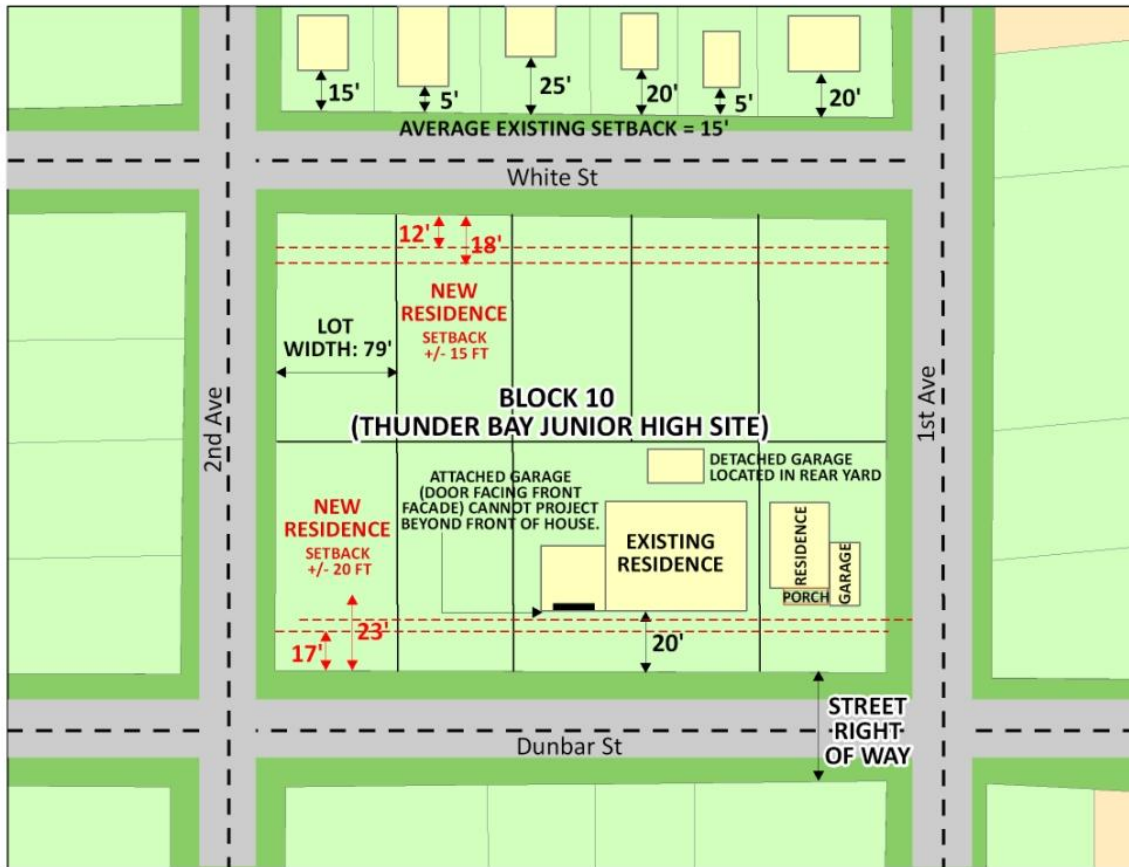
## D. DEVELOPMENT STANDARDS

Except as modified below, all development within the overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

### 1. Thunder Bay Neighborhood Overlay District Site and Building Standards: NEW CONSTRUCTION

	Thunder Bay Junior High Site (Block 10)	Other Lots/Parcels
<b>Minimum Lot Size</b>	11,800 ft <sup>2</sup>	Shall meet the minimum requirements of the underlying district
<b>Minimum Lot Width</b>	79 ft	Shall meet the minimum requirements of the underlying district
<b>Front Yard Setback</b>	Average +/- three (3) feet of the front yard setbacks of all residences in the block on the same side of the street as the proposed residence. In the event the block is undeveloped, then the setback shall be the average front yard setback of all residences in the block immediately across the street from the proposed residence. Corner lots shall have two front yards, one facing each abutting public street. No front yard shall be less than ten (10) feet.	
<b>Attached Garages</b>	Attached garages with overhead door(s) facing on the front façade of the residence shall not project beyond the line of the front façade of the residence (including an attached open porch). Such an attached garage façade cannot exceed 45% of the total length of the front façade of the residence and garage combined.	
<b>Detached Garages</b>	Shall be located in the rear yard	
<b>Building Height</b>	<p><b>Minimum</b> 1 story</p> <p><b>Maximum:</b> 35 ft or 2 ½ stories, whichever is less</p> <p>Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could <u>not</u> be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by <a href="#">Article 7: Supplemental Development Regulations</a>.</p>	
		
<b>Floor Area</b>	<p>2-story residence: Minimum 1,000 ft<sup>2</sup> for the first floor; total minimum 1,400 ft<sup>2</sup></p> <p>1-story residence: Minimum 1,400 ft<sup>2</sup></p>	
<b>Roof Pitch</b>	Minimum roof pitch shall be 6:12. Lower pitched roofs may be permitted by the Planning Commission if compensated for by other architectural details – extended eaves, wider fascia, special roof treatment, etc. – or it can be demonstrated that the proposed roof pitch is an integral necessary part of the overall architectural design of the residence.	
<b>Accessory Bldgs</b>	The exterior materials, roof pitch and color(s) of detached garages and other accessory buildings in excess of two hundred (200) ft <sup>2</sup> shall be consistent with those of the principal residence	

**Existing Residences:** Any exterior remodeling or additions to existing residences within the district shall result in an architecturally and visually unified structure with consistent architecture, materials and color(s).



## 2. TWO OR MORE LOTS PURCHASED BY A SINGLE DEVELOPER

In the event an individual or firm purchases/controls two or more lots in Block 10 for the purpose of developing single family homes, the developer shall utilize a combination of variations in house "foot print" (see definition below), exterior materials, architectural elements and colors to provide architectural diversity consistent with the surrounding neighborhood.. A minimum of three, including the house "foot print", of the above variations shall be used. The number of "foot print" variations shall be based on the following:

<u>No. of Lots in Common Ownership/Control</u>	<u>Minimum No. of "Foot Print" Variations</u>
2-4	2
5-7	3
8-10	4

**House "Foot Print":** The outline of the house foundation on the ground, including attached garages, breezeways, porches, etc. Variations shall be such as to produce distinct physical and visual differences in the "foot print" apparent to the general public. This may be accomplished through additions or deletions to the "foot print" and/or varied modification of segment dimensions.

E. ADMINISTRATIVE PROCEDURES	
<b>Administrative Approval</b>	<b>Uses permitted by right</b>
<b>Planning Commission Approval</b>	<b>1. Special Land Uses</b>
	<b>2. Uses Permitted by Right in the following cases:</b> <ol style="list-style-type: none"> <li>If staff determines that the proposed residence is of such character that it may have a significant visual impact on the neighborhood; or</li> <li>Required by these regulations; or</li> <li>The applicant determines there has been an error in judgement by the planning staff and requests Planning Commission review and approval.</li> </ol>
<b>Administrative Departures</b>	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Attached Garage Location: Front line of garage may project no greater than the front line of the open or enclosed porch (will be evaluated on a case by case basis).
	3. Planning staff may approve up to a ten (10) percent decrease in minimum square footage.
<b>Planning Commission Departures</b>	1. Planning Commission may modify the development standards of this district in order to allow for creativity and flexibility in design, while maintaining the intent of the district regulations
<b>Application Materials Required</b>	<p>A development plan shall be submitted to the planning staff containing the following information:</p> <ol style="list-style-type: none"> <li>A dimensioned site plan illustrating the proposed new development or building or site addition;</li> <li>Building elevations; and</li> <li>Other supporting documentation necessary for staff to review the proposed development.</li> </ol>
<b>Appeal Process</b>	1. Any person may appeal a decision of planning staff to the Planning Commission. The Commission shall conduct a public hearing in accordance with <a href="#">Article 9</a> . Fees shall be in accordance with the established fee schedule.
	2. Any person may appeal a decision of the Planning Commission to the Zoning Board of Appeals in accordance with the procedures of <a href="#">Article 8</a> of this Ordinance. Fees shall be in accordance with the established fee schedule.

## F. ADDITIONAL REGULATIONS THAT APPLY

**ARTICLE 3: GENERAL PROVISIONS**

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
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- 3.18 Manufactured Homes
- 3.19 Home Occupations/Cottage Industries
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- 3.25 Animals
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- 3.28 Fences & Walls
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming

**ARTICLE 4: SIGNS**

- 4.3 Residential Districts
- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

**ARTICLE 5: DISTRICT REGULATIONS**

- 5.7 R-1 & R-2 One-Family Residential Districts

**ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS**

- 7.3 Amateur Radio Antennas
- 7.7 Bed & Breakfasts
- 7.8 Campgrounds/RV Parks
- 7.9 Child Care Centers; Nursery Schools; Day Care Homes
- 7.10 Commercial/Office Use in Residential District
- 7.13 Golf Courses
- 7.20 Manufactured Housing Community
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.30 Rooming & Boarding Houses
- 7.32 Secondary Dwelling Units
- 7.40 Wind Energy Systems

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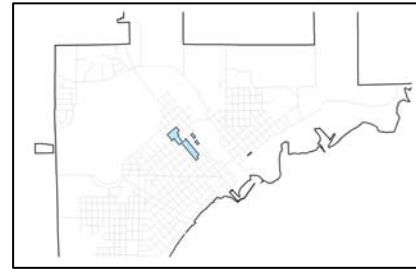


## SECTION 5.9 RT: TWO FAMILY RESIDENTIAL DISTRICT

R-T

## A. INTENT

The RT Two-Family Residential Districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfare or other uses which would affect residential character. This district also recognizes (1) the existence of older residential areas of the City where larger residences exist and (2) the need to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted.



## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

R = Permitted by right    S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	RT
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts</i>	S*
<i>Rooming and Boarding Houses</i>	S*
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Public Parks, Playgrounds, and Recreation Areas</i>	S
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Cemeteries</i>	S
<i>Commercial Use in a Residential District (Neighborhood Business)</i>	S*
<b>COMMUNICATIONS</b>	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Public or private schools</i>	S
<i>Religious Institutions</i>	S
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Family Child Care Home</i>	R*
<i>Group Child Care Home</i>	S*
<i>Child Care Center or Day Care Center</i>	S*
<i>Nursery Schools</i>	S*
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R
<b>PARKING LOTS</b>	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*
<b>PUBLIC FACILITIES</b>	
<i>Community Centers (public)</i>	S
<i>Libraries</i>	S
<i>Police/Fire Stations</i>	S
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>	
<i>Accessory Buildings/Structures</i>	R
<i>Cottage Industry</i>	S*
<i>Home Occupations</i>	R*
<i>One-Family Dwelling (year round &amp; seasonal)</i>	R
<i>Two-Family Dwelling (duplex)</i>	R
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	S
<i>Wind Energy Systems (small on-site)</i>	R*

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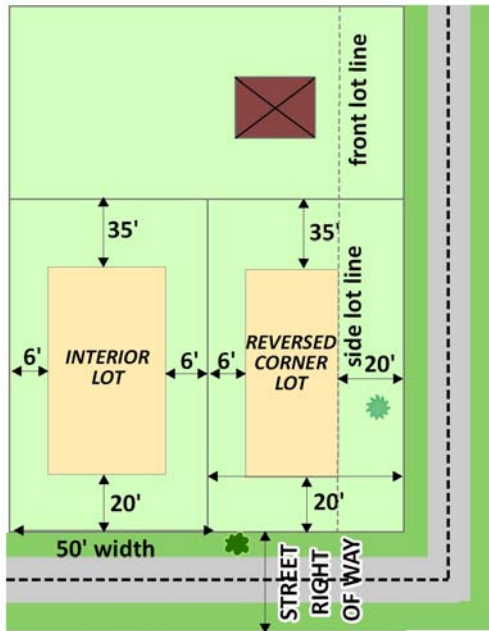
5 Zoning  
Districts6 Site Plan  
Review7 Supplemental  
Regulations

8 ZBA

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Amendments

## C. DEVELOPMENT STANDARDS



## 1. SETBACKS

Minimum front yard <sup>1</sup> :	20 ft
Minimum rear yard:	35 ft
Minimum interior side yard:	6ft
Minimum corner side yard <sup>2</sup> :	20 ft

<sup>1</sup> For all other uses permitted other than one and two-family residential, the setback shall be equal the height of the main building or as required in [Article 7: Supplemental Development Regulations](#).

<sup>2</sup> In the case of a reversed corner lot, the side lot line of which is substantially a continuation of the front lot line on the lot to its rear, the side setback for a principal structure shall be equal to setback of the principal structure of the adjoining lot or the front yard setback of the district, whichever is less.

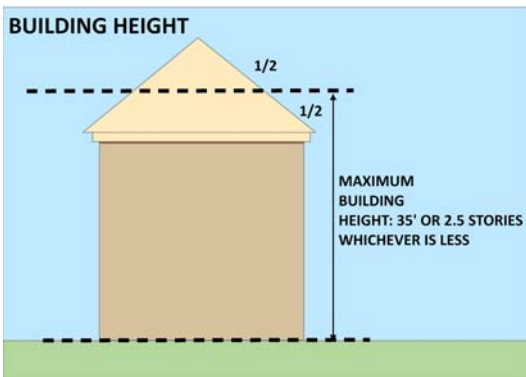
## 2.

## MINIMUM LOT WIDTH: 50 ft

## MINIMUM DWELLING UNIT SIZE:

350 ft<sup>2</sup> of living space\* excluding kitchen and sanitary facilities, per unit.

\*as defined by the Michigan Residential Code, as amended.



## 3. BUILDING HEIGHT MAXIMUM:

## 35 ft or 2.5 stories stories, whichever is less

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

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**D. ADMINISTRATIVE PROCEDURES**

<b>Administrative Approval</b>	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
<b>Planning Commission Departures</b>	

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- 3.31 General Exceptions
- 3.32 Nonconforming

**ARTICLE 4: SIGNS**

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**ARTICLE 7: SUPPLEMENTAL  
DEVELOPMENT REGULATIONS**

- 7.3 Amateur Radio Antennas
- 7.7 Bed & Breakfasts
- 7.9 Child Care Centers; Nursery Schools; Day Care Homes
- 7.10 Commercial/Office Use in Residential District
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.30 Rooming & Boarding Houses
- 7.40 Wind Energy Systems

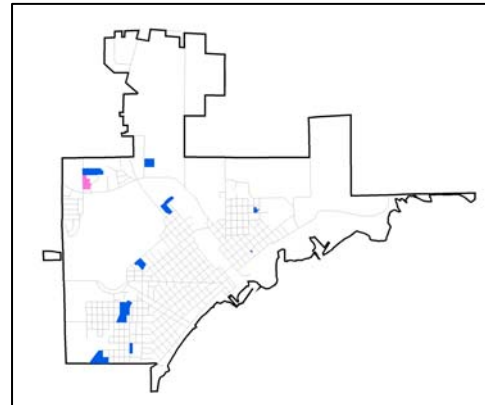
SECTION 5.10 RM-1 AND RM-2: MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

RM-1

RM-2

A. INTENT

The Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower-density single-family districts. The multiple-family district is further provided to serve the needs for the apartment type of unit in an otherwise medium-density, single-family community.



B. USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations -Article 7	RM 1	RM 2
<b>ACCOMMODATION AND FOOD SERVICES</b>		
<i>Bed &amp; Breakfasts</i>	S*	S*
<i>Rooming &amp; Boarding Houses</i>	S*	S*
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>		
<i>Botanical Gardens</i>	S	S
<i>Docks/Launch Ramps/Assoc Parking</i>	S	S
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	S	S
<i>Nature Parks</i>	S	S
<i>Public Parks, Playgrounds, and Recreation Areas</i>	S	S
<i>RV Parks/Campgrounds</i>	S*	S*
<i>Swimming Pool Clubs</i>	S	S
<b>COMMERCIAL/BUSINESS/SERVICE</b>		
<i>Cemeteries</i>	R	R
<b>COMMUNICATIONS</b>		
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*	R*
<b>EDUCATIONAL SERVICES/RELIGION</b>		
<i>Public or private schools</i>	S	S
<i>Religious Institutions</i>	S	S
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>		
<i>Family Child Care Home</i>	R*	R*
<i>Group Child Care Home</i>	S*	S*
<i>Child Care Center or Day Care Center</i>	S*	S*
<i>Nursery Schools</i>	S*	S*
<i>Assisted Living Home</i>	S*	S*
<i>Nursing/Convalescent Home</i>	S*	S*
<i>Residential Human Care Facility</i>	S	S
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations - Article 7	RM 1	RM 2
<b>PARKING LOTS</b>		
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*	S*
<b>PUBLIC FACILITIES</b>		
<i>Community Centers (public)</i>	S	S
<i>Libraries</i>	S	S
<i>Police/Fire Stations</i>	S	S
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>		
<i>Accessory Buildings/Structures</i>	R	R
<i>Accessory Apartments/Dormitories related to churches, school, hospitals</i>	R*	R*
<i>Cottage Industry</i>	S*	S*
<i>Home Occupations</i>	R*	R*
<i>Multiple-Family Dwelling</i>	R	R
<i>One-Family Dwelling (year round &amp; seasonal)</i>	R	R
<i>Two-Family Dwelling (duplex)</i>	R	R
<b>UTILITIES/ENERGY</b>		
<i>Public Utility Facilities (without storage yards)</i>	S	S
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*	S*
<i>Wind Energy Systems (small on-site)</i>	R*	R*

## C. DEVELOPMENT STANDARDS

1. **One-family detached dwellings:** standards of **R-2 District** apply.
2. **Two-family dwellings:** standards of the **R-T District** apply.

### 3. DENSITY: Multiple-Family Dwelling Units

**RM-1** Up to six (6) units per net acre.

**RM-2** Greater than six (6) units per net acre.

### 4. MINIMUM DWELLING UNIT SIZE

**350 ft<sup>2</sup> of living space\*** excluding kitchen and sanitary facilities, per unit.

\*as defined by the Michigan Residential Code, as amended.

### 5. SETBACKS: Multiple-Family Dwelling Units

#### Front Yard<sup>1</sup>: 25 ft

Front yard setbacks need not be more than the average depth of front yards of existing buildings in the same block along the same street, provided no such yard shall be less than fifteen (15) feet and shall not be required to exceed twenty-five (25) feet.

<sup>1</sup> For all other uses permitted other than single-family, two-family, and multiple-family residential, the setback shall be equal the height of the main building or as required in **Article 7: Supplemental Development Regulations**.

#### Side Yard: 10 ft (total of 2 = 20 ft)

The side yards of a multiple-family dwelling building or development shall provide side yards of not less than thirty (30) feet on those sides which border on districts other than a multiple-family district.

#### Corner Side Yard: 25'

#### Rear Yard: 35 ft

#### Maximum Lot Coverage: 40%

## 6. BUILDING HEIGHT MAXIMUM:

**RM-1**

Three (3) stories of habitable space.

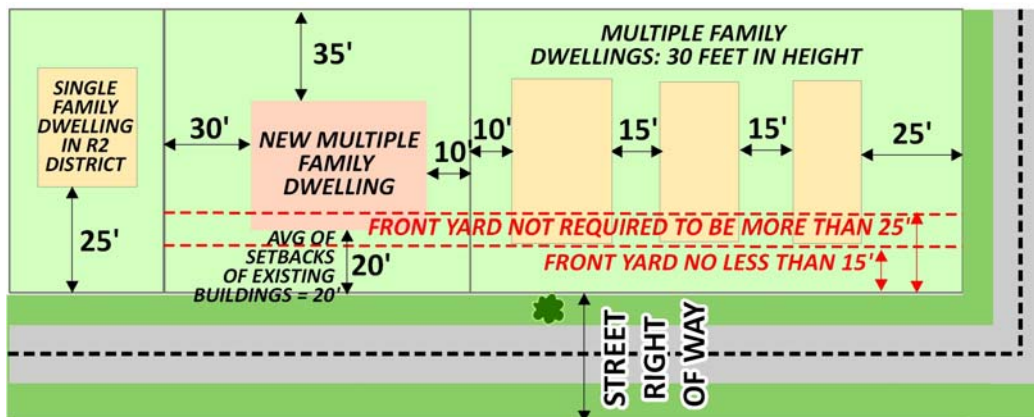
**RM-2**

Six (6) stories of habitable space.

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

## 7. DISTANCE BETWEEN BUILDINGS: Multiple-Family Dwelling Units

The total distance between buildings in a multiple-family dwelling unit development shall be equal to one-half (1/2) the height of the highest of the two buildings.



D. ADMINISTRATIVE PROCEDURES	
Administrative Approval	Uses Permitted by Right
Planning Commission Approval	Special Land Uses; Multiple Family Developments
Administrative Departures	Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
Planning Commission Departures	

## E. ADDITIONAL REGULATIONS THAT APPLY

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- 4.9: Table of Sign Regulations

### ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS

- 7.1 Accessory Apartments/Dormitories related to Churches, Schools, & Hospitals
- 7.3 Amateur Radio Antennas
- 7.5 Assisted Living Homes; Nursing/Convalescent Homes
- 7.7 Bed & Breakfasts
- 7.8 Campgrounds/RV Parks
- 7.9 Child Care Centers; Nursery Schools; Day Care Homes
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.27 Residential Human Care Facility
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- 7.40 Wind Energy Systems

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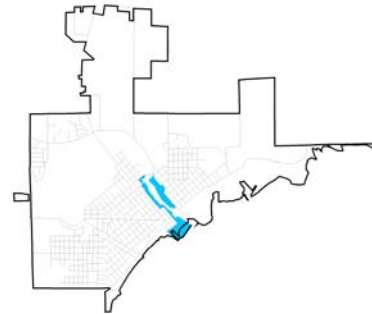
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## SECTION 5.11 WD: WATERFRONT DEVELOPMENT DISTRICT

## A. INTENT

The Waterfront Development District is intended to promote mixed commercial, residential and institutional uses that incorporate the waterfront into the development and permit and encourage public access and use of the waterfront. Within Alpena's central core, the waterfront (in particular the Thunder Bay River) will serve as a second front door creating a seamless link between it and the traditional downtown street front. A combination of public spaces, pedestrian walkways and targeted development is intended to integrate the waterfront areas on both sides of the river with each other and the downtown urban core.



## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

<b>R</b> = Permitted by right	<b>W</b>
<b>S</b> = Permitted with a Special Use Permit	<b>D</b>
*uses with Supplemental Regulations -Article 7	
<b>RETAIL</b>	
Boat and Boating Accessory Sales	R
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Drive-Through Establishments (ex: pharmacy, dry cleaners)	R*
Electronics & Appliance Stores	R
Fish (fresh) processing and sales	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores; Antique Stores	R
General Merchandise Stores	R
Hardware Stores	R
Health & Personal Care Stores	R
Movie Rental Stores	R
Office Supply Stores	R
Outdoor Sales/Display	R
Outdoor Vendors	R
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
Seasonal Use Sales	S*
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
<b>COMMUNICATIONS</b>	
Amateur Radio Antennae (roof or ground mounted)	R*
Telecommunications antennas (located on existing attachment structures) 35' or less in height	R*
Telecommunications antennas attached to monopole 75' or less	R*
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R

<b>R</b> = Permitted by right	<b>WD</b>
<b>S</b> = Permitted with a Special Use Permit	
*uses with Supplemental Regulations -Article 7	
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
Business, Labor, Political & Like Organizations	R
Commercial Docks & Assoc. Facilities	R
Dry Cleaning & Laundry Services (dealing direct w/customers)	R
Electronic & Precision Equipment Repair & Maint.	R
Financial Institution with drive through	S*
Financial Institution without drive through	R
Interior Designers/Showrooms	R
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Pet Care (except Veterinary and Animal Shelters)	R
Photofinishing/Photographers	R
Printing/Binding/Publishing of Printed Materials	R
Professional Offices	R
Real Estate Offices	R
<b>EDUCATIONAL SERVICES/RELIGION</b>	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	R
Public or private schools	R
Religious Institutions	R
<b>PUBLIC FACILITIES</b>	
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>	
Accessory Buildings/Structures	R
Dwelling Units above Commercial Establishment	R*
First floor residential units (in existing commercial buildings)	S
Multiple-Family Dwelling	R
One-Family Dwelling (River St between 7 <sup>th</sup> & 9 <sup>th</sup> Ave)	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	WD
<b>ACCOMMODATION/FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	R
<i>Bed &amp; Breakfasts</i>	R*
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants w/ Outdoor Dining( public ROW)</i>	S*
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Art Studios</i>	R
<i>Assembly Halls</i>	R
<i>Boat Tours</i>	R
<i>Dive Shops/Dive Tours</i>	R
<i>Docks/Launch Ramps/Assoc Parking</i>	R
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	R
<i>Fishing Boat Docks, tourist or commercial</i>	R
<i>Maritime vessels - public agencies, educational institutions, or foundations</i>	R
<i>Marinas (including fuel sales, boat supplies, &amp; accessories)</i>	R*
<i>Museums &amp; Galleries</i>	R
<i>Performing Arts Facilities/Movie Theaters</i>	R
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<i>Temp. docking of maritime vessels for special events (open to public/groups)</i>	R
<b>UTILITIES/ENERGY</b>	
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*
<i>Wind Energy Systems (small on-site) See §7.40D.3.a for restrictions on horizontal axis</i>	R * S*
<b>HUMAN CARE/SOCIAL ASSISTANCE</b>	
<i>Health Care /Dental /Optical Clinics</i>	R
<b>TRANSPORTATION/WHOLESALE</b>	
<i>Transit &amp; Ground Passenger Transportation (only depot/station)</i>	R
<i>Wholesale trade of fresh fish</i>	R
<b>PARKING LOTS</b>	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*
<i>Parking lots (Off-street: located on a lot not contiguous to the use it serves)</i>	S
<i>Parking Structures</i>	R*

## C. DEVELOPMENT STANDARDS

- Public Entrances:** All buildings shall provide at least two (2) public entrances – one along the public street on which the building fronts and one along the waterfront. This standard applies only to new non-residential buildings and major renovations of existing retail/service buildings, or any renovation which includes a change of use from residential or office to another permitted or special use.
- Public Access along Waterfront:** Public access shall be maintained along all waterfronts via a public walkway or boardwalk, either by easement to or acquisition by the City.
  - Subsection 2 above shall not apply to existing commercial/industrial marine businesses at the effective date of this ordinance that continue in operation.

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**3. SETBACKS<sup>1</sup>****Front yard (street side)**

Carter St and that portion of Water St  
between 2<sup>nd</sup> Ave and the Federal Building:

**0 ft (REQUIRED)****Front Yard (street side)**

all other parcels:

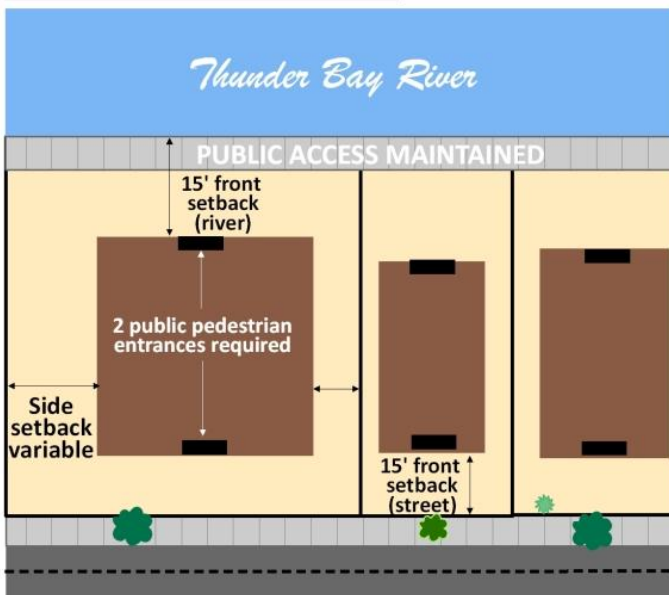
**MINIMUM 15 ft****Front Yard (along waterfront):**

**MINIMUM 15 ft from the top of the bank (sufficient to  
include minimum 8 foot riverwalk and  
appurtenances.**

**Minimum side yard (street and river):****Variable per approved site plan**

<sup>1</sup>Setbacks for one-family residential shall be in accordance with the **R-2 District** regulations.

**All Streets (except Carter Street and that  
portion of Water Street between 2nd  
Avenue and the Federal Building)**



**Carter Street  
Water Street (between 2nd  
Avenue and the Federal Building)**

**4. MINIMUM DWELLING UNIT SIZE**

- Within an existing building: No minimum square footage except as required by the Michigan Residential Code, as amended
- New Construction: 350 square feet of living space\* excluding kitchen and sanitary facilities, per unit.

\*as defined by the Michigan Residential Code, as amended.

**5. BUILDING HEIGHT: 3 stories or 36' outside Downtown Overlay District and Special Sub-Area**

Height regulations shall apply to any area that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 7: Supplemental Development Regulations.

**6. PARKING**

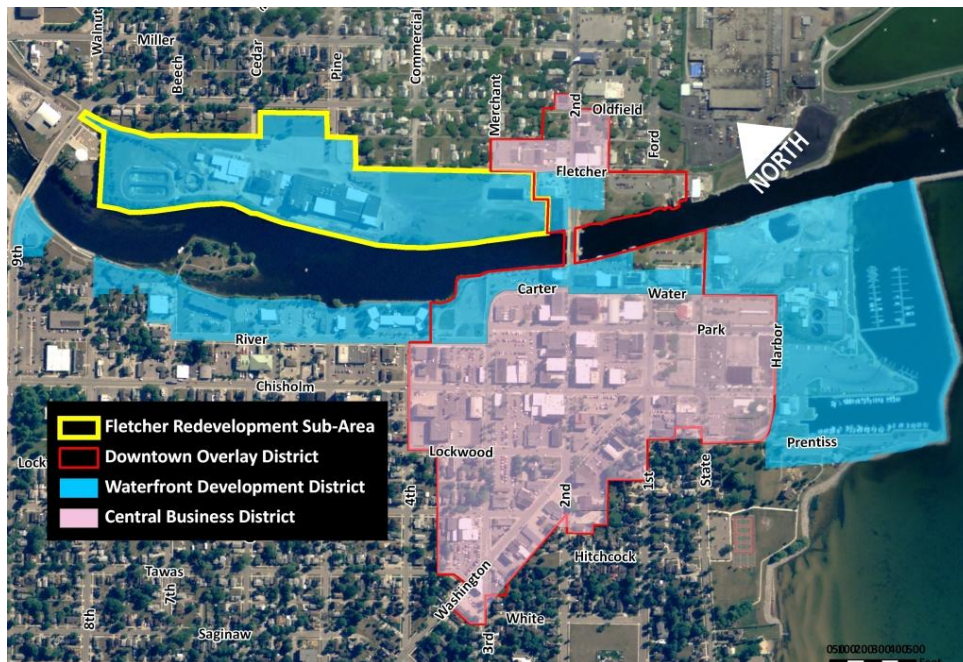
- a. Street Side Parking Lots:** Off-street parking shall be allowed to occupy a portion of the front yard, exclusive of corner clearance areas, located at least five (5) feet from the nearest street right-of-way line. Screening shall be located between the off-street parking area, exclusive of access driveways, and the nearest right-of-way line, subject to the conditions set forth in **Section 3.30**
- b. Waterfront Side Parking Lots** Off-street parking located along the waterfront shall be located at least five (5) feet from the public walkway along the waterfront.

**7. SUB-AREA**

Due to its size, unique characteristics, location, and potential for major development impact for the downtown area, and the City's desire to promote flexible and creative design, the following Sub-Area is established within the Waterfront Development District:

**Fletcher Redevelopment Sub-Area**

- That portion of the WD located along the north bank of the Thunder Bay River between the City's Water Tower Park and the Downtown Overlay District (approx. 29 acres).
- All uses and development standards shall be in accordance with approved Planned Unit Development 03-PUD-02, adopted 0-23-03, and as amended.
- Maximum Building Height: 4 stories or 48 feet. A fifth story may be added if used for residential or hotel room purposes.



- 8. EXISTING ONE- AND TWO-FAMILY RESIDENTIAL:** Existing one- and two-family residential shall be a use permitted by right, and shall be afforded all rights provided to a permitted use. Commercial and mixed-uses shall not be permitted to be developed on individual lots currently occupied by one- or two-family residential uses. Such commercial and mixed uses may only be developed on formerly residential multiple lots combined as a single lot of sufficient size to accommodate the proposed commercial or mixed use development. Such development shall be approved by the Planning Commission following a public hearing.

D. ADMINISTRATIVE PROCEDURES	
Administrative Approval	Uses Permitted by Right
Planning Commission Approval	Special Land Uses
Administrative Departures	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Parking may be permitted nearer to the street right-of-way or waterfront where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with the surrounding buildings and the pedestrian environment of the site and area.
Planning Commission Departures	

## E. ADDITIONAL REGULATIONS THAT APPLY

## ARTICLE 3: GENERAL PROVISIONS

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.21 Hazardous Substances Groundwater Protection
- 3.22 On-Site Drainage & Runoff
- 3.23 Storage in Front Yards
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming
- 3.33 Performance Standards

## ARTICLE 4: SIGNS

- 4.5 Office, Business, & Industrial Districts
- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

## ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS

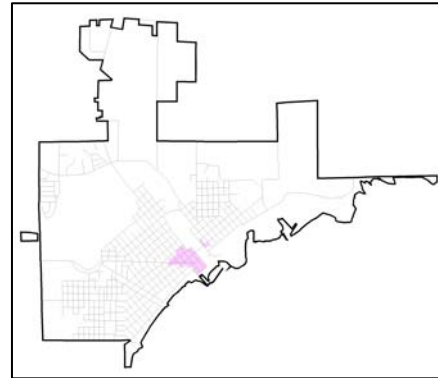
- 7.2 Accessory Dwelling Units above Commercial Establishments
- 7.3 Amateur Radio Antennas
- 7.7 Bed & Breakfasts
- 7.11 Drive Through/Drive Up Businesses
- 7.16 Hotels & Motels
- 7.22 Marinas
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.26 Parking Structures
- 7.28 Restaurants with Outdoor Dining
- 7.31 Seasonal Use Sales
- 7.37 Telecommunications Facilities
- 7.40 Wind Energy Systems

## SECTION 5.12 CENTRAL BUSINESS DISTRICT

CBD

## A. INTENT

The CBD Central Business District is designed to promote uses that generate a high volume of people activity among the businesses, institutions and public spaces within the City's downtown. To that end the CBD's primary focus is on those retail, institutional, culinary, hospitality and service uses that stimulate ongoing interaction and vitality within the downtown. These primary uses are supplemented by professional, business and governmental offices and other service businesses. Together they provide the shopping, service and entertainment needs of the entire community. The retail and entertainment focus of the district shall be promoted by encouraging the development of such uses along the major street frontages and by prohibiting automotive related services and non-retail uses.



## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
<b>RETAIL</b>	
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Drive-Through Establishments (example: pharmacy, dry cleaners)	S*
Electronics & Appliance Stores	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores; Antique Stores	R
General Merchandise Stores	R
Hardware Stores	R
Health & Personal Care Stores	R
Movie Rental Stores	R
Office Supply Stores	R
Outdoor Sales/Display	R
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
Seasonal Use Sales	S*
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Vehicle Sales (indoor)	R
Vehicle Sales (outdoor)	S*
<b>PUBLIC FACILITIES</b>	
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
Automobile Service Stations (example: gas station)	S*
Automotive Mechanical & Electrical Repair & Maintenance	S*
Business, Labor, Political & Like Organizations	R
Dry Cleaning & Laundry Services (dealing direct w/customers)	R
Electronic & Precision Equipment Repair & Maintenance	R
Financial Institution with drive through	S*
Financial Institution without drive through	R
Funeral Homes & Mortuaries	R*
Interior Designers/Showrooms	R
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Pet Care (except Veterinary and Animal Shelters)	R
Photofinishing/Photographers	R
Printing/Binding/Publishing of Printed Materials	R
Professional Offices	R
Real Estate Offices	R
<b>PARKING LOTS</b>	
Parking lots incidental to religious institutions, schools, and other public institutions	S*
Parking Structures	R*
<b>EDUCATIONAL SERVICES/RELIGION</b>	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	R
Religious Institutions	S

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R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Amusement Arcades</i>	S
<i>Art Studios</i>	R
<i>Assembly Halls</i>	R
<i>Boat Tours</i>	R
<i>Dive Shops/Dive Tours</i>	R
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	R
<i>Museums &amp; Galleries</i>	R
<i>Performing Arts Facilities/Movie Theaters</i>	R
<i>Private Clubs; Lodges</i>	S
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	R
<i>Bed &amp; Breakfasts</i>	R*
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants with Drive-Through</i>	S*
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Health Care /Dental /Optical Clinics</i>	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
<b>COMMUNICATIONS</b>	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Telecommunications antennas (located on existing attachment structures) 35' or less in height</i>	R*
<i>Telecommunication antennas attached to monopole 75' or less in height.</i>	R*
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video &amp; Sound Recording Studios</i>	R
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE</b>	
<i>Transit &amp; Ground Passenger Transportation (only depot/station)</i>	R
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	S
<i>Wind Energy Systems (small on-site) (See §7.40 D.3.a for restrictions on ground mounted horizontal axis turbines)</i>	R*
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>	
<i>Accessory Buildings/Structures</i>	R
<i>Dwelling Units above Commercial Establishment</i>	R*
<i>First floor residential units (in existing commercial buildings)</i>	S
<i>Multiple-Family Dwelling</i>	S
<i>Stand-Alone (Freestanding) Residential Structures, Converted Existing Non-Residential Floor Area To Residential Use, And Additions To Existing Building Including First Floor Residential Units</i>	S*

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**C. DEVELOPMENT STANDARDS**

The entire CBD lies within the Downtown Overlay District. See **Downtown Overlay District** for development standards.

**D. ADDITIONAL REGULATIONS THAT APPLY****ARTICLE 3: GENERAL PROVISIONS**

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.21 Hazardous Substances Groundwater Protection
- 3.22 On-Site Drainage & Runoff
- 3.23 Storage in Front Yards
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming
- 3.33 Performance Standards

**ARTICLE 4: SIGNS**

- 4.5 Office, Business, & Industrial Districts
- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

**ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS**

- 7.2 Accessory Dwelling Units above Commercial Establishments
- 7.3 Amateur Radio Antennas
- 7.6 Automobile Service Stations; Automotive Body/Paint/Interior/Glass Repair & Maintenance; Automotive Oil Change & Lubrication Shops
- 7.7 Bed & Breakfasts
- 7.11 Drive Through/Drive Up Businesses
- 7.12 Funeral Home/Mortuary
- 7.16 Hotels & Motels
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.26 Parking Structures
- 7.28 Restaurants with Outdoor Dining
- 7.31 Seasonal Use Sales
- 7.35 Stand-alone (freestanding) residential structures, converted existing non-residential floor area to residential use, and additions to existing building including first floor residential units
- 7.37 Telecommunications Facilities
- 7.38 Vehicle Sales (Outdoor)
- 7.40 Wind Energy Systems

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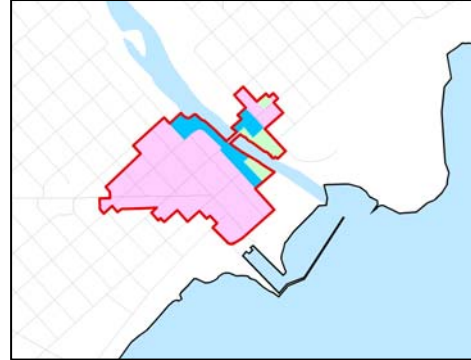
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## SECTION 5.13 DOWNTOWN OVERLAY DISTRICT



## A. INTENT

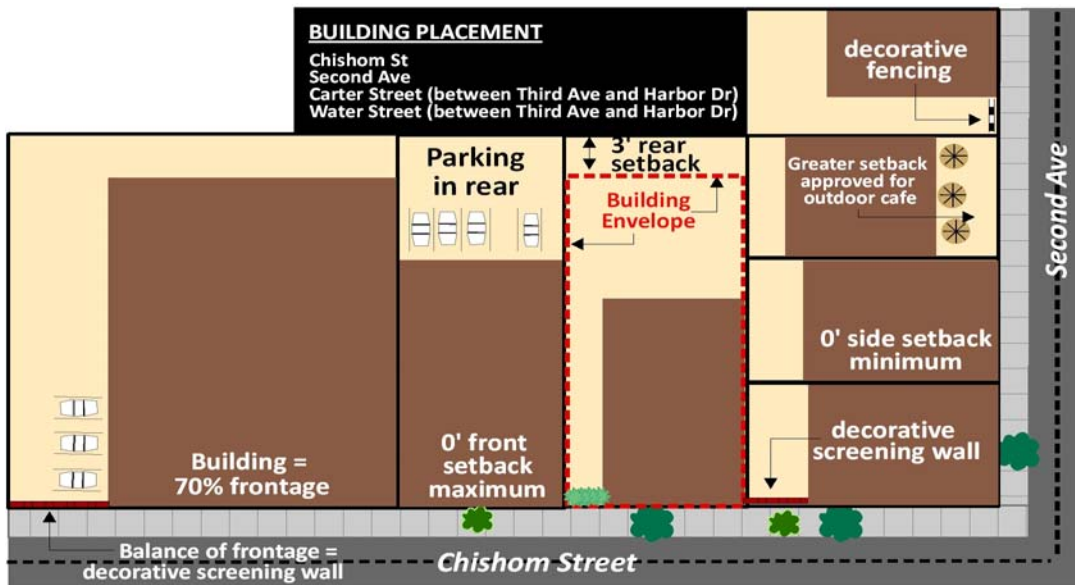
1. Encourage and direct development within the CBD and portions of the Waterfront District.
2. Encourage development with the physical qualities necessary to maintain the character and enhance the economic vitality of downtown Alpena.
3. Encourage the renovation of traditional historic buildings and development of new buildings which are compatible and consistent with nearby structures and the character of a traditional downtown.
4. To provide a pedestrian-oriented downtown environment that promotes accessibility to retail space.
5. To reinforce and enhance a compact development pattern.
6. To accommodate commercial, residential, entertainment, cultural, and governmental uses.
7. To reinforce the unique physical character of downtown, focusing on the design context.
8. To establish minimum criteria for building design compatibility.



## B. DESIGN STANDARDS

1. **Flexible Design Standards:** The Planning Commission may approve modifications of the design standards, including building height, in order to allow for creativity and flexibility in design, while maintaining the intent of the district regulations.
2. The design requirements relating to **subsections 7, 8, 9, and 10** (roofs, building materials, primary façades, and windows/doors) shall be adhered to for new construction and for buildings which undergo a major rehabilitation of the primary façade.
3. **Minimum Lot Area & Width:** There shall be no minimum lot area or minimum lot width.





#### 4. BUILDING PLACEMENT

##### FRONT SETBACK:

*Second Avenue, Chisholm Street, and Water Street and Carter Street (between Third Avenue and Harbor Drive):*

**Maximum: 0' setback** - The front façade shall be located on the frontage line.

The Planning Commission may approve a greater setback for cases in which the site plan includes an approved form of outdoor use.

*All other streets within the DOD:*

**Minimum: 0' setback** –The building setback shall be consistent with the established dimension of existing buildings within 200 feet of the lot (on the same side of the street, in the same zoning district).

**Maximum: 15' or consistent with existing buildings, whichever is less** -The setback shall not exceed that of existing buildings unless the site plan is approved with a greater setback for an approved form of outdoor use.

##### SIDE SETBACK:

**CBD: None required**

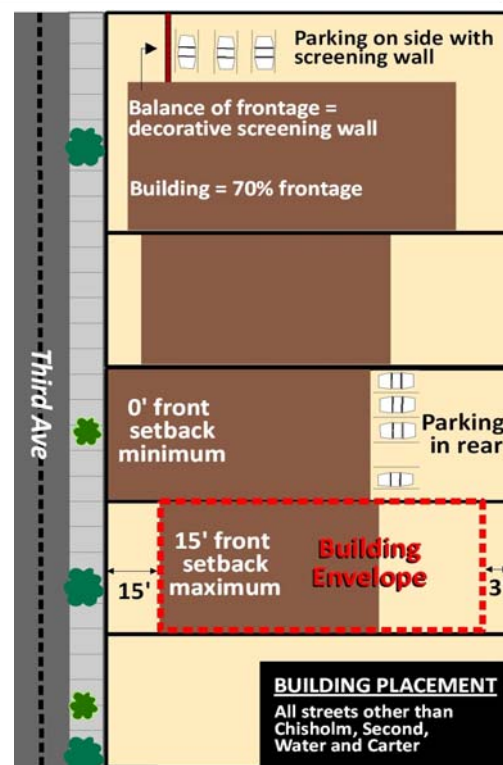
**WD: Variable as per approved site plan**

##### REAR SETBACK:

**CBD: Abutting a commercial district: 3'**

**CBD: Abutting a residential district: 10'**

**WD: §See 5.11 (C)(3).**



**LOT LINE REQUIREMENTS:** Along front lot line, there shall be minimum 70% building with the balance being either an evergreen hedge or screening wall or decorative fencing consisting of decorative masonry, stone, decorative metal, or a combination thereof. No wooden screening structure shall be allowed. An approved form of outdoor use or entry courtyard may occupy that portion behind the required building line not occupied by the building.

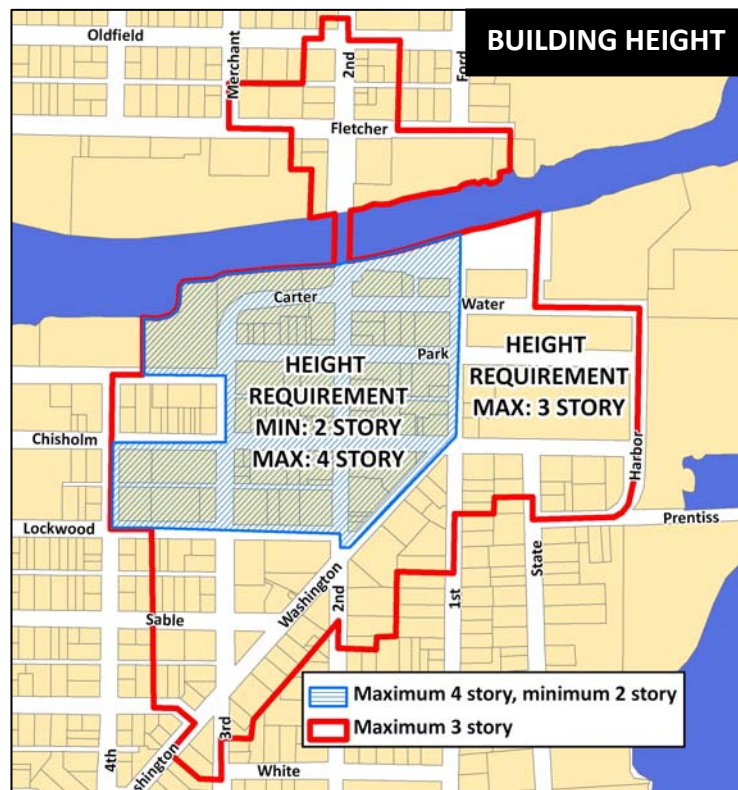
**5. MINIMUM DWELLING UNIT SIZE**

- c. Within an existing building: No minimum square footage except as required by the Michigan Residential Code, as amended
- d. New Construction: 350 square feet of living space\* excluding kitchen and sanitary facilities, per unit.

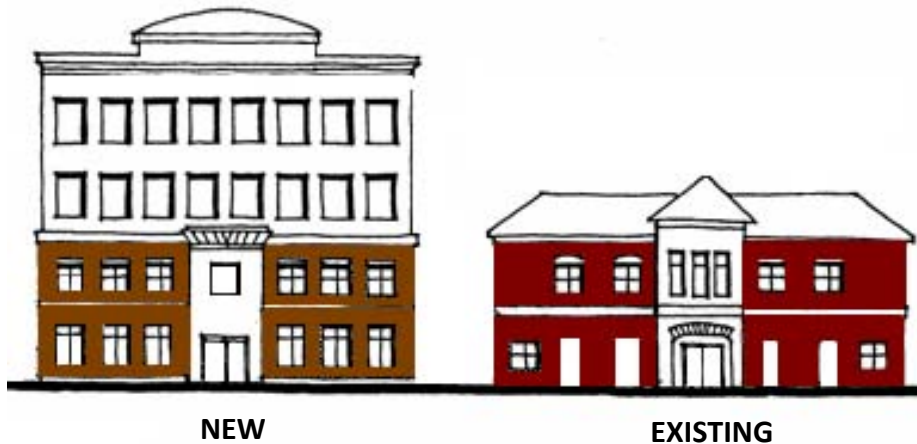
\*as defined by the Michigan Residential Code, as amended.

**6. BUILDING HEIGHT**

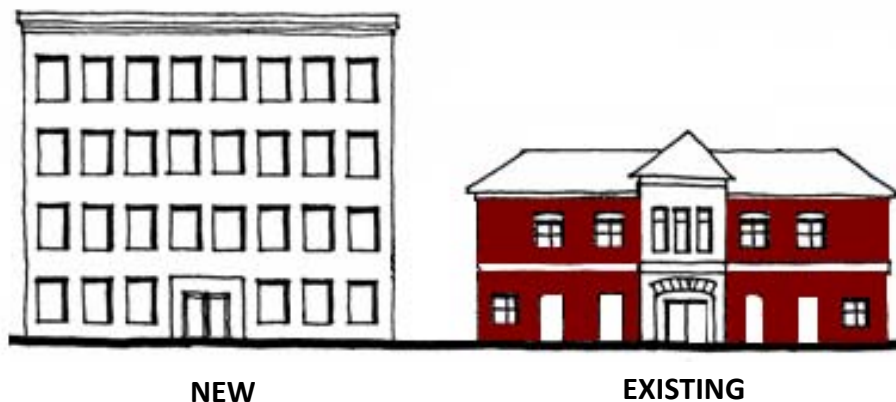
- a. **Central downtown:** (shaded blue on map): Minimum 2 stories, maximum 4 stories.
- b. **All other areas within the Downtown Overlay District** (outside blue shaded area within red line): maximum 3 stories.
- c. **Height Bonus:** Up to one (1) additional story may be permitted provided that the additional story is used for residential purposes.
- d. **Adjoining Buildings:** Building height shall not vary from the height of adjoining buildings by more than 2 stories.
- e. **Ground story height:** Minimum 10', maximum 20'
- f. Height requirements may be exceeded by parapet walls or as needed to conceal mechanical equipment, roof structures, chimneys, antennas, cupolas, spires, or other ornamental projections.
- g. If a one-story building located in any portion of the Downtown Overlay District is destroyed by any non-deliberate means, the building is not required to be re-built with a minimum of two (2) stories.



**7. BUILDING SCALE:** The scale of all buildings shall be designed to be harmonious with adjacent structures in terms of mass, scale, and proportion to the best extent possible.



**DO:** IN THE ABOVE DIAGRAM, PROPORTION AND DIFFERENTIATION BETWEEN GROUND AND UPPER FLOORS RELATES TO EXISTING STRUCTURE

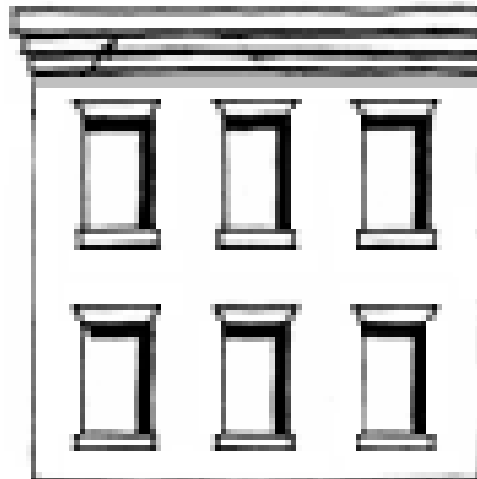


**DON'T:** IN THE ABOVE DIAGRAM, THERE IS NO RELATIONSHIP TO EXISTING STRUCTURE

## 8. ROOF

- a. **Infill development** – roof structure shall be in scale with the building and complement the character of adjacent buildings.
- b. **Flat Roofs:** Flat roofs shall be enclosed by parapets and must have three-dimensional cornice treatment which is at least twelve (12) inches in height and contains at least three (3) reliefs.
- c. **Rooftop Screening:** Rooftop mechanical and other equipment shall be screened from view from adjacent properties and public rights-of-way. Parapets and other screening treatments shall blend in with the design of the building in terms of color, materials, height, and scale.

### CORNICE TREATMENT



## 9. BUILDING MATERIALS

- a. Prohibited: stucco (which comprises more than twenty (20) percent of the building walls), flat surfaced concrete block, and metal siding (unless historically appropriate). Metal trim is allowed.
- b. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area (through the use of a change in material, texture, color, awning or canopy, etc).

**10. PRIMARY FACADE**

- a. **Principal Pedestrian Entrance:** All buildings shall have their principal pedestrian entrance on a front lot line directly accessible from a public sidewalk. Principal entrances shall have design details that enhance the appearance and prominence of the entrance. In the Waterfront District of the DOD, **§5.11 (C)(1 & 2)** shall apply. Rear entrances are strongly encouraged where appropriate for buildings within the Downtown Overlay District but which are not located within the Waterfront District.
- b. **Front Entranceway Inset:** The front entranceway shall be inset 3 feet from the front building wall (for new construction only).
- c. **Garage Doors:** The location of garage doors shall be reviewed and approved during site plan approval.
- d. **Blank Walls:** Blank walls shall not face a public street. Walls facing public streets shall include windows and architectural and design features such as awnings, cornice work, edge detailing, decorative finish materials, recesses, designs using building materials, or murals.
- e. **Elements of Façade:** The ground level façade shall be designed to include the elements that make up a traditional storefront including:
  - (1) A base panel between the sidewalk and the windows
  - (2) Windows and an entry framed by piers/pilasters
  - (3) A sign band
  - (4) A middle cornice separating the ground level façade from the upper stories

Building facades along a street block will form a street edge that frames the public space. Horizontal elements should be reflected in the design including lintels, windowsills, cornices, transoms, etc. but the vertical character of traditional storefronts as expressed by entries, window openings, and building height is emphasized. Walls along the public right-of-way shall include windows and architectural features such as awnings, cornice work, columns, edge detailing or other decorative finish materials. Wall massing shall be broken up with architectural elements to reduce scale.

Each primary facade shall incorporate **a minimum of three of the following design treatments from items 1-10 and at least one from items 11-12** within fifty percent (50%) of its area for buildings in excess of ten thousand (10,000) square feet, and within thirty-three percent (33%) of its area for buildings of less than ten thousand (10,000) square feet.

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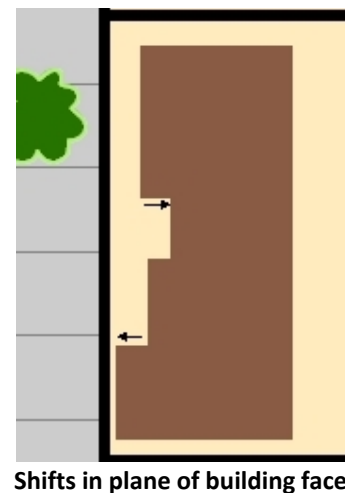
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**f. DESIGN TREATMENT CHOICES:**

- (1) Arcades with a minimum width of eight (8) feet clear for buildings in excess of ten thousand (10,000) square feet and six (6) feet clear for buildings of less than ten thousand (10,000) square feet.
- (2) Color banding through the use of colored exterior building materials or paint.
- (3) Canopies or porticos.
- (4) Roofs which extend (overhang) at least eight (8) inches beyond the wall.
- (5) Sculpted art work.
- (6) Raised cornice parapets over doors.
- (7) Arches.
- (8) Towers.
- (9) Significant shifts in the plane of the building face.
- (10) Variations in color.
- (11) Change in the exterior building material.
- (12) Vertical or horizontal banding of architectural (not color) features.



## 11. WINDOWS AND DOORS: TRANSPARENCY

- a. **Storefront/Ground Floor:** Ground floors shall be designed with storefronts that have windows and doorways which are integrally designed. Required windows shall be either windows that allow views into retail space, working areas, or lobbies, pedestrian entrances, or display windows set into the wall.
- b. **Transparency:** Transparency requirements shall apply to the area of the façade between 2' and 10' above the sidewalk. Only clear or lightly tinted glass shall be allowed in windows and doors. Windows shall not be blocked by an opaque treatment.

**Window and door openings:**

**Ground floor:** minimum 40%, maximum 90%  
**Upper floor:** minimum 20%, maximum 50%

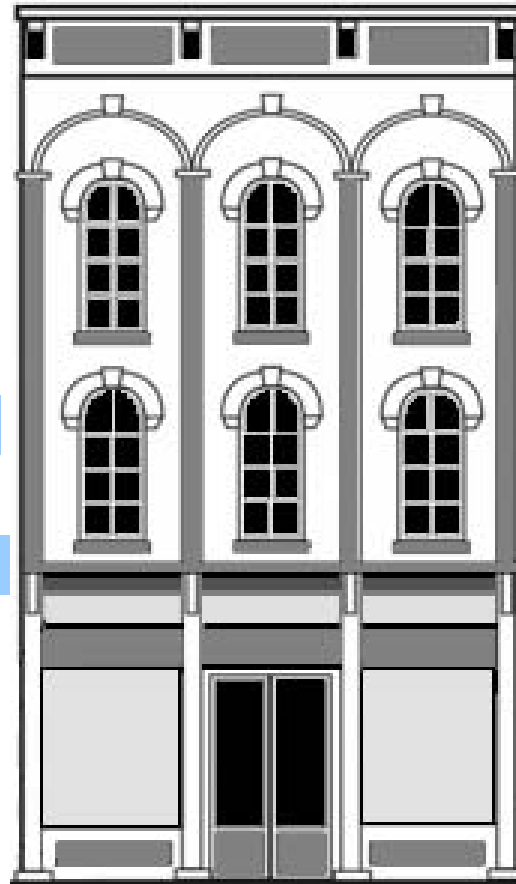
- c. **Window Sill:** On the ground floor, the bottom of the window sill shall be a maximum of two (2) feet above the adjacent exterior grade (see also **subsection C – Administrative Departures**).
- d. **Window Design:** Windows shape and design shall be in proportion to the geometric shape of the building. For infill development, window shape and design shall be in proportion to the neighboring buildings.

Upper floor transparency: Min 20%, Max 50% →

Distinct separation between ground/upper floors →

Ground floor transparency: Min 40%, Max 90% →

Window sill maximum 2' above sidewalk →



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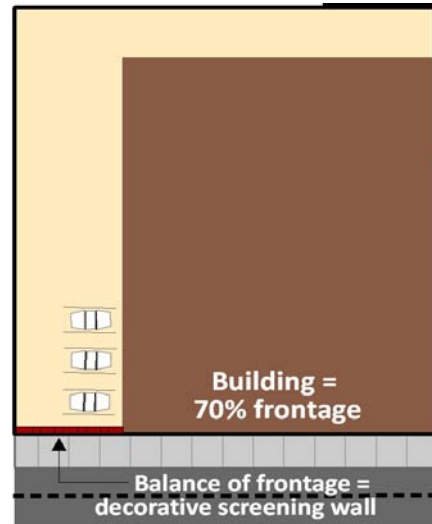
9 Administration

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## 12. PARKING & LOADING

- a. **CBD:** There shall be no parking lots located in the front yard. Parking lots located on the side of the building shall have a screening barrier consisting of an evergreen hedge, decorative screen wall or decorative fencing consisting of decorative masonry, stone, decorative metal, or a combination thereof. No wooden structure shall be allowed.
- b. **WD:** See §5.11 (C)(6).
- c. Residential uses may utilize public parking spaces provided that a City-sponsored parking or permit program allows this use.



## 13. OUTDOOR DISPLAY

Outdoor temporary display areas are permitted limited to the area within three (3) feet of the façade of the building to which it is an accessory use. If located at the rear or side yard, it shall be contained within the same lot. A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained so that pedestrian circulation and access to the building entrance is not impaired.

## 14. SIDEWALK ENCROACHMENT

- a. **Outdoor Seating:** An outdoor seating area on the public right of way may be allowed if approved by City Council.
- b. **Awnings:** First floor awnings may encroach upon the frontage line and public sidewalk but must avoid street trees. At least eight (8) feet of clearance must be provided above the sidewalk and set back a minimum of two (2) feet from the curb.
- c. **Street Furniture:** Benches and trash receptacles may be permitted in areas where feasible.

**C. ADMINISTRATIVE PROCEDURES**

<b>Administrative Approval</b> (Staff may request Planning Commission Review)	<b>Uses permitted by right: (no new construction)</b>
<b>Planning Commission Approval</b>	<b>1. Uses Permitted by Right (new construction projects)</b> <b>2. Special Land Uses</b>
<b>Administrative Departures</b>	<p>1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.</p> <p>2. Approval shall be given by the Planning Commission if departures from design standards are requested that do not conform to (1) above. The Planning Commission may grant a setback greater than fifteen (15) feet for outdoor vehicle sales as part of the Special Land Use approval.</p> <p>3. The maximum height of the bottom of the window sill may be increased up to four (4) feet on a case by case basis. <b>[Departure from §5.13(B)(11)(c)].</b></p> <p>4. Additional design treatment choices for Primary Façade may be approved to allow for creativity and flexibility in design if intent of district regulations is maintained. <b>[Departure from §5.13(B)(10)(f)].</b></p>
<b>Planning Commission Departures</b>	<b>Flexible Design Standards:</b> The Planning Commission may approve modifications of the design standards, including building height, in order to allow for creativity and flexibility in design, while maintaining the intent of the district regulations. <b>[§5.13(B)(1)]</b>

**D. ADDITIONAL REGULATIONS THAT APPLY****ARTICLE 3: GENERAL PROVISIONS**

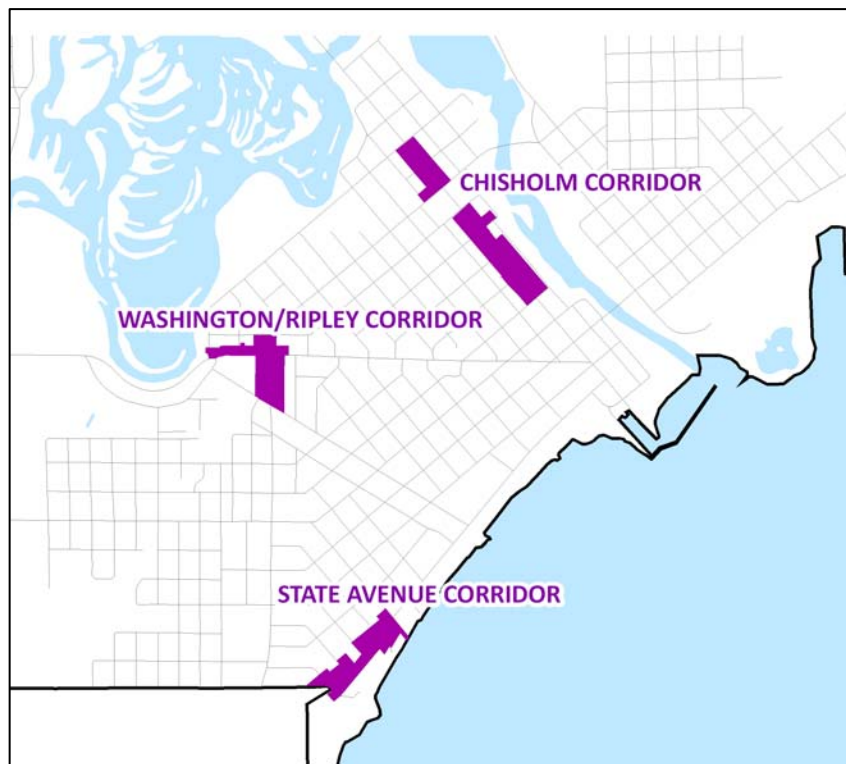
- **3.11 Accessory Buildings/Structures**
- **3.12 Accessory Uses**
- **3.13 Access to Public Street**
- **3.14 Intersection & Driveway Visibility**
- **3.21 Hazardous Substances Groundwater Protection**
- **3.22 On-Site Drainage & Runoff**
- **3.23 Storage in Front Yards**
- **3.27 Exterior Site Lighting**
- **3.28 Fences & Walls**
- **3.30 Circulation & Parking**
- **3.31 General Exceptions**
- **3.32 Nonconforming**
- **3.33 Performance Standards**

## SECTION 5.14 (CCD) COMMERCIAL CORRIDOR DISTRICT

CCD

## A. INTENT

The CCD, Commercial Corridor District, is designed to accommodate office and retail uses serving the overall community and the general region. Mixed-use developments including residential in the upper floors of buildings is strongly encouraged. The district represent areas along major thoroughfares, which are transitioning to commercial and office uses or are undergoing redevelopment or are likely candidates to do so in the future. As primary entry corridors into the City, the siting of structures on the lots, site layout, building façades and the streetscape are important to creating an attractive and integrated appearance while providing safe and convenient access for both vehicles and pedestrians. Upper story residential provides transition to abutting established residential neighborhoods. The CCD is divided into the following three corridors: (1) Washington/Ripley; (2) Chisholm Street; and (3) State Avenue.



## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
<b>ACCOMMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	R
<i>Bed &amp; Breakfasts</i>	R*
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Amusement Arcades</i>	S
<i>Art Studios</i>	R
<i>Assembly Halls</i>	R
<i>Boat Tours</i>	R
<i>Dive Shops/Dive Tours</i>	R
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	R
<i>Museums &amp; Galleries</i>	R
<i>Performing Arts Facilities/ Movie Theaters</i>	R
<i>Private Clubs; Lodges</i>	S
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<i>Spectator Sports Arenas</i>	R
<i>Swimming Pool Clubs</i>	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
<b>COMMUNICATIONS</b>	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Telecommunications antennas (located on existing attachment structures) 35' or less in height</i>	R*
<i>Telecommunications Businesses (w/vehicle storage)</i>	S
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video &amp; Sound Recording Studios</i>	R
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Health Care /Dental /Optical Clinics</i>	R
<i>Assisted Living Home</i>	R*
<i>Nursing/Convalescent Home</i>	R*
<i>Residential Human Care Facility</i>	S*
<i>Individual &amp; Family Services</i>	R
<i>Community/Emergency/ Relief Services</i>	R
<i>Vocational Rehabilitation Services</i>	R
<b>PARKING LOTS</b>	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*
<i>Parking lots (Off-street: located on a lot not contiguous to the use it serves)</i>	S
<i>Parking Structures</i>	R*
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>	
<i>Accessory Buildings/Structures</i>	R
<i>Dwelling Units above Commercial Establishment</i>	R*
<i>Multiple-Family Dwelling</i>	S
<b>AGRICULTURAL</b>	
<i>Greenhouses; Nurseries; Landscaping (Washington/Ripley Corridor only)</i>	S*

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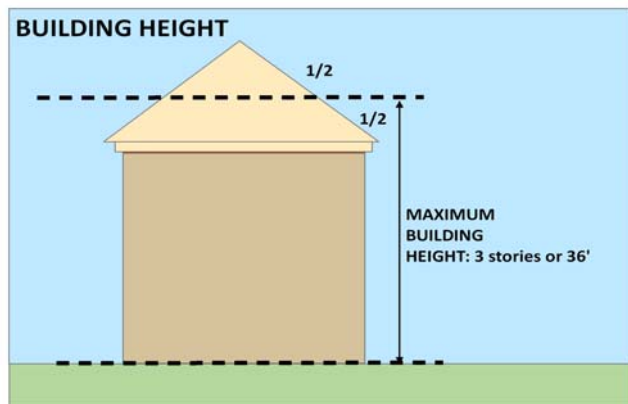
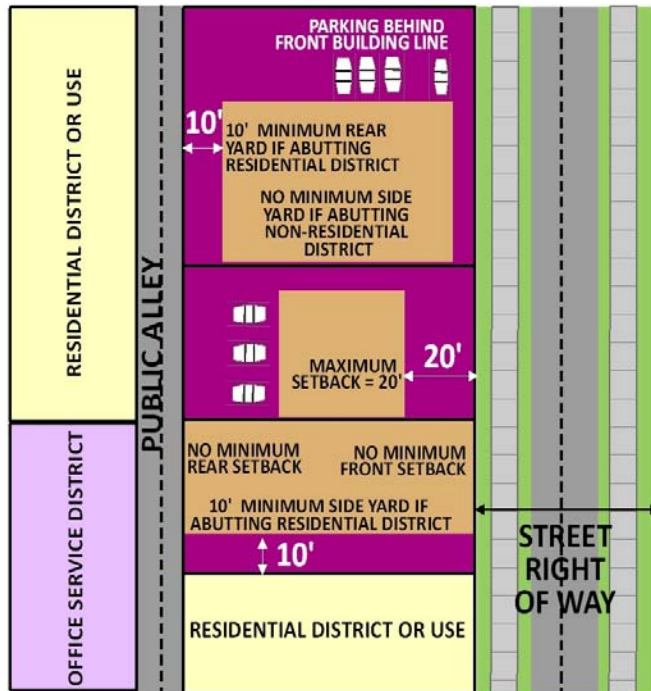
R = Permitted by right	CCD
S = Permitted with a Special Use Permit	
*uses with Supplemental Regulations -Article 7	
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Automobile Service Stations (example: gas station)</i>	S*
<i>Automotive Mechanical &amp; Electrical Repair &amp; Maintenance</i>	S*
<i>Automotive Oil Change &amp; Lubrication Shops</i>	S*
<i>Business, Labor, Political &amp; Like Organizations</i>	R
<i>Dry Cleaning &amp; Laundry Services (dealing direct w/customers)</i>	R
<i>Electronic &amp; Precision Equipment Repair &amp; Maintenance</i>	R
<i>Financial Institution with drive through</i>	S*
<i>Financial Institution without drive through</i>	R
<i>Funeral Homes &amp; Mortuaries</i>	R*
<i>Interior Designers/Showrooms</i>	R
<i>Medical Marijuana Facilities:<sup>1</sup></i>	
<i>Provisioning Centers</i>	S*
<i>Safety Compliance Facilities</i>	S*
<i>Personal &amp; Household Goods Repair &amp; Maintenance</i>	R
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>	R
<i>Pet Care (except Veterinary and Animal Shelters)</i>	R
<i>Photofinishing/Photographers</i>	R
<i>Printing/Binding/Publishing of Printed Materials</i>	R
<i>Professional Offices</i>	R
<i>Real Estate Offices</i>	R
<b>TRANSPORTATION SERVICES/ WAREHOUSING/ WHOLESALE TRADE/ STORAGE</b>	
<i>Transit &amp; Ground Passenger Transportation (only depot/station)</i>	R
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	S
<i>Wind Energy Systems (small on-site)</i> <i>(See §7.40 D.3.a for restrictions on ground mounted horizontal axis turbines)</i>	R*
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*

R = Permitted by right	CCD
S = Permitted with a Special Use Permit	
<b>RETAIL</b>	
<i>Clothing &amp; Clothing Accessories Stores</i>	R
<i>Convenience Stores</i>	R
<i>Drive-Through Establishments (pharmacy, dry cleaners)</i>	R*
<i>Electronics &amp; Appliance Stores</i>	R
<i>Florists</i>	R
<i>Food &amp; Beverage Stores</i>	R
<i>Furniture &amp; Home Furnishings Stores; Antique Stores</i>	R
<i>General Merchandise Stores</i>	R
<i>Hardware Stores</i>	R
<i>Health &amp; Personal Care Stores</i>	R
<i>Movie Rental Stores</i>	R
<i>Office Supply Stores</i>	R
<i>Outdoor Sales/Display</i>	R
<i>Pet Stores</i>	R
<i>Pharmacies/Medical &amp; Optical Supplies</i>	R
<i>Seasonal Use Sales</i>	S*
<i>Small-Scale Craft Making</i>	R
<i>Sporting Goods, Hobby, Book &amp; Music Stores</i>	R
<i>Vehicular Sales (indoor)</i>	R
<i>Vehicular Sales (outdoor)</i>	S*
<b>PUBLIC FACILITIES</b>	
<i>Community Centers (public)</i>	R
<i>Government Offices</i>	R
<i>Libraries</i>	R
<i>Police/Fire Stations</i>	R
<i>Post Office</i>	R
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	R
<i>Public or private schools</i>	R
<i>Religious Institutions</i>	S

## C. DEVELOPMENT STANDARDS

### 1. BUILDING MATERIALS

- a. Prohibited: stucco (which comprises more than twenty (20) percent of the building walls), flat surfaced concrete block, and metal siding (unless historically appropriate). Metal trim is allowed.
- b. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area (through the use of a change in material or texture, awning or canopy, etc).



#### 4. BUILDING HEIGHT: 3 stories or 36 ft

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

#### 5. MINIMUM DWELLING UNIT SIZE:

- Within an existing building: No minimum square footage except as required by the Michigan Residential Code, as amended.
- New Construction: 350 ft<sup>2</sup> of living space\* excluding kitchen and sanitary facilities, per unit.  
\*as defined by the Michigan Residential Code, as amended.

## 2. SETBACKS

### WASHINGTON/RIPLEY CORRIDOR

- Front Yard:** Minimum - 10 ft  
Maximum - 20 feet\*  
\*Planning Commission may approve greater front yard setback for specific Special Land Uses as part of the approval process.
- Side Yard:** Minimum - none (10 ft if abutting residential district or use)
- Rear Yard:** Minimum - none (10 ft if abutting residential district or use)

### CHISHOLM STREET CORRIDOR

- Front Yard:** Minimum - none  
Maximum - 20 feet
- Side Yard:** Minimum - none (10 ft if abutting residential district or use)
- Rear Yard:** Minimum - none (10 ft if abutting residential district or use)

### STATE AVENUE CORRIDOR

- Front Yard:** Minimum - 20 feet  
Maximum - none
- Side Yard:** Minimum - none (10 ft if abutting residential district or use)
- Rear Yard:** Minimum - none (10 ft if abutting residential district or use)

## 3. PARKING

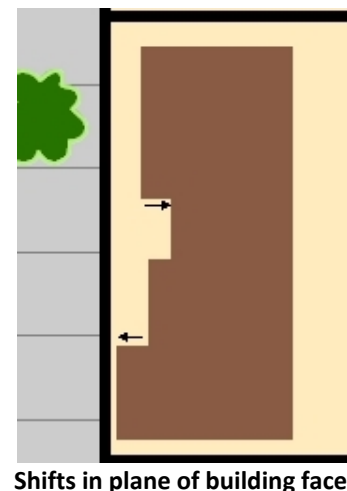
**WASHINGTON/RIPLEY & CHISHOLM STREET CORRIDORS:** Parking shall not be located closer to the front property line than the front façade of the principal building.

**STATE AVENUE CORRIDOR:** Parking is permitted in the front yard.



**6. PRIMARY FAÇADE**

- a. **Principal Pedestrian Entrance:** All buildings shall have their principal pedestrian entrance accessible from both the on-site parking lot and the public sidewalk. Principal entrances shall have design details that enhance the appearance and prominence of the entrance.
- b. **Blank Walls:** Blank walls shall not face a public street. Walls facing public streets shall include windows and architectural and design features such as awnings, cornice work, edge detailing, decorative finish materials, recesses, designs using building materials, or murals.
- c. **Façade Elements:** Each primary facade shall incorporate **a minimum of three of the following design treatments from items 1-10 and at least one from items 11-12** within fifty percent (50%) of its area for buildings in excess of ten thousand (10,000) square feet, and within thirty-three percent (33%) of its area for buildings of less than ten thousand (10,000) square feet.
  - (1) Arcades with a minimum width of eight (8) feet clear for buildings in excess of ten thousand (10,000) square feet and six (6) feet clear for buildings of less than ten thousand (10,000) square feet.
  - (2) Color banding through the use of colored exterior building materials or paint.
  - (3) Canopies or porticos.
  - (4) Roofs which extend (overhang) at least eight (8) inches beyond the wall.
  - (5) Sculpted art work.
  - (6) Raised cornice parapets over doors.
  - (7) Arches.
  - (8) Towers.
  - (9) Significant shifts in the plane of the building face.
  - (10) Variations in color.
  - (11) Change in the exterior building material.
  - (12) Vertical or horizontal banding of architectural (not color) features



Shifts in plane of building face



## 7. WINDOWS AND DOORS: TRANSPARENCY

- a. **Storefront/Ground Floor:** Ground floors shall be designed with storefronts that have windows and doorways which are integrally designed. Required windows shall be either windows that allow views into retail space, working areas, or lobbies, pedestrian entrances, or display windows set into the wall.
- b. **Transparency:** Ground floor transparency requirements shall apply to the area of the façade between 2' and 10' above the sidewalk. Only clear or lightly tinted glass shall be allowed in windows and doors. Windows shall not be blocked by an opaque treatment.

### Window and Door Openings:

Ground Floor: minimum 40%, maximum 90%

Upper Floor: minimum 20%, maximum 90%

- c. **Window Sill:** On the ground floor, the bottom of the window sill shall be a maximum of four (4) feet above the adjacent exterior grade.

## 8. SIDEWALK ENCROACHMENT

- a. **Outdoor Seating:** An outdoor seating area on the public right of way may be allowed if approved by City Council.
- b. **Awnings:** First floor awnings may encroach upon the frontage line and public sidewalk but must avoid street trees. At least eight (8) feet of clearance must be provided above the sidewalk and set back a minimum of two (2) feet from the curb.
- c. **Street Furniture:** Benches and trash receptacles may be permitted in areas where feasible.

D. ADMINISTRATIVE PROCEDURES	
<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses permitted by right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Additional design treatment choices for Primary Façade may be approved to allow for creativity and flexibility in design if intent of district regulations is maintained. <b>[Departure from §5.14(C)(6)(c)]</b> .
<b>Planning Commission Departures</b>	<b>Washington/Ripley Corridor and Chisholm Street Corridor:</b> Planning Commission may allow parking in the front yard if it is demonstrated that there is no other feasible location.

## E. ADDITIONAL REGULATIONS THAT APPLY

## ARTICLE 3: GENERAL PROVISIONS

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.21 Hazardous Substances Groundwater Protection
- 3.22 On-Site Drainage & Runoff
- 3.23 Storage in Front Yards
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming
- 3.33 Performance Standards

## ARTICLE 4: SIGNS

- 4.5 Office, Business, & Industrial Districts
- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

## ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS

- 7.2 Accessory Dwelling Units above Commercial Establishments

- 7.3 Amateur Radio Antennas
- 7.5 Assisted Living Homes; Nursing/Convalescent Homes
- 7.6 Automobile Service Stations; Automotive Body/Paint/Interior /Glass Repair & Maintenance; Automotive Oil Change & Lubrication Shops
- 7.7 Bed & Breakfasts
- 7.9 Child Care Centers; Nursery Schools; Day Care Homes
- 7.11 Drive Through/Drive Up Businesses
- 7.12 Funeral Home/Mortuary
- 7.14 Greenhouses; Nurseries; Landscaping
- 7.16 Hotels & Motels
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.26 Parking Structures
- 7.27 Residential Human Care Facility
- 7.28 Restaurants with Outdoor Dining
- 7.31 Seasonal Use Sales
- 7.37 Telecommunications Facilities
- 7.38 Vehicle Sales
- 7.40 Wind Energy Systems

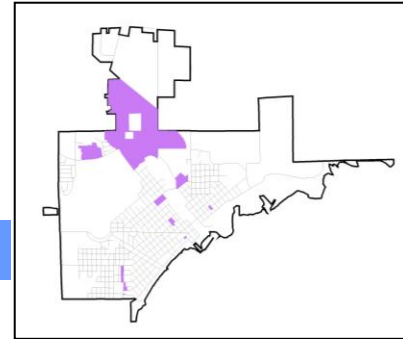
## SECTION 5.15 OS-1: OFFICE SERVICE DISTRICT

OS-1

## A. INTENT

The Office Service (OS-1) District is designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.

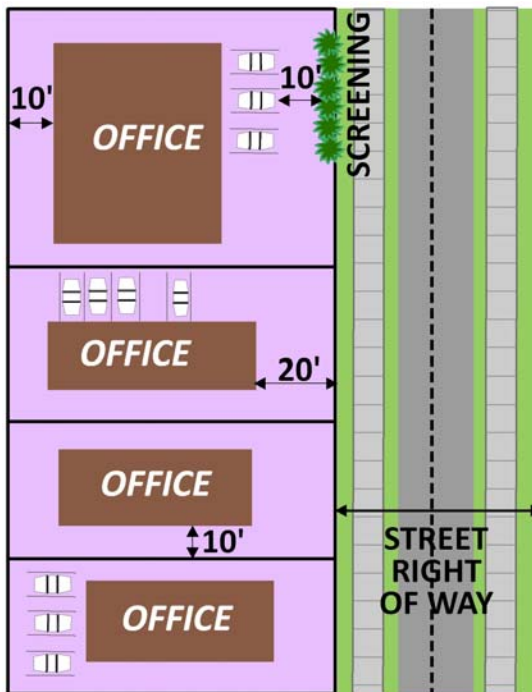
## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES



R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	OS1
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Art Studios	R
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)	R
Museums & Galleries	R
Outdoor Recreational Facilities (commercial)	S*
Public Parks, Playgrounds, and Recreation Areas	R
Spectator Sports Arenas	R
Swimming Pool Clubs	R
Zoos	S
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
Business, Labor, Political & Like Organizations	R
Financial Institution with drive through	R*
Financial Institution without drive through	R
Funeral Homes & Mortuaries	S*
Medical Marijuana Facilities: <sup>1</sup>	
Provisioning Centers	S*
Safety Compliance Facilities	S*
Personal Services (barber/beauty shops, tailoring, massage)	R
Professional Offices	R
Real Estate Offices	R
<b>RETAIL</b>	
Drive-Through Establishments (ex: pharmacy, dry cleaners)	R*
Pharmacies/Medical & Optical Supplies	R
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
Child Care Center or Day Care Center	R*
Nursery Schools	R*
Health Care /Dental /Optical Clinics	R
Hospitals	S*
Assisted Living Home	R*
Nursing/Convalescent Home	R*
Residential Human Care Facility	S*
Individual & Family Services	R
Community/Emergency/ Relief Services	R
Vocational Rehabilitation Services	R
<b>UTILITIES/ENERGY</b>	
Wind Energy Facilities/Anemometer Towers (Comm)	S*
Wind Energy Systems (small on-site)	R*

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	OS1
<b>COMMUNICATIONS</b>	
Amateur Radio Antennae (roof- or ground-mounted)	R*
Telecommunications antennas (located on existing attachment structures) 35' or less in height	R*
Telecommunication antennas attached to monopole 75' or less in height.	R*
Telecommunications Towers & Facilities & Alternative Tower Structures (over 75' in height)	S*
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R
<b>EDUCATIONAL SERVICES/RELIGION</b>	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	R
Public or private schools	R
Religious Institutions	R
<b>ACCOMMODATION AND FOOD SERVICES</b>	
Bed & Breakfasts	R*
Coffee Shops	R
Convention Centers/Conference Centers/Banquet Halls	R
Hotels & Motels & Resorts (attached or detached units)	S*
Resorts with ancillary uses other than swimming pools	S
<b>PARKING LOTS</b>	
Parking lots incidental to religious institutions, schools, and other public institutions	S*
Parking lots (Off-street: located on a lot not contiguous to the use it serves)	S
Parking Structures	R*
<b>PUBLIC FACILITIES</b>	
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R
<b>RESIDENTIAL USES</b>	
Accessory Buildings/Structures	R
Accessory Apartments/Dormitories related to churches, school, hospitals	S*
Dwelling Units above Commercial Establishment	R*

## C. DEVELOPMENT STANDARDS



## 1. SETBACKS

Minimum front yard: 20 ft

Minimum side yard: 10 ft

Minimum rear yard: 10 ft

2. BUILDING HEIGHT MAXIMUM: No limit<sup>2</sup>

Prior to the issuance of a building permit for any structure over thirty-five (35) feet in height, the Planning Commission shall make a finding that such a height will not be detrimental to the light, air or privacy of any other structure or use currently existing or approved for construction.

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

## 3. PARKING

Off-street parking shall be allowed to occupy a portion of the front yard, exclusive of corner clearance areas, located at least ten (10) feet from the nearest street right-of-way line. Screening shall be located between the off-street parking area, exclusive of access driveways, and the nearest right-of-way line, subject to the conditions set forth in [§3.29 \(F\)\(6\) and \(G\)](#).

## 4. MINIMUM RESIDENTIAL UNIT SIZE

- Within an existing building: No minimum square footage except as required by the Michigan Residential Code, as amended
- New Construction: 350 square feet of living space\* excluding kitchen and sanitary facilities, per unit.  
\*as defined by the Michigan Residential Code, as amended.

D. ADMINISTRATIVE PROCEDURES	
<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right (buildings up to 35' in height)</b>
<b>Planning Commission Approval</b>	<ol style="list-style-type: none"> <li><b>Special Land Uses</b></li> <li><b>Buildings over 35' in height</b></li> </ol>
<b>Administrative Departures</b>	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Parking may be permitted nearer to the street right-of-way where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with the surrounding buildings and the pedestrian environment of the site and area.
<b>Planning Commission Departures</b>	

## E. ADDITIONAL REGULATIONS THAT APPLY

## ARTICLE 3: GENERAL PROVISIONS

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.21 Hazardous Substances Groundwater Protection
- 3.22 On-Site Drainage & Runoff
- 3.23 Storage in Front Yards
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming
- 3.33 Performance Standards

## ARTICLE 4: SIGNS

- 4.5 Office, Business, & Industrial Districts
- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

## ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS

- 7.1 Accessory Apartments/Dormitories related to Churches, Schools, & Hospitals
- 7.2 Accessory Dwelling Units above Commercial Establishments
- 7.3 Amateur Radio Antennas
- 7.5 Assisted Living Homes; Nursing/Convalescent Homes
- 7.7 Bed & Breakfasts
- 7.9 Child Care Centers; Nursery Schools; Day Care Homes
- 7.11 Drive Through/Drive Up Businesses
- 7.12 Funeral Home/Mortuary
- 7.15 Hospitals
- 7.16 Hotels & Motels
- 7.23 Outdoor Recreational Facilities – Commercial
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.26 Parking Structures
- 7.27 Residential Human Care Facility
- 7.37 Telecommunications Facilities
- 7.40 Wind Energy Systems

## SECTION 5.16 B-1: LOCAL BUSINESS DISTRICT

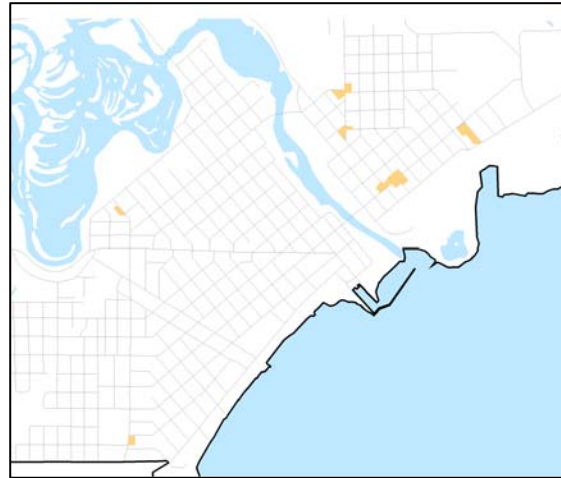
B-1

## A. INTENT

The B-1 Local Business District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

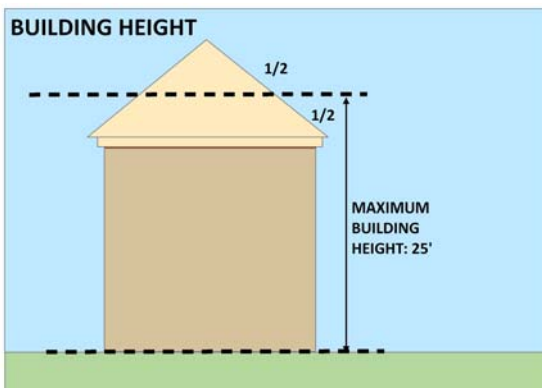
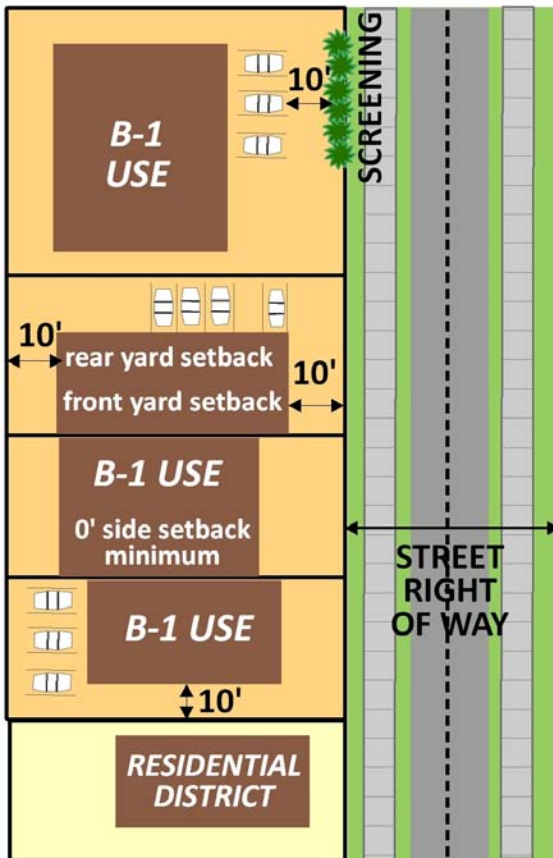
R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	<b>B1</b>
<b>ACCOMMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	R
<i>Coffee Shops</i>	R
<i>Drinking Establishments</i>	R
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Art Studios</i>	R
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Dry Cleaning &amp; Laundry Services (dealing directly w/customers)</i>	R
<i>Personal &amp; Household Goods Repair &amp; Maintenance</i>	R
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>	R
<i>Photofinishing/Photographers</i>	R
<b>COMMUNICATIONS</b>	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<b>UTILITIES/ENERGY</b>	
<i>Small On-Site Wind Turbines</i>	R*
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>	
<i>Accessory Buildings/Structures</i>	R
<i>Dwelling Units above Commercial Establishment</i>	R*
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Public or private schools</i>	R
<i>Religious Institutions</i>	R
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Center or Day Care Center</i>	R*
<i>Nursery Schools</i>	R*
<i>Health Care /Dental /Optical Clinics</i>	R



R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	<b>B1</b>
<b>PARKING LOTS</b>	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*
<i>Parking lots (Off-street: located on a lot not contiguous to the use it serves)</i>	S
<b>PUBLIC FACILITIES</b>	
<i>Community Centers (public)</i>	R
<i>Libraries</i>	R
<i>Police/Fire Stations</i>	R
<b>RETAIL</b>	
<i>Convenience Stores</i>	R
<i>Florists</i>	R
<i>Food &amp; Beverage Stores</i>	R
<i>General Merchandise Stores</i>	R
<i>Hardware Stores</i>	R
<i>Health &amp; Personal Care Stores</i>	R
<i>Movie Rental Stores</i>	R
<i>Pawn Shops/Resale Shops/Antique Shops</i>	S
<i>Pharmacies/Medical &amp; Optical Supplies</i>	R
<i>Seasonal Use Sales</i>	R*
<i>Small-Scale Craft Making</i>	R



## C. DEVELOPMENT STANDARDS



## 1. SETBACKS

Minimum front yard: 10 ft

Minimum side yard: None<sup>1</sup>

Minimum rear yard: 10 ft

<sup>1</sup> No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot line contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten (10) feet on the side bordering the residential district or street.

## 2. BUILDING HEIGHT MAXIMUM: 25 ft

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

## 3. PARKING

Off-street parking shall be allowed to occupy a portion of the front yard, exclusive of corner clearance areas, located at least ten (10) feet from the nearest street right-of-way line. Screening shall be located between the off-street parking area, exclusive of access driveways, and the nearest right-of-way line, subject to the conditions set forth in [§3.29 \(F\)\(6\) and \(G\)](#).

## 4. MINIMUM RESIDENTIAL UNIT SIZE

- e. Within an existing building: No minimum square footage except as required by the Michigan Residential Code, as amended
- f. New Construction: 350 square feet of living space\* excluding kitchen and sanitary facilities, per unit.

\*as defined by the Michigan Residential Code, as amended.

1 Purpose

2 Definitions

3 General Provisions

4 Signs

5 Zoning Districts

6 Site Plan Review

7 Supplemental Regulations

8 ZBA

9 Administration

10 Adoption &amp; Amendments



**D. ADMINISTRATIVE PROCEDURES**

<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Parking may be permitted nearer to the street right-of-way where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with the surrounding buildings and the pedestrian environment of the site and area.
<b>Planning Commission Departures</b>	

**E. ADDITIONAL REGULATIONS THAT APPLY****ARTICLE 3: GENERAL PROVISIONS**

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
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- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.29 Landscaping & Buffering
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming
- 3.33 Performance Standards

**ARTICLE 4: SIGNS**

- 4.5 Office, Business, & Industrial Districts
- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

**ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS**

- 7.2 Accessory Dwelling Units above Commercial Establishments
- 7.3 Amateur Radio Antennas
- 7.9 Child Care Centers; Nursery Schools; Day Care Homes
- 7.11 Drive Through/Drive Up Businesses
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.28 Restaurants with Outdoor Dining
- 7.31 Seasonal Use Sales
- 7.40 Wind Energy Systems

## SECTION 5.17 B-2: GENERAL BUSINESS DISTRICT

B-2

## A. INTENT

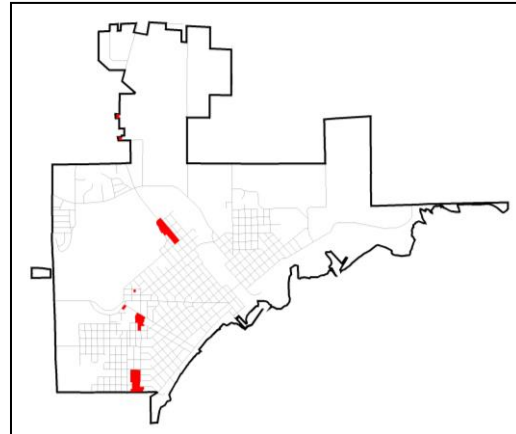
The B-2 General Business District is designed to provide sites for more diversified business types requiring a city-wide general market area and/or arterial exposure. The General Business District is thus typically located along major thoroughfares.

## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B2
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Drive-Through</i>	R*
<i>Restaurants with Drive-Up (eat in car)</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public ROW)</i>	S*
<b>AGRICULTURE/FORREST PRODUCTS</b>	
<i>Agricultural Equipment Dealers</i>	R
<i>Greenhouses/Nurseries/Landscaping</i>	S*
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Amusement Arcades</i>	S
<i>Art Studios</i>	R
<i>Assembly Halls</i>	R
<i>Boat Tours</i>	R
<i>Bowling Centers</i>	R
<i>Dive Shops/Dive Tours</i>	R
<i>Docks/Launch Ramps/Assoc Parking</i>	S
<i>Drive-In Theater</i>	S
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	R
<i>Marinas (including fuel sales, boat supplies, &amp; accessories)</i>	R*
<i>Museums &amp; Galleries</i>	R
<i>Outdoor Recreational Facilities (commercial)</i>	S*
<i>Performing Arts Facilities/ Movie Theaters</i>	R
<i>Private Clubs; Lodges</i>	R
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<i>Spectator Sports Arenas</i>	R
<i>Swimming Pool Clubs</i>	R
<i>Zoos</i>	S

City of Alpena Zoning Ordinance  
Adopted 1-18-10 Effective 3-1-10

<sup>1</sup>Amended 6-1-20



R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B2
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
<i>Automobile Service Stations (ex: gas station)</i>	R*
<i>Automotive Body/Paint/Interior &amp; Glass Repair</i>	S*
<i>Automotive Equipment Rental &amp; Leasing</i>	S
<i>Automotive Mech &amp; Elec Repair &amp; Maintenance</i>	S*
<i>Automotive Oil Change &amp; Lubrication Shops</i>	R*
<i>Business, Labor, Political &amp; Like Organizations</i>	R
<i>Carwashes</i>	R*
<i>Dry Cleaning &amp; Laundry Services (dealing directly w/customers)</i>	R
<i>Electronic &amp; Precision Repair &amp; Maintenance</i>	R
<i>Financial Institution with drive through</i>	R*
<i>Financial Institution without drive through</i>	R
<i>Funeral Homes &amp; Mortuaries</i>	R*
<i>General Rental Centers</i>	R
<i>Interior Designers/Showrooms</i>	R
<i>Medical Marihuana Facilities:<sup>1</sup></i>	
<i>Provisioning Centers</i>	S*
<i>Safety Compliance Facilities</i>	S*
<i>Personal &amp; Household Goods Repair &amp; Maint.</i>	R
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>	R
<i>Pet Care (except Veterinary &amp; Animal Shelters)</i>	R
<i>Photofinishing/Photographers</i>	R
<i>Printing/Binding/Publishing of Printed Materials</i>	R
<i>Professional Cleaning Services</i>	R
<i>Professional Offices</i>	R
<i>Real Estate Offices</i>	R
<i>Tattoo/Piercing Parlor</i>	S

Article 5: District Regulations

1 Purpose

2 Definitions

3 General Provisions

4 Signs

5 Zoning Districts

6 Site Plan Review

7 Supplemental Regulations

8 ZBA

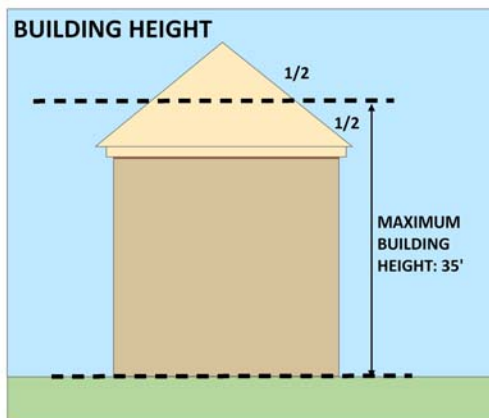
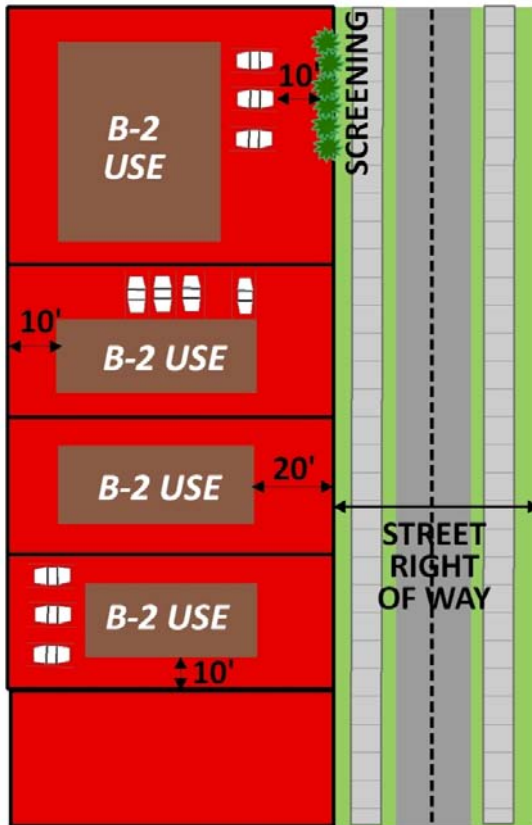
9 Administration

10 Adoption &amp; Amendments

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B2
<b>COMMUNICATIONS</b>	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Telecommunications antennas (located on existing attachment structures) 35' or less in height</i>	R*
<i>Telecommunication antennas attached to monopole 75' or less in height.</i>	R*
<i>Telecommunications Businesses (w/vehicle storage)</i>	R
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video &amp; Sound Recording Studios</i>	R
<b>CONSTRUCTION</b>	
<i>Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)</i>	S
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	R
<i>Public or private schools</i>	R
<i>Trade/Industrial Schools</i>	S
<i>Religious Institutions</i>	R
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Center or Day Care Center</i>	R*
<i>Nursery Schools</i>	R*
<i>Health Care /Dental /Optical Clinics</i>	R
<i>Hospitals</i>	S*
<i>Residential Human Care Facility</i>	S*
<i>Individual &amp; Family Services</i>	R
<i>Community/Emergency/ Relief Services</i>	R
<i>Vocational Rehabilitation Services</i>	R
<b>PARKING LOTS</b>	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*
<i>Parking lots (Off-street: located on a lot not contiguous to the use it serves)</i>	S
<i>Parking Structures</i>	R*
<b>PUBLIC FACILITIES</b>	
<i>Community Centers (public)</i>	R
<i>Government Offices</i>	R
<i>Libraries</i>	R
<i>Police/Fire Stations</i>	R
<i>Post Office</i>	R
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>	
<i>Accessory Buildings/Structures</i>	R
<i>Dwelling Units above Commercial Establishment</i>	R*

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B2
<b>RETAIL</b>	
<i>Boat and Boating Accessory Sales</i>	S
<i>Building Material &amp; Garden Equipment &amp; Supplies Dealers</i>	R
<i>Clothing &amp; Clothing Accessories Stores</i>	R
<i>Convenience Stores</i>	R
<i>Drive-Through Establishments (ex: pharmacy, dry cleaners)</i>	R*
<i>Electronics &amp; Appliance Stores</i>	R
<i>Fish (fresh) processing and sales</i>	R
<i>Florists</i>	R
<i>Food &amp; Beverage Stores</i>	R
<i>Furniture &amp; Home Furnishings Stores; Antique Stores</i>	R
<i>General Merchandise Stores</i>	R
<i>Hardware Stores</i>	R
<i>Health &amp; Personal Care Stores</i>	R
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	R
<i>Movie Rental Stores</i>	R
<i>Office Supply Stores</i>	R
<i>Outdoor Sales/Display</i>	R
<i>Pawn Shops/Resale Shops/Antique Shops</i>	S
<i>Pet Stores</i>	R
<i>Pharmacies/Medical &amp; Optical Supplies</i>	R
<i>Seasonal Use Sales</i>	R*
<i>Small-Scale Craft Making</i>	R
<i>Sporting Goods, Hobby, Book &amp; Music Stores</i>	R
<i>Vehicle Sale (indoor)</i>	R
<i>Vehicle Sale (outdoor)</i>	S*
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE</b>	
<i>Transit &amp; Ground Passenger Transportation (only depot/station)</i>	R
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	S
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*
<i>Small On-Site Wind Turbines</i>	R*

## C. DEVELOPMENT STANDARDS

**1. SETBACKS**

Minimum front yard:	20 ft
Minimum side yard:	10 ft
Minimum rear yard:	10 ft

**2. BUILDING HEIGHT MAXIMUM: 35 ft**

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

**3. PARKING**

Off-street parking shall be allowed to occupy a portion of the front yard, exclusive of corner clearance areas, located at least ten (10) feet from the nearest street right-of-way line. Screening shall be located between the off-street parking area, exclusive of access driveways, and the nearest right-of-way line, subject to the conditions set forth in [§3.29 \(F\)\(6\) and \(G\)](#).

**4. MINIMUM RESIDENTIAL UNIT SIZE**

- g. Within an existing building: No minimum square footage except as required by the Michigan Residential Code, as amended
- h. New Construction: 350 square feet of living space\* excluding kitchen and sanitary facilities, per unit.

\*as defined by the Michigan Residential Code, as amended.

1 Purpose

2 Definitions

3 General  
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4 Signs

5 Zoning  
Districts6 Site Plan  
Review7 Supplemental  
Regulations

8 ZBA

9 Administration

10 Adoption &  
Amendments

**D. ADMINISTRATIVE PROCEDURES**

<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Parking may be permitted nearer to the street right-of-way where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with the surrounding buildings and the pedestrian environment of the site and area.
<b>Planning Commission Departures</b>	

**E. ADDITIONAL REGULATIONS THAT APPLY****ARTICLE 3: GENERAL PROVISIONS**

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- 3.12 Accessory Uses
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- 3.22 On-Site Drainage & Runoff
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- 3.33 Performance Standards

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- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

**ARTICLE 7: SUPPLEMENTAL  
DEVELOPMENT REGULATIONS**

- 7.2 Accessory Dwelling Units above Commercial Establishments

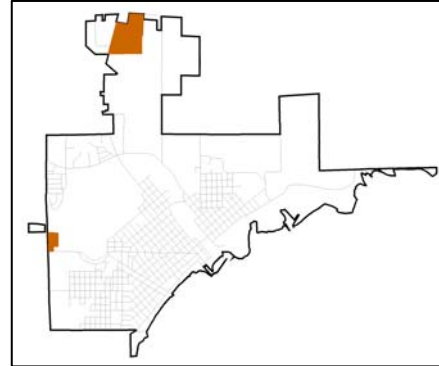
- 7.3 Amateur Radio Antennas
- 7.6 Automobile Service Stations;  
Automotive Body/Paint/Interior  
/Glass Repair & Maintenance;  
Automotive Oil Change &  
Lubrication Shops
- 7.9 Child Care Centers; Nursery Schools;  
Day Care Homes
- 7.11 Drive Through/Drive Up Businesses
- 7.12 Funeral Home/Mortuary
- 7.14 Greenhouses; Nurseries;  
Landscaping
- 7.15 Hospitals
- 7.16 Hotels & Motels
- 7.22 Marinas
- 7.23 Outdoor Recreational Facilities –  
Commercial
- 7.25 Parking Lots Incidental to Religious  
Institutions, Schools, & Other  
Public Institutions
- 7.26 Parking Structures
- 7.27 Residential Human Care Facilities
- 7.28 Restaurants with Outdoor Dining
- 7.31 Seasonal Use Sales
- 7.37 Telecommunications Facilities
- 7.38 Vehicle Sales
- 7.39 Vehicle Washes
- 7.40 Wind Energy Systems

## SECTION 5.18 B-3: COMMERCIAL DISTRICT

B-3

## A. INTENT

The B-3 Commercial District is designed to provide sites for more diversified business types requiring a city-wide general market area and/or arterial exposure which due to the nature and potential diversity of the land uses of the District, could result in external physical effects. Further, through proper planning and development controls, potential effects would be limited to the District.



## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

<b>R</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	<b>B3</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Drive-Through</i>	R*
<i>Restaurants with Drive-Up (eat in car)</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	R
<i>Trade/Industrial Schools</i>	S
<i>Religious Institutions</i>	R
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Center or Day Care Center</i>	R*
<i>Nursery Schools</i>	R*
<i>Health Care /Dental /Optical Clinics</i>	R
<i>Hospitals</i>	S*
<i>Residential Human Care Facility</i>	S*
<i>Individual &amp; Family Services</i>	R
<i>Community/Emergency/ Relief Services</i>	R
<i>Vocational Rehabilitation Services</i>	R

<b>R</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	<b>B3</b>
<b>AGRICULTURE/FOREST PRODUCTS</b>	
<i>Agricultural Equipment Dealers</i>	R
<i>Animal Shelter/Kennels</i>	S*
<i>Bulk seed, feed, fertilizer, nursery stock outlet and distribution centers (inc. wholesale)</i>	S
<i>Greenhouses/Nurseries/Landscaping</i>	S*
<i>Lumber Yards</i>	R*
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	S
<i>Wholesale Agriculture</i>	R
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Amusement Arcades</i>	S
<i>Art Studios</i>	R
<i>Assembly Halls</i>	R
<i>Boat Tours</i>	R
<i>Bowling Centers</i>	R
<i>Dive Shops/Dive Tours</i>	R
<i>Docks/Launch Ramps/Assoc Parking</i>	S
<i>Drive-In Theater</i>	S
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	R
<i>Marinas (including fuel sales, boat supplies, &amp; accessories)</i>	R*
<i>Museums &amp; Galleries</i>	R
<i>Outdoor Recreational Facilities (commercial)</i>	S*
<i>Performing Arts Facilities/ Movie Theaters</i>	R
<i>Private Clubs; Lodges</i>	R
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R
<i>RV Parks/Campgrounds</i>	S*
<i>Spectator Sports Arenas</i>	R
<i>Swimming Pool Clubs</i>	R
<i>Zoos</i>	S

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<b>R</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	<b>B3</b>
<b>RETAIL</b>	
Boat and Boating Accessory Sales	R
Building Material & Garden Equipment & Supplies Dealers	R
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Drive-Through Establishments (ex: pharmacy, dry cleaners)	R*
Electronics & Appliance Stores	R
Fish (fresh) processing and sales	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores; Antique Stores	R
General Merchandise Stores	R
Hardware Stores	R
Health & Personal Care Stores	R
Home Improvement Centers (lumber stored in enclosed structure)	R
Manufactured Home Dealers	R*
Movie Rental Stores	R
Office Supply Stores	R
Outdoor Sales/Display	R
Pawn Shops/Resale Shops/Antique Shops	R
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
Retail Uses with Outdoor Storage	S*
Seasonal Use Sales	R*
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Vehicle Sales (indoor)	R
Vehicle Sales (outdoor)	R*
<b>COMMUNICATIONS</b>	
Amateur Radio Antennae (roof or ground mounted)	R*
Telecommunications antennas (located on existing attachment structures) 35' or less in height	R*
Telecommunication antennas attached to monopole 75' or less in height.	R*
Telecommunications Towers & Facilities & Alternative Tower Structures (over 75' in height)	S*
Telecommunications Businesses (w/vehicle storage)	R
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R

<b>R</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *uses with Supplemental Regulations - Article 7	<b>B3</b>
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
Automobile Service Stations (example: gas station)	R*
Automotive Body/Paint/Interior & Glass Repair	S*
Automotive Equipment Rental & Leasing	R
Automotive Mechanical & Electrical Repair & Maintenance	R*
Automotive Oil Change & Lubrication Shops	R*
Business, Labor, Political & Like Organizations	R
Carwashes	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Dry Cleaning & Laundry Services (dealing directly w/customers)	R
Electronic & Precision Equipment Repair & Maintenance	R
Extermination & Pest Control Services	R
Financial Institution with drive through	R
Financial Institution without drive through	R
Funeral Homes & Mortuaries	R*
General Rental Centers	R
Interior Designers/Showrooms	R
Medical Marihuana Facilities: <sup>1</sup>	
Provisioning Centers	S*
Safety Compliance Facilities	S*
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Pet Care (except Veterinary and Animal Shelters)	R
Photofinishing/Photographers	R
Printing/Binding/Publishing of Printed Materials	R
Professional Cleaning Services	R
Professional Offices	R
Real Estate Offices	R
Tattoo/Piercing Parlor	S
<b>CONSTRUCTION</b>	
Building, developing & general contracting (no outside storage of materials)	R
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)	R
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (within an enclosed building)	R
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)	S*



R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B3
<b>MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT</b>	
<i>Pressurized Gas Filling &amp; Distribution (as a principal use)</i>	S
<i>Sign Painting Shops</i>	S*
<b>PARKING LOTS</b>	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*
<i>Parking lots (Off-street: located on a lot not contiguous to the use it serves)</i>	S
<i>Parking Structures</i>	R*
<b>PUBLIC FACILITIES</b>	
<i>Community Centers (public)</i>	R
<i>Government Offices</i>	R
<i>Libraries</i>	R
<i>Police/Fire Stations</i>	R
<i>Post Office</i>	R
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>	
<i>Accessory Buildings/Structures</i>	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B3
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE</b>	
<i>Airports, Landing Fields, and Heliports</i>	S
<i>Couriers/Parcel Packing/Delivery Establishments</i>	R
<i>Freight Terminals</i>	R
<i>Scenic &amp; Sightseeing Transportation</i>	R
<i>Transit &amp; Ground Passenger Transportation</i>	R
<i>Transit &amp; Ground Passenger Transportation (only depot/station)</i>	R
<i>Truck Washes</i>	R*
<i>Wholesale Trade</i>	R
<i>Warehousing &amp; Storage</i>	S*
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	S
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*
<i>Wind Energy Systems (small on-site)</i>	R*

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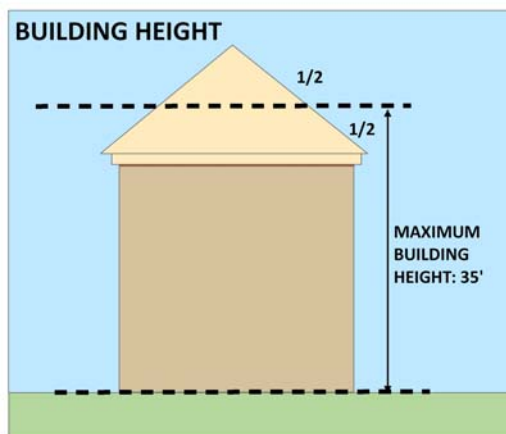
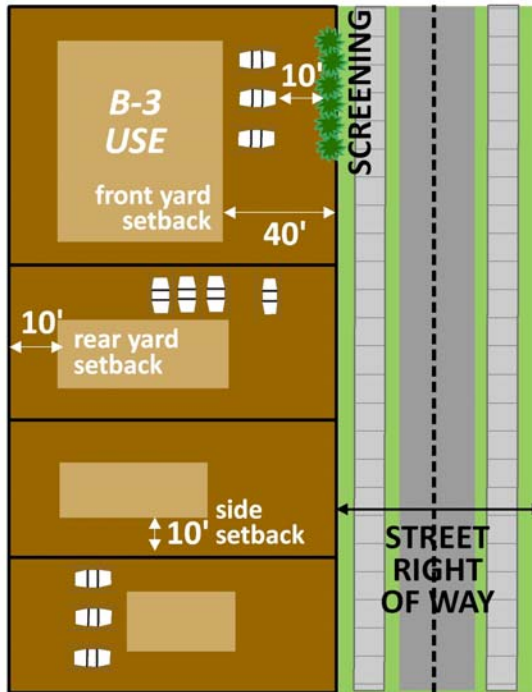
7 Supplemental Regulations

8 ZBA

9 Administration

10 Adoption &amp; Amendments

## C. DEVELOPMENT STANDARDS



## 1. SETBACKS

Minimum front yard: 40 ft

Minimum side yard: 10 ft

Minimum rear yard: 10 ft

## 2. BUILDING HEIGHT: 35 ft

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Development Supplemental Regulations](#).

## 3. PARKING

Off-street parking shall be allowed to occupy a portion of the front yard, exclusive of corner clearance areas, located at least ten (10) feet from the nearest street right-of-way line. Screening shall be located between the off-street parking area, exclusive of access driveways, and the nearest right-of-way line, subject to the conditions set forth in [§3.29 \(F\)\(6\) and \(G\)](#).

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D. ADMINISTRATIVE PROCEDURES	
<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Parking may be permitted nearer to the street right-of-way where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with the surrounding buildings and the pedestrian environment of the site and area.
<b>Planning Commission Departures</b>	

## E. ADDITIONAL REGULATIONS THAT APPLY

## ARTICLE 3: GENERAL PROVISIONS

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.21 Hazardous Substances Groundwater Protection
- 3.22 On-Site Drainage & Runoff
- 3.23 Storage in Front Yards
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.29 Landscaping & Buffering
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming
- 3.33 Performance Standards

## ARTICLE 4: SIGNS

- 4.5 Office, Business, & Industrial Districts
- 4.6 Churches, Schools, Nonprofits
- 4.9: Table of Sign Regulations

## ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS

- 7.3 Amateur Radio Antennas

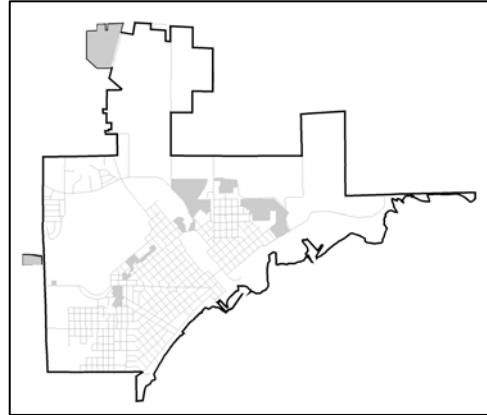
- 7.6 Automobile Service Stations; Automotive Body/Paint/Interior /Glass Repair & Maintenance; Automotive Oil Change & Lubrication Shops
- 7.8 Campgrounds/RV Parks
- 7.9 Child Care Centers; Nursery Schools; Day Care Homes
- 7.11 Drive Through/Drive Up Businesses
- 7.12 Funeral Home/Mortuary
- 7.14 Greenhouses; Nurseries; Landscaping
- 7.15 Hospitals
- 7.16 Hotels & Motels
- 7.18 Lumber Yards
- 7.19 Manufactured Home Dealers
- 7.22 Marinas
- 7.23 Outdoor Recreational Facilities - Commercial
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.26 Parking Structures
- 7.27 Residential Human Care Facilities
- 7.28 Restaurants with Outdoor Dining
- 7.29 Retail Uses with Outdoor Storage
- 7.31 Seasonal Use Sales
- 7.34 Sign Painting Shops
- 7.36 Storage Facilities
- 7.37 Telecommunications Facilities
- 7.38 Vehicle Sales
- 7.39 Vehicle Washes
- 7.40 Wind Energy Systems

## SECTION 5.19 I-1: LIGHT INDUSTRIAL DISTRICT

I-1

## A. INTENT

The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehouses and industrial operations whose external, physical effect are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.



## B. GENERAL GOALS

The general goals of this district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Municipality's expected future economy for all types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To provide for limited retail and commercial activities which have an industrial character in terms of their storage requirements or serve the retail or service needs of the industrial areas of the City.
5. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Municipality's tax revenue base.
6. To promote the growth of existing industrial business and the development of "clean" light-industrial business which have minimal impact on air and water quality.
7. To minimize negative impacts on public health, safety, and welfare.

C. USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I1
<b>ACCOMODATION AND FOOD SERVICES</b>	
Caterers/Food Service Contractors	R
Microbreweries	R
<b>AGRICULTURE/FOREST PRODUCTS</b>	
Agricultural Equipment Dealers	R
Agricultural products processing and storage	R
Animal Shelter/Kennels	S*
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	R
Greenhouses/Nurseries/Landscaping	R*
Lumber Yards	R*
Riding arenas/boarding stables (horse)	S
Veterinary Services/Animal Clinics/Animal Hospitals	R
Wineries/Distilleries/Breweries	R
Wholesale Agriculture	R
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Docks/Launch Ramps/Assoc Parking	S
Drive-In Theater	S
Marinas (including fuel sales, boat supplies, & accessories)	R*
Sportsmen's Clubs	S
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
Automobile Service Stations (example: gas station)	R*
Automotive Body/Paint/Interior & Glass Repair	R*
Automotive Equipment Rental & Leasing	R
Automotive Mechanical & Electrical Repair & Maintenance	R*
Automotive Oil Change & Lubrication Shops	R*
Car Washes	R*
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Crematoriums	S
Electronic & Precision Equipment Repair & Maintenance	R
Extermination & Pest Control Services	R
General Rental Centers	R
Medical Marijuana Facilities: <sup>1</sup>	
Grow Facilities	S*
Processing Facilities	S*
Provisioning Centers	S*
Safety Compliance Facilities	S*
Secure Transport Facilities	S*
Personal & Household Goods Repair & Maintenance	R
Printing/Binding/Publishing of Printed Materials	R
Professional Cleaning Services	R
Professional Offices	R
Professional Offices (w/existing/proposed ind. use)	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I1
Sexually Oriented Businesses	S*
Tattoo/Piercing Parlor	S
<b>COMMUNICATIONS</b>	
Amateur Radio Antennae (roof or ground mounted)	R*
Telecommunications antennas (located on existing attachment structures) 35' or less in height	R*
Telecommunication antennas attached to monopole 75' or less in height.	R*
Telecomm. Towers/Facil./Alt. Tower Structures >75'	S*
Telecommunications Businesses (w/vehicle storage)	R
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R
<b>CONSTRUCTION</b>	
Building, developing & general contracting (no outside storage of materials)	R
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)	R
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (within an enclosed building)	R
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (w/ outdoor storage)	S*
<b>MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT</b>	
Central Dry Cleaning Plants (not dealing directly with customers)	R
Computer, Electronic, & Appliance Product Mfg	R
Concrete, Cement, Gypsum, Plaster of Paris Manufacture	R*
Dry bulk blending plants	R
Food/beverage processing and packaging	R
Furniture & Related Product Mfg	R
Laboratories	R
Leather & Allied Product Mfg	R
Machine Shops	R
Metal/Plating/Buffing/Polishing/Cutting/Slitting/Shearing	R
Miscellaneous Mfg (from previously prepared materials)	R
Pressurized Gas Filling & Distribution (as a principal use)	R
Recycling facilities/Resource Recovery Facil/Transfer Stn	R
Research/Design/Experimental Product Development (within a completely enclosed building)	R
Sign Painting Shops	R*
Textile & Apparel Mfg	R
Tool & Die Shops	R
Waste Collection Services	S
Wood Product Mfg	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I1
<b>PARKING LOTS</b>	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	R*
<i>Parking lots (Off-street: located on a lot not contiguous to the use it serves)</i>	S
<i>Parking Structures</i>	R*
<b>PUBLIC FACILITIES</b>	
<i>Government Offices</i>	R
<i>Police/Fire Stations</i>	R
<i>Public Works Facilities with Outdoor Storage</i>	R
<i>Water &amp; Wastewater Treatment Plants</i>	S
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>	
<i>Accessory Buildings/Structures</i>	R
<b>RETAIL</b>	
<i>Boat and Boating Accessory Sales</i>	R
<i>Building Material &amp; Garden Equipment &amp; Supplies Dealers</i>	R
<i>Manufactured Home Dealers</i>	R*
<i>Outdoor Sales/Display</i>	R
<i>Retail Uses with Outdoor Storage</i>	S*
<i>Truck and heavy equipment sales/service establishments</i>	R
<i>Vehicle Dealers (indoor)</i>	R
<i>Vehicle Dealers (outdoor)</i>	R*

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I1
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Trade/Industrial Schools</i>	R
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE</b>	
<i>Airports, Landing Fields, and Heliports</i>	S
<i>Couriers/Parcel Packing/Delivery Establishments</i>	R
<i>Freight Terminals</i>	R
<i>Rail yards</i>	R
<i>Scenic &amp; Sightseeing Transportation</i>	R
<i>Transit &amp; Ground Passenger Transportation</i>	R
<i>Truck Washes</i>	R*
<i>Warehousing &amp; Storage</i>	R*
<i>Wholesale Trade</i>	R
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	R
<i>Public Utility Facilities (with storage yards)</i>	R
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*
<i>Small On-Site Wind Turbines</i>	R*

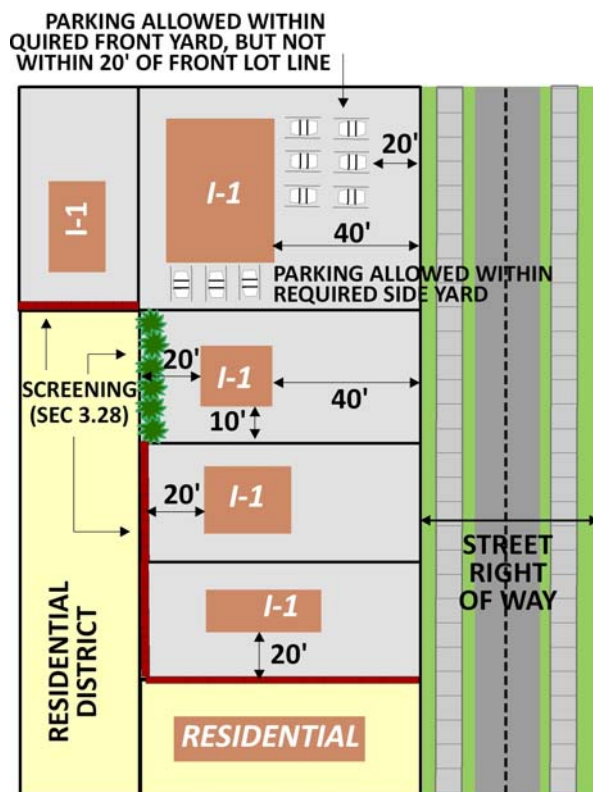
## D. DEVELOPMENT STANDARDS

1. All uses in this district shall be subject to the following required conditions:
  - a. No combustion or incineration facilities are allowed other than heating plants which use natural gas or electricity as energy.
  - b. No odors, air emissions, or vibrations beyond the boundaries of the site shall be allowed.
  - c. Noise shall comply with sound level standards for industrially-zoned property as set forth in Chapter 22-1 of the Code of Ordinances of the City of Alpena.
  - d. Provide a complete list of all federal, state and local permits (excluding plumbing, mechanical, and electrical permits) required for the project, the specific agency or department responsible for the permit review, the standards for review and approval, and application status. Copies of all issued permits shall be filed with the City Building Official prior to issuance of a City Building Permit. Once in operation any new or renewed permits must also be filed with the Building Official upon approval.



e. No outdoor industrial operations shall be allowed except for the following:

- 1) Parking and loading per [§3.30](#) of this Ordinance.
- 2) Outdoor storage per the following:
  - a) Shall be located in a rear or interior side yard.
  - b) Shall be at least two hundred (200) feet from any residential zoning district.
  - c) Shall be screened by a six (6) or eight (8) foot high solid fence or wall with a solid gate (materials per [§3.28 \(C\)](#)). The Planning Commission may approve the use of a dense vegetative buffer a minimum of fifteen (15) feet in depth and eight (8) feet in height as a substitute for the fence or wall.
  - d) Stored material shall not be stacked higher than the screening fence, wall or vegetation unless approved by the Planning Commission.
  - e) Existing industries with existing storage in the front yards shall be screened by a minimum twenty (20) foot deep dense vegetative buffer.



## 2. SETBACKS

Minimum front yard: 40 ft

Minimum side yard<sup>1</sup>: 10 ft

Minimum rear yard<sup>1</sup>: 10 ft

<sup>1</sup> A rear and side yard setback of not less than twenty (20) feet shall be required where a district abuts a residential district.

## 3. BUILDING HEIGHT: 50 ft

Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for commercial space (chimneys, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

## 4. PARKING

- a. Off-street parking shall be permitted in a required side yard setback.
- b. Off-street parking may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line and is exclusive of corner clearance areas.

E. ADMINISTRATIVE PROCEDURES	
<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Parking may be permitted nearer to the street right-of-way where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with the surrounding buildings and the pedestrian environment of the site and area.
<b>Planning Commission Departures</b>	

## F. ADDITIONAL REGULATIONS THAT APPLY

### ARTICLE 3: GENERAL PROVISIONS

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.21 Hazardous Substances Groundwater Protection
- 3.22 On-Site Drainage & Runoff
- 3.23 Storage in Front Yards
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.29 Landscaping & Buffering
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming
- 3.33 Performance Standards

### ARTICLE 4: SIGNS

- 4.5 Office, Business, & Industrial Districts
- 4.9: Table of Sign Regulations

### ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS

- 7.4 Animal Shelters/Kennels
- 7.3 Amateur Radio Antennas

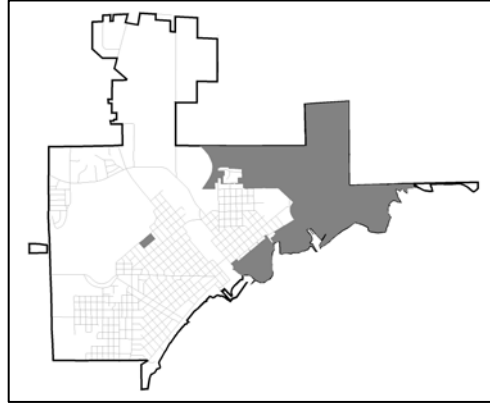
- 7.6 Automobile Service Stations; Automotive Body/Paint/Interior /Glass Repair & Maintenance; Automotive Oil Change & Lubrication Shops
- 7.14 Greenhouses; Nurseries; Landscaping
- 7.18 Lumber Yards
- 7.19 Manufactured Home Dealers
- 7.21 Manufacturing Uses; Misc.
- 7.22 Marinas
- 7.24 Outdoor Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment
- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.26 Parking Structures
- 7.29 Retail Uses with Outdoor Storage
- 7.31 Seasonal Use Sales
- 7.33 Sexually Oriented Businesses
- 7.34 Sign Painting Shops
- 7.36 Storage Facilities
- 7.37 Telecommunications Facilities
- 7.38 Vehicle Sales
- 7.39 Vehicle Washes
- 7.40 Wind Energy Systems

## SECTION 5.20 I-2: GENERAL INDUSTRIAL DISTRICT

I-2

## A. INTENT

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. It is the intent of the City to work with these industries to minimize to the extent possible these external impacts, to ensure that these industries comply with all federal and state environmental regulations and obtain all necessary permits prior to construction and during operation. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.



## B. GENERAL GOALS

The general goals of this district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related uses.
2. To protect abutting residential districts by separating and screening them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development that mitigates to the greatest extent possible danger of fire, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences, while recognizing that by their very nature these industries will result in some of these influences in varying degrees.
4. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the City's tax revenue base.
5. To promote the growth of existing industrial business and the development of new general industrial business which utilize the most recent technology commercially available to minimize or abate impacts on air, land and water quality.
6. To minimize negative impacts on public health, safety, and welfare.
7. To limit the expansion of the I-2 zoning classification to the minimum land necessary for the intended use, while maintaining the necessary setbacks and screening from adjoining non-industrial uses and districts.

1 Purpose

2 Definitions

3 General  
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5 Zoning  
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**B. USES PERMITTED BY RIGHT & SPECIAL LAND USES**

1. All uses requiring State or Federal environmental permits, outdoor storage, and/or structures greater than ten thousand (10,000) square feet in area shall be considered a Special Land Use.

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I2
<b>AGRICULTURE/FOREST PRODUCTS</b>	
Agricultural Equipment Dealers	R
Agricultural products processing and storage	R
Animal Shelter/Kennels	S*
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	R
Greenhouses/Nurseries/Landscaping	R*
Lumber Mills	R
Wineries/Distilleries/Breweries	R
Wholesale Agriculture	R
<b>COMMUNICATIONS</b>	
Amateur Radio Antennae (roof or ground mounted)	R*
Telecommunications antennas (located on existing attachment structures) 35' or less in height	R*
Telecommunication antennas attached to monopole 75' or less in height.	R*
Telecommunications Towers & Facilities & Alternative Tower Structures (over 75' in height)	S*
Telecommunications Businesses (w/vehicle storage)	R
<b>CONSTRUCTION</b>	
Building, developing & general contracting (no outside storage of materials)	R
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)	R
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (within an enclosed building)	R
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)	S*
<b>EDUCATIONAL SERVICES/RELIGION</b>	
Trade/Industrial Schools	S

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I2
<b>COMMERCIAL/BUSINESS/SERVICE</b>	
Automobile Service Stations (example: gas station)	R*
Automotive Body/Paint/Interior & Glass Repair	R*
Automotive Equipment Rental & Leasing	R
Automotive Mechanical & Electrical Repair & Maintenance	R*
Automotive Oil Change & Lubrication Shops	R*
Commercial Docks & Associated Facilities	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Crematoriums	S
Medical Marihuana Facilities: <sup>1</sup>	
Grow Facilities	S*
Processing Facilities	S*
Provisioning Centers	S*
Safety Compliance Facilities	S*
Secure Transport Facilities	S*
Printing/Binding/Publishing of Printed Materials	R
Professional Offices (associated with existing or proposed industrial use)	R
Sexually Oriented Businesses	S*
<b>RETAIL</b>	
Truck and heavy equipment sales/service establishments	R

1 Purpose

2 Definitions

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9 Administration

10 Adoption &amp; Amendments

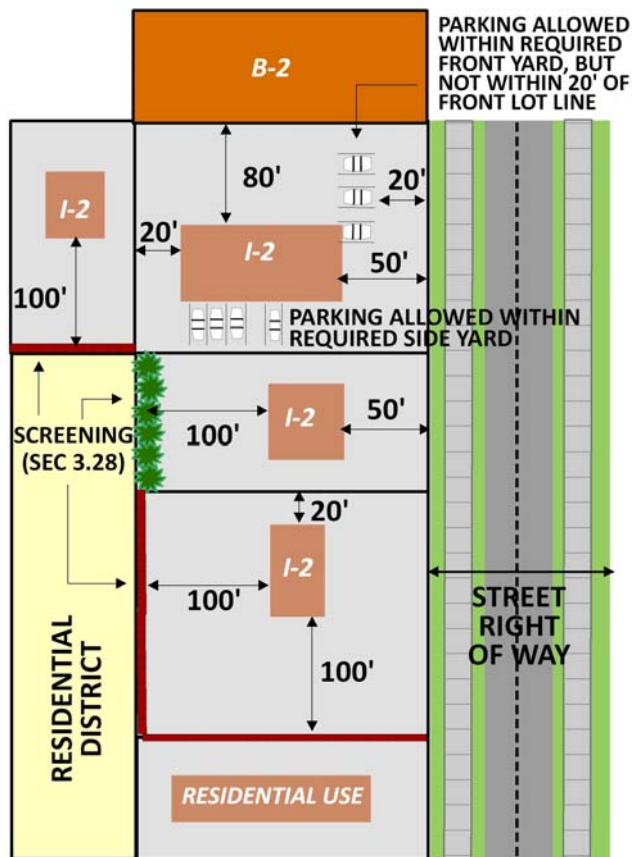
R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	12
<b>MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT</b>	
<i>Blast Furnace, Steel Furnace, Blooming or Rolling Mill</i>	R*
<i>Central Dry Cleaning Plants (not dealing directly with customers)</i>	R
<i>Computer, Electronic, &amp; Appliance Product Mfg</i>	R
<i>Concrete, Cement, Gypsum, Plaster of Paris Manufacture</i>	R*
<i>Dry bulk blending plants</i>	R
<i>Food/beverage processing and packaging</i>	R
<i>Furniture &amp; Related Product Mfg</i>	R
<i>Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant</i>	S*
<i>Junkyards/salvage yards</i>	S*
<i>Laboratories</i>	R
<i>Leather &amp; Allied Product Mfg</i>	R
<i>Machine Shops</i>	R
<i>Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing</i>	R
<i>Mines, quarries, and gravel pits</i>	S
<i>Miscellaneous Mfg (from previously prepared materials)</i>	R
<i>Oil and Gas Processing Facilities</i>	S
<i>Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution</i>	S*
<i>Pressurized Gas Filling &amp; Distribution (as a principal use)</i>	R
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations</i>	R
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	R
<i>Sign Painting Shops</i>	R*
<i>Smelting Industries</i>	S
<i>Textile &amp; Apparel Mfg</i>	R
<i>Tool &amp; Die Shops</i>	R
<i>Waste Collection Services</i>	S
<i>Wood Product Mfg</i>	R

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	12
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE</b>	
<i>Airports, Landing Fields, and Heliports</i>	S
<i>Couriers/Parcel Packing/Delivery Establishments</i>	R
<i>Freight Terminals</i>	R
<i>Rail yards</i>	R
<i>Scenic &amp; Sightseeing Transportation</i>	R
<i>Transit &amp; Ground Passenger Transportation</i>	R
<i>Warehousing &amp; Storage</i>	R
<i>Truck Washes</i>	R*
<b>UTILITIES/ENERGY</b>	
<i>Heating &amp; Electric Power Generating Plants</i>	S
<i>Public Utility Facilities (without storage yards)</i>	R
<i>Public Utility Facilities (with storage yards)</i>	R
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*
<i>Small On-Site Wind Turbines</i>	R*
<b>PARKING LOTS</b>	
<i>Parking lots (Off-street: located on a lot not contiguous to the use it serves)</i>	S
<i>Parking Structures</i>	R*
<b>PUBLIC FACILITIES</b>	
<i>Government Offices</i>	R
<i>Police/Fire Stations</i>	R
<i>Public Works Facilities with Outdoor Storage</i>	R
<i>Water &amp; Wastewater Treatment Plants</i>	S

## C. DEVELOPMENT STANDARDS

1. All new development within the district shall comply with the following:
  - a. Potential environmental impacts on air, surface and ground water, soils and natural features shall be minimized or fully mitigated.
  - b. Potential impacts on nearby land uses, public infrastructure and the economic vitality of the community shall be demonstrated to be neutral or positive.
  - c. Potential impacts on the health of residents of the City and surrounding areas and on plant and wildlife habitats in the vicinity of the development shall be neutral or negligible.
  - d. Comply with all applicable environmental standards as established by the United States Environmental Protection Agency (USEPA) and/or the Michigan Department of Natural Resources and the Environment (MDNRE).
  - e. Provide a complete list of all federal, state and local permits (excluding plumbing, mechanical, and electrical permits) required for the project, the specific agency or department responsible for the permit review, the standards for review and approval, and application status. Copies of all issued permits shall be filed with the City Building Official prior to issuance of a City Building Permit. Once in operation any new or renewed permits must also be filed with the Building Official upon approval.
  - f. Provide a complete list of the type and quantity of all fuels, chemicals and hazardous substances used and/or stored on-site. The use and storage of such materials shall be in compliance with **§3.21: Hazardous Substances and Groundwater Protection**.
  - g. Comply with the **§3.33 Performance Standards**.
  - h. The outside storage of raw materials or finished product shall be located in the rear or side yards only, and shall be screened from public streets and adjacent non-industrial districts in accordance with the requirements of **§3.29: Screening and Landscaping**. In some cases, the screening of materials may not be completely obscured from public view.
  - i. All industrial uses shall limit truck traffic to designated truck routes to the greatest extent possible and limit usage of residential streets to the shortest distance necessary to access the nearest truck route.
  - j. Front yards shall be landscaped in accordance with **§3.29** and properly maintained at all times.





## 2. SETBACKS

Minimum front yard: 50 ft

Minimum side yard<sup>1</sup>: 20 ft

Minimum rear yard<sup>1</sup>: 20 ft

<sup>1</sup> A rear and side yard setback of not less than eighty (80) feet shall be provided where an I-2 District abuts a non-industrial district or use, except residential, in which case the setback is 100'.

## 3. BUILDING HEIGHT: no limit

## 4. PARKING

- Off-street parking shall be permitted in a required side yard setback.
- Off-street parking may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line and is exclusive of corner clearance areas.

D. ADMINISTRATIVE PROCEDURES	
<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right except those requiring Planning Commission approval.</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b> All Industrial Uses requiring State and/or Federal Environmental Permits, Outside Storage and/or containing Structures totaling 10,000 square feet or more.
<b>Administrative Departures</b>	1. Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
	2. Parking may be permitted nearer to the street right-of-way where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with the surrounding buildings and the pedestrian environment of the site and area.
<b>Planning Commission Departures</b>	

## E. ADDITIONAL REGULATIONS THAT APPLY

## ARTICLE 3: GENERAL PROVISIONS

- 3.11 Accessory Buildings/Structures
- 3.12 Accessory Uses
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.21 Hazardous Substances Groundwater Protection
- 3.22 On-Site Drainage & Runoff
- 3.23 Storage in Front Yards
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.29 Landscaping & Buffering
- 3.30 Circulation & Parking
- 3.31 General Exceptions
- 3.32 Nonconforming
- 3.33 Performance Standards

## ARTICLE 4: SIGNS

- 4.5 Office, Business, & Industrial Districts
- 4.9: Table of Sign Regulations

## ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS

- 7.3 Amateur Radio Antennas
- 7.4 Animal Shelters/Kennels
- 7.6 Automobile Service Stations; Automotive Body/Paint/Interior /Glass Repair & Maintenance; Automotive Oil Change & Lubrication Shops
- 7.14 Greenhouses; Nurseries; Landscaping
- 7.17 Junkyards; Salvage Yards
- 7.21 Manufacturing Uses; Misc.
- 7.22 Marinas
- 7.24 Outdoor Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment
- 7.26 Parking Structures
- 7.33 Sexually Oriented Businesses
- 7.34 Sign Painting Shops
- 7.36 Storage Facilities
- 7.37 Telecommunications Facilities
- 7.40 Wind Energy Systems

## SECTION 5.21 P-1: VEHICULAR PARKING DISTRICT

P-1

## A. INTENT

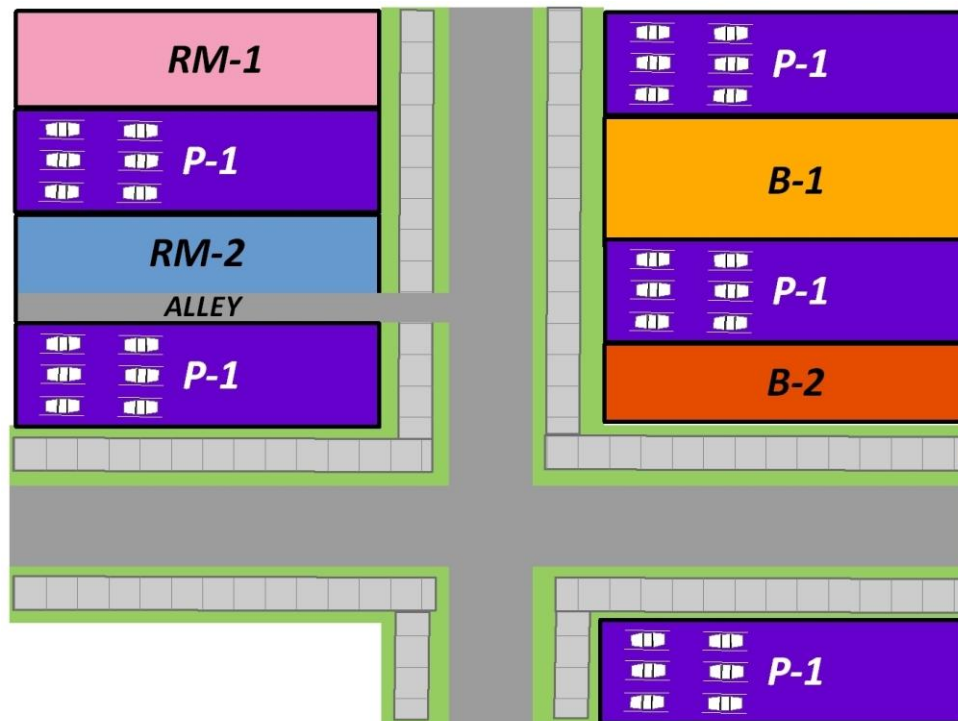
The P-1 Vehicular Parking Districts are intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. The district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities. The P-1 District serves as a transition between commercial and residential areas.

## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	P1
<b>PARKING LOTS</b>	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	R*
<i>Parking lots (off-street: located on a lot separate from the use it serves)</i>	R
<i>Parking Structures</i>	S*
<i>Storage Buildings occupying no more than 10% of the lot up to 400 ft<sup>2</sup></i>	R

## C. REQUIRED CONDITIONS

1. The parking area shall be accessory to, and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
2. Such parking lots shall be contiguous to a residential or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public alley between such P-1 District and above listed districts.
3. Parking area shall be used solely for parking of private passenger vehicles for periods of less than one (1) day and shall not be used as an off-street loading area.
4. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
5. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
6. A building for shelter of attendants may be erected upon the premises and shall not exceed fifteen (15) feet in height.
7. Applications for P-1 District rezoning shall be made by submitting a plot plan. A final plot plan shall be submitted in accordance with [Article 6](#) following the rezoning of the property layout of the area requested showing the intended parking plans.



D. ADMINISTRATIVE PROCEDURES	
<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	
<b>Planning Commission Departures</b>	

## E. ADDITIONAL REGULATIONS THAT APPLY

### ARTICLE 3: GENERAL PROVISIONS

- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.22 On-Site Drainage & Runoff
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.29 Landscaping & Buffering
- 3.30 Circulation & Parking

### ARTICLE 4: SIGNS

- 4.4 Parking District
- 4.9: Table of Sign Regulations

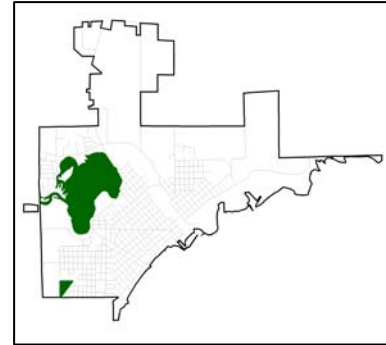
### ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS

- 7.25 Parking Lots Incidental to Religious Institutions, Schools, & Other Public Institutions
- 7.26 Parking Structures

SECTION 5.22 CR: CONSERVATION & RESOURCES DISTRICT

A. INTENT

The City of Alpena recognizes that natural resources and open space areas constitute important physical, aesthetic, and environmental assets. The CR Conservation and Resources District is intended to permit the establishment of natural resource conservation areas in order to preserve these areas for the benefit of the public and to protect and enhance the ecological resources in the City of Alpena and the Thunder Bay Watershed.



B. USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations - Article 7	CR
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Accessory Structures	R
Botanical Gardens	R
Docks/Launch Ramps/Assoc Parking	S
Nature Parks	R
Public Parks, Playgrounds, Rec Area	S
Trails	R

C. DEVELOPMENT STANDARDS

Development standards shall be approved on a case by case basis.

D. ADMINISTRATIVE PROCEDURES

<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	
<b>Planning Commission Departures</b>	

E. ADDITIONAL REGULATIONS THAT APPLY

ARTICLE 3: GENERAL PROVISIONS

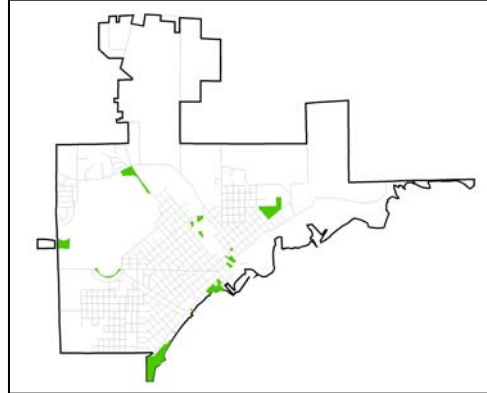
- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.22 On-Site Drainage & Runoff
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.29 Landscaping & Buffering
- 3.30 Circulation & Parking

## SECTION 5.23 PR: PARKS &amp; RECREATION DISTRICT

PR

## A. INTENT

The City of Alpena recognizes that recreational amenities constitute an important part of the character of and quality of life of the City. The Parks and Recreation District is intended to permit the establishment of recreational uses and complimentary accessory uses which preserve and enhance these areas of the city in order to provide recreational, aesthetic, and economic benefit to the City. It is not the intention of the City to include every small “pocket park” in this zoning district.



## B. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES

<b>R</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	<b>PR</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Accessory Structures</i>	<b>R</b>
<i>Ball Fields</i>	<b>R</b>
<i>Boat Tours</i>	<b>S</b>
<i>Botanical Gardens</i>	<b>R</b>
<i>Dive Shops/Dive Tours</i>	<b>S</b>
<i>Docks/Launch Ramps/Assoc Parking</i>	<b>S</b>
<i>Golf Courses</i>	<b>S*</b>
<i>Nature Parks/Nature Areas</i>	<b>R</b>
<i>Outdoor performance facilities</i>	<b>R</b>
<i>Outdoor Recreational Facilities (public): including but limited to tennis courts, basketball courts, ball fields, golf, miniature golf, disk golf, dog park, skateboarding facility)</i>	<b>R</b>
<i>Outdoor Vendors</i>	<b>S</b>
<i>Public Parks, Playgrounds, and Recreation Areas</i>	<b>R</b>
<i>RV Parks/Campgrounds</i>	<b>S*</b>
<i>Restroom Facilities</i>	<b>R</b>
<i>Trails</i>	<b>R</b>
<b>COMMUNICATIONS</b>	
<i>Amateur Radio Antennae (Roof or Ground Mounted)</i>	<b>R*</b>



**C. DEVELOPMENT STANDARDS**

1. Development standards shall be approved on a case by case basis.
2. Parcels shall be at least one-quarter (0.25) acres to be included in the Parks & Recreation District.

**D. ADMINISTRATIVE PROCEDURES**

<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>1. Uses Permitted by Right: Only those uses which are determined by Planning Staff to be incidental uses and which will not have an impact on surrounding properties.</b>
<b>Planning Commission Approval</b>	<b>1. Special Land Uses</b> <b>2. Uses Permitted by Right which are determined by Planning Staff to be of a large enough scale to have a potential impact on surrounding properties. In such cases, Planning Commission review will include a public hearing.</b>
<b>Administrative Departures</b>	
<b>Planning Commission Departures</b>	

**E. ADDITIONAL REGULATIONS THAT APPLY****ARTICLE 3: GENERAL PROVISIONS**

- 3.13 Access to Public Street
- 3.14 Intersection & Driveway Visibility
- 3.22 On-Site Drainage & Runoff
- 3.24 Waterfront Setback & Floodplains
- 3.27 Exterior Site Lighting
- 3.28 Fences & Walls
- 3.29 Landscaping & Buffering
- 3.30 Circulation & Parking

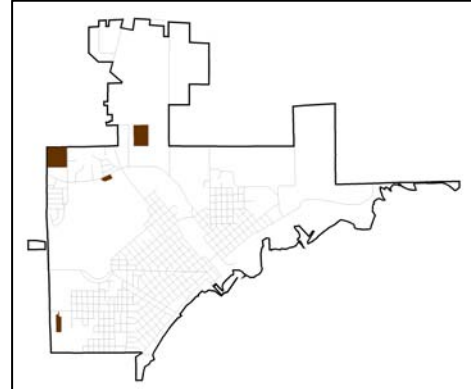
**ARTICLE 7: SUPPLEMENTAL DEVELOPMENT REGULATIONS**

- 7.3 Amateur Radio Antennas
- 7.8 Campgrounds & RV Parks
- 7.13 Golf Courses

SECTION 5.24 PUD: PLANNED UNIT DEVELOPMENT DISTRICT

A. INTENT

The City of Alpena recognizes that many site developments do not readily fit within the confines of the use and design standards of the typical zoning district classifications of the City Zoning Ordinance. The Planned Unit Development (PUD) District is designed to encourage quality land development and site design outside the typical zoning standards. Through the use of flexible design and use standards developments can make more efficient and effective use of the land and infrastructure to the benefit of the entire community. Creativity is promoted and the needs of the City can often be more effectively satisfied. While permitting greater latitude in the mix of uses and the development standards incorporated into a project, the District also provides the City with increased oversight and guidance in the design process. To this end the use of PUD's is intended to achieve the following purposes:



1. Provide flexibility in development regulations, including street and right-of-way standards.
2. Encourage creativity and innovation in land use and design.
3. Promote development compatible with existing adjacent development.
4. Ensure that future development occurs in accordance with the Comprehensive Plan, as amended.
5. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.
6. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.)
7. Promote efficient use of public services.
8. Encourage innovative re-use of existing buildings and sites.
9. Preserve significant natural, historic and architectural features.
10. Encourage development that preserves open space and unique site characteristics.
11. Provide a variety of housing options.

B. ELIGIBILITY REQUIREMENTS/QUALIFICATIONS

1. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.
2. The site submitted for PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses and facilities not normally consistent with each other.

3. Minimum size requirements: one (1) acre, except for a PUD containing any industrial uses shall be a minimum five (5) acres in size. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.
4. Adequate public utilities – streets, sanitary sewer, water, utilities, and drainage – are available to and of sufficient capacity to adequately serve the development. Any upgrades necessary to service the development shall be in accordance with all applicable City policies, regulations and ordinances.

### C. ZONING AND LAND DIVISION

1. The Planned Unit Development (PUD) District may be applied for in any zoning district and at any location within the City of Alpena. The establishment of a PUD district shall require a rezoning in accordance with [Article 10](#) of this Ordinance.
2. The division or subdivision of an approved PUD shall be in accordance with applicable State statutes regarding the division of property contained in the PUD.

### D. SUBMITTAL PROCESS

Each of the following steps in the submittal process is mandatory, and failure to complete any one will result in a suspension of the process until such time as the required information is submitted in accordance with the requirements of this ordinance.

#### 1. Pre-Application Meeting:

The applicant shall meet with appropriate City staff (planner, engineer, building official) prior to submitting a formal application to discuss the project and obtain staff input on issues to be addressed in the application and site plan.

#### 2. Re-zoning Application and Preliminary Plan:

The applicant shall submit the following to the City Planner by the filing deadline:

- a. A completed PUD rezoning application and filing fee.
- b. Statement that the proposed PUD is in compliance with the eligibility requirements listed in [§5.24\(B\)](#).
- c. Complete legal description of the site including acreage.
- d. Site plan (12 copies) of existing conditions indicating: existing buildings, parking lots, drives, streets and other hard surface areas; existing significant trees and woodlands (individual trees 8" in diameter and above to be shown); topography (spot elevations or minimum 2-foot contours);

bodies of water; other significant natural features; surrounding land uses and zoning; adjacent public and private streets; utility lines; other information as may be requested by City staff or the Planning Commission to adequately review the application.

e. Preliminary site plan of the proposed development (12 copies) including:

- 1) General footprint of proposed and existing buildings to remain.
- 2) Indication of proposed uses and their general locations.
- 3) General layout of streets, drives, parking areas and pedestrian paths.
- 4) Individual parcels, if applicable.
- 5) Minimum setbacks for district perimeters and individual buildings within the development.
- 6) Proposed perimeter buffer zones and screening.
- 7) Conceptual landscape plan.
- 8) Development phases, if applicable.
- 9) Type, estimated number and density range for residential development.
- 10) Other information as may be deemed necessary by City staff or the Planning Commission to properly review the proposal.

f. Additional supporting documentation including a written narrative describing the project.

### 3. **Planning Commission Review:**

Within thirty (30) days of submittal the Planning Commission shall conduct a public hearing on the rezoning and preliminary site plan in accordance with §9.6. Following the public hearing the Commission shall recommend denial, approval as submitted or approval with modifications and/or conditions it may deem necessary. Such recommendation shall be based on the Review Criteria listed in §5.24(E).

### 4. **City Council Review and Action:**

The application, supporting documentation and the Commission recommendation shall be forwarded to the City Council for action. Following review and discussion, the Council shall deny or approve the establishment of the PUD district and the preliminary site plan. Approval may be with or without conditions. If conditions are imposed the Council may require resubmission of the preliminary site plan with the required modifications prior

to submittal of the final site plan. Approval shall be based on the Review Criteria listed in §5.24(E).

**5. Validity of Preliminary Site Plan:**

Once approved the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two- year time period the PUD and preliminary site plan shall become null and void, and the zoning shall revert to that which existed prior to the establishment of the PUD. The Planning Commission may approve one (1) extension of up to two (2) years.

**6. Final Site Plan Approval:**

a. Upon approval of the rezoning and preliminary site plan by the City Council the applicant shall submit a final site plan of the entire PUD or phased portion thereof and filing fee to the Alpena City Planning Commission for review and approval within the required time frame.

b. Submittal requirements:

1) Final Site Plan (scale no smaller than 1"= 100')

a) Boundary lines of PUD site and adjacent parcels (include PUD legal description).

b) Current zoning and land uses of adjacent parcels.

c) Proposed locations, densities and types of uses within the PUD.

d) Existing and proposed contours (2-foot intervals).

e) Existing and proposed streets within and adjacent to the PUD (dimensioned R.O.W. pavement widths).

f) Dimensioned existing and proposed drives and parking areas.

g) Existing and proposed pedestrian and bicycle paths.

h) Building location and sizes.

i) Building elevations.

j) Required screening including elevations.

k) Proposed open space, site landscaping and required landscape buffers (including existing plant material to be retained). Provide general information (evergreen, shade or ornamental trees, shrubs, groundcover, lawn, etc.) with general sizes. Mulched

beds (bark, stone, etc.) shall be limited to 20% of the entire landscaped area of the PUD unless otherwise approved by the Planning Commission.

- l) On-site drainage plan. Final approval by City Engineer prior to issuance of permits.
- m) Public utilities (sewer and water) – indicate taps from City mains and primary lines within the PUD. Final layout to be approved by City Engineer prior to issuance of permits.
- n) Unified signage plan.
- o) Lighting plan.
- p) Other information deemed necessary by the City Planner or Planning Commission to properly review the proposal.

2) Other supporting documentation including, but not limited to, project narrative, additional drawings or other graphics, restrictive covenants, traffic impact study (if required by the City Engineer).

- c. The Planning Commission shall conduct a public hearing in accordance with §9.6. Following the public hearing the Commission shall take action on the plan. If approved with conditions the approval shall indicate whether review and approval of any required modifications shall be by the Commission or the Planning staff. Approval shall be based on the Review Criteria listed in §5.24(E) and a finding that the final site plan is consistent with the preliminary site plan approved by the City Council, including any conditions or required modifications.
- d. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Building Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.

## 7. **Consolidation of Rezoning/Preliminary and Final Site Plan Approval**

An applicant may submit a final site plan (rather than a preliminary site plan) with its rezoning request to the Planning Commission, if so recommended by the Planning staff. Such recommendation shall be based on the following criteria:

- a. Limited size of the PUD (1-2 acres).
- b. Limited number of design/development elements;.



- c. Compatibility with adjacent development.
- d. No significant impact on adjoining public streets.

If recommended for approval by the Planning Commission and approved by the City Council, the site plan shall be considered final and necessary permits may be issued in accordance with any conditions attached to the approval. The Planning Commission may at its sole discretion determine that the proposed consolidated (final) site plan be considered as a preliminary site plan only. In such event the PUD site plan approval process shall proceed in accordance with Sec. 1804A. 1-6.

## 8. **Modifications/Amendments to an Approved Final PUD Site Plan:**

### a. **Minor Modifications**

- 1) Modifications, such as minor relocation of a building, parking lot or other site element due to unforeseen site conditions, may be approved by the Planning staff. An adverse decision by staff may be appealed to the Planning Commission as per [§5.24D.8.a.2](#) below.
- 2) All other modifications, except those deemed major as defined in [§5.24 D.8.b](#) below, shall be referred in writing to the Planning Commission. The Commission shall review and approve, reject or modify the proposed changes without a public hearing.

### b. **Major Modifications:** Proposed changes to an approved PUD final site plan which:

- 1) Changes the land area of the PUD;
- 2) Increases the density of use within a PUD by ten (10) percent or more;
- 3) Allow a use previously not permitted in the PUD; or
- 4) Constitute a change, which in the sole discretion of the Planning Commission, should be considered by the City Council as a new proposed development, shall be deemed a new application for review and approval of a Planned Unit Development, and shall follow the procedures previously set forth in [§5.24D.1-6](#).

## 9. **Change in Ownership:**

The PUD District and approved site plan run with the land and not with the applicant. In the event land designated as a PUD is sold or otherwise transferred the approved PUD and site plan remain in full force and effect until such time as a request is made to amend or terminate the PUD.

#### D. AUTHORITY OF THE REVIEWING BODY

When reviewing and acting upon an application for the establishment of a PUD, the Planning Commission and/or the City Council may:

1. Impose reasonable conditions on the proposed PUD.
2. Condition issuance of any City permits on the furnishing of a bond or satisfactory instrument guaranteeing the timely completion of any proposed public improvements.
3. Allow or require the applicant to make written commitments regarding the design and development of the PUD, which shall be attached to and become part of the approved PUD document.

#### E. REVIEW STANDARDS

In reviewing and acting upon a rezoning and/or site plan approval for a Planned Unit Development, the Planning Commission and City Council shall find at minimum that the PUD is in compliance with the following standards:

1. **Eligibility:**

The PUD shall comply with the eligibility requirements of [§5.24\(B\)](#).

2. **District Intent:**

The design and function of the PUD shall be consistent with the purposes listed in [§5.24A](#).

3. **Integrated Design:**

The PUD shall be so designed and implemented as to achieve the objective of creating a single integrated and controlled development, whether constructed in whole or in phases. The elements within the PUD should harmonize both with one another and with the character of surrounding development.

4. **Development Standards:**

Development standards, including setbacks, for the various uses permitted in the PUD shall be consistent with the applicable standards for corresponding uses as specified in [Article 5, District Regulations](#), of this Ordinance. In those instances where the PUD design deviates from the typical standards, the deviation should be necessary to promote the overall design intent of the PUD without negatively impacting existing uses adjacent to or in the general vicinity of the PUD.

5. **Uses:**

Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.

**6. Community Benefit:**

The proposed PUD development will be economically beneficial to the City and enhance the overall “quality of life” for the citizens of Alpena and the surrounding community.

**B. Filing Fees:**

The filing and processing fees for PUD applications shall be as set from time to time by resolution of the City Council.

## SECTION 5.25 US 23 NORTH CORRIDOR OVERLAY DISTRICT



## A. INTENT

The US 23 North Corridor between Long Rapids Road/Johnson Street and Hamilton Road is the primary entry corridor into the City of Alpena from the north. The jurisdictional boundaries between the City and Township of Alpena are irregular along this stretch of US 23 resulting in no definitive or clear visual boundary line between the two jurisdictions for travelers utilizing the highway. This has resulted in inconsistent zoning and development standards for corridor properties, whether across or on the same side of the highway. In an attempt to improve the quality of development and the visual character of the corridor, while simplifying the standards for potential developers, the Planning Commissions of the City and Township have agreed to develop similar zoning and developmental standards for the corridor. Each jurisdiction has agreed to amend the applicable sections of their respective zoning ordinance to achieve this end. Except as modified herein, all existing City Zoning Ordinance standards remain in effect.

## B. CORRIDOR BOUNDARY

In general the Corridor shall encompass those properties within both the City and Township of Alpena fronting on US 23 North between Long Rapids Road/Johnson Street and Hamilton Road in addition to the following properties (see attached Corridor Boundary Map):

1. That portion of the Alpena Community College property lying north of Henry Street and west of Wilson Street extended as indicated on the City of Alpena's North Sub-Area Plan dated December 7, 1999.
2. The entirety of the City's US 23 North property located immediately east of US 23 North and south of Hamilton Road.
3. Properties within Alpena Township fronting both sides of US 23 North from Hamilton Road north approximately one quarter (1/4) mile.

1 Purpose

2 Definitions

3 General Provisions

4 Signs

5 Zoning Districts

6 Site Plan Review

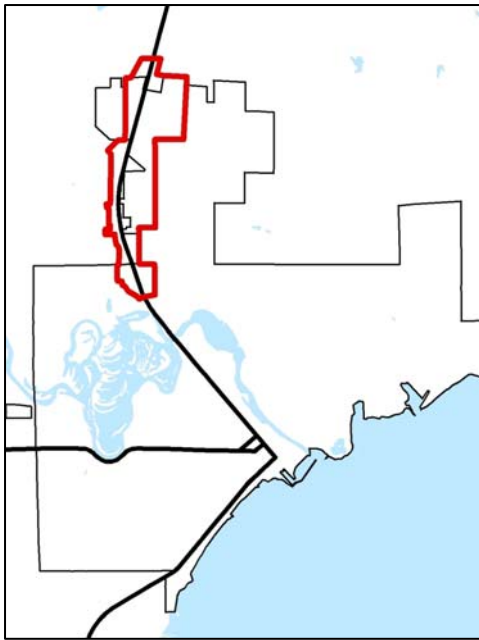
7 Supplemental Regulations

8 ZBA

9 Administration

10 Adoption &amp; Amendments

## US 23 CORRIDOR BOUNDARY MAP



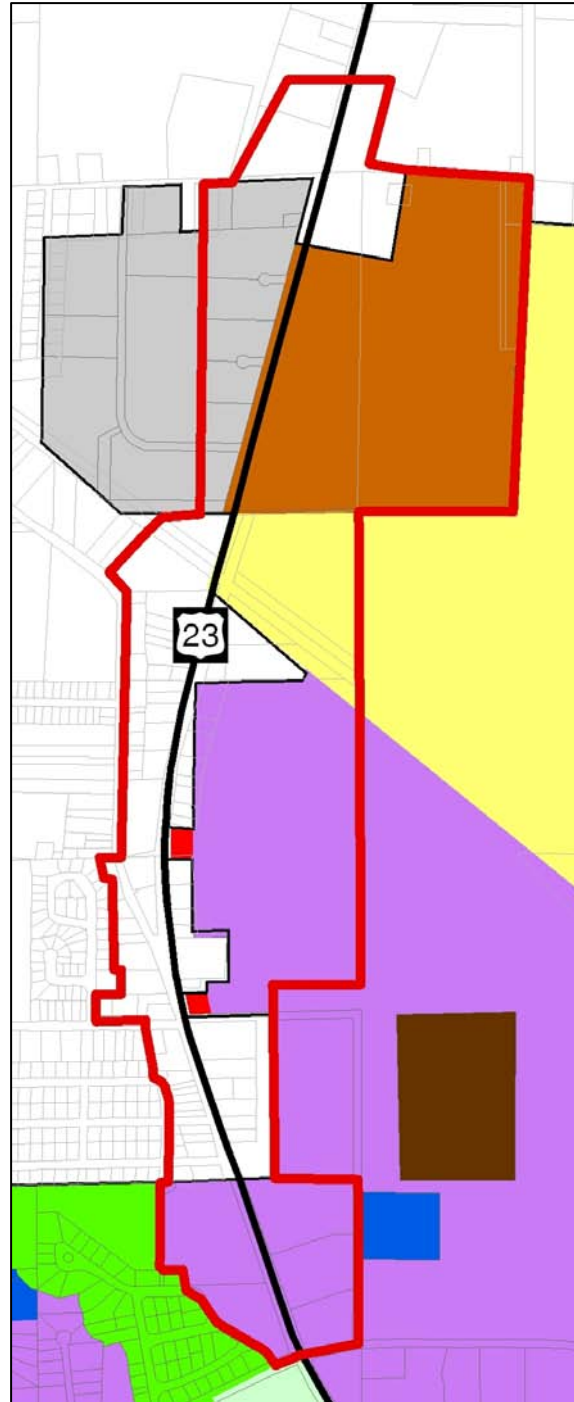
## C. USES PERMITTED BY RIGHT &amp; SPECIAL LAND USES



1. **Principal uses permitted:** All uses currently permitted by right in the following districts with the exception of those listed in subsection 2.

2. **Special Land Uses:**

- a. In all non-residential zones all stand alone housing uses including group homes, shelters, day care homes and other similar uses unless accessory to and included in a master development plan for a permitted or special use specifically allowed in the district.
- b. Storage facilities on properties fronting on US 23 North



1 Purpose

2 Definitions

3 General Provisions

4 Signs

5 Zoning Districts

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10 Adoption &amp; Amendments

**D. ACCESS MANAGEMENT**

These access management requirements pertain to properties fronting on U.S. 23 North and are established to protect public safety, maintain traffic flow, consider future transportation needs, provide adequate and safe access to property, promote efficiency and economy in public utility requirements, minimize land use conflict, protect natural resources, promote consistent development patterns and enhance visual characteristics of the US 23 entryway to the City of Alpena.

**1. Development Standards**

- a. **Building Setback Requirement:** There shall be a minimum fifty (50) foot front yard setback for all parking lots, driving aisles, other paved surfaces, and principal structures from the right-of-way line of US 23, Hamilton Road and Long Rapids Road/Johnson Street, regardless of zoning district. The setback may be reduced only as determined necessary by the Planning Commission, but shall in no case be less than twenty-five (25) feet. The minimum setback shall be twenty-five (25) feet for all other intersecting or interior streets. Along US 23, Hamilton Road and Long Rapids Road/Johnson Street a minimum intersection visibility triangle of 50 feet at all street intersections and 25 feet at all driveway intersections shall be maintained.
- b. **Other Setbacks:** There shall be a minimum 15-foot setback from the right-of-way of all intersecting streets (except for Hamilton Road and Long Rapids Road/Johnson Street) for parking lots and all other paved surfaces.
- c. **Minimum Lot Width Requirement:** New lots fronting the highway corridor created after the effective date of this amendment shall have a minimum lot width of two hundred (200) feet for Office Service, Business, and Industrial Districts.

**2. Driveway Standards:**

- a. In addition to meeting the standards of this Ordinance, all new or altered driveways shall meet the minimum standards of the Michigan Department of Transportation (MDOT) *Administrative Rules Regulating Driveways, Banners, and Parades On and Over Highways*, and shall receive a driveway permit from MDOT or the City Engineer, whichever is applicable, prior to construction.
- b. In addition to new development projects, development projects such as change of use or operation, redevelopment of a site, or reconfiguration of a site shall meet these standards as nearly as possible. Upon review of such projects, the City Planning Commission and/or MDOT or the City Engineer may require that driveways be closed or moved to more closely meet the standards.
- c. Depending on the type of development or redevelopment, the City Planning Commission and/or MDOT or the City Engineer may require a traffic impact study. Traffic mitigation measures may be required if determined by the traffic impact study.

- d. All driveway radii shall be constructed with concrete curbs to define access.
- e. Driveways more than three hundred (300) feet in length shall have a turn-around large enough to accommodate emergency vehicles.
- f. Driveways for office/business use shall have a width of thirty-six (36) feet of hard surface with construction to meet MDOT or City Engineering Standards.
- g. An adequate area of land for snow storage area must be reserved along the drive, and shall not interfere with or damage landscaping required by this Ordinance and clear vision areas must be maintained.
- h. All shared driveways or private frontage roads will be considered private roads maintained jointly by the benefiting property owners, who shall enter into and record an agreement for the joint maintenance to keep the access in a reasonably safe condition.
- i. Access points for frontage roads, rear service drives, or side street drives shall be located to allow adequate stacking space for vehicles entering or crossing US 23.
- j. Parking lot cross-connections may be used as an alternative to frontage roads or shared driveways if, in the opinion of the Planning Commission and the City Engineer, such cross-connections are designed with equivalent standards and function, and do not interfere with safe internal parking lot circulation patterns. The connector drives must be recorded as easements and maintained by adjoining property owners and users who shall enter into a formal legal agreement for joint maintenance.
- k. To prevent signalized crossroads from becoming blocked by traffic waiting for the light to change, driveways shall not be located within the functional boundaries of any intersection. Recommended corner clearances at signalized intersections are show in the table below:

Driveway Spacing from Signalized Controlled Intersections		
Posted Speed	Side Clearances Upstream of the Signal	Side Clearances Downstream of the Signal
30-35 mph	230 feet	115 feet
40-55 mph	460 feet	230 feet

Source: Michigan Department of Transportation

Recommended corner clearance at stop sign controlled intersections are show in the table below:

Driveway Spacing from Stop Sign Controlled Intersections		
Posted Speed	Side Clearances Upstream of the Signal	Side Clearances Downstream of the Signal
30-35 mph	115 feet	85 feet
40-55 mph	230 feet	170 feet

Source: Michigan Department of Transportation



- I. All land in a parcel having a single tax code number or contiguous parcels owned by a signal individual, or related individuals, or other entity or related entities, as of the effective date of this amendment, fronting on US 23 shall be entitled to one (1) driveway or road access per parcel from said highway. Parcels, when subsequently subdivided either as metes and bounds described parcels or as a plat in accord with Act 288 of 1967, as amended, or as a site condominium in accord with Act 59 of 1978, as amended, shall meet the minimum driveway spacing requirements of this Ordinance. Alternative means of access may be required by the Planning Commission to maintain vehicular safety, including frontage roads, rear service drives, parking lot cross-connections, shared driveways or side street access. The table below displays desirable separation distances between access drives. All site plans for proposed developments or redevelopment projects shall show the location of all proposed and existing access points within the area of the proposed development.

Desirable Separation of Adjacent Access Points	
Highway Speed	Minimum Access Point Spacing (measured centerline to centerline)
25mph	130 feet
30 mph	185 feet
35 mph	245 feet
40 mph	300 feet
45 mph	350 feet
50 mph and above	455 feet

Source: Michigan Department of Transportation

In the event that a parcel lacks sufficient frontage to maintain adequate spacing, choose the next lowest spacing; or the driveway may be shared with adjacent property owner(s); or provide access to the nearest side street; or parking lot cross-connections may be used.

- m. Driveways shall be aligned with those on the opposite side of US 23 as nearly as possible. Whenever a driveway cannot be lined up with an existing driveway on the opposite side, the driveways shall be staggered. Recommended staggered distances for the driveways are presented in the table below:

Desirable Offset Distance Between Access Points on the Opposite Side of the Roadway Center-Center of Proposed Access	
Posted Speed	Distance
25 mph	255 feet
30 mph	325 feet
35 mph	425 feet
40 mph	525 feet
45 mph	630 feet
50 mph	750 feet

Source: Michigan Department of Transportation

- n. As part of the site plan review process, the Planning Commission shall review and approve frontage roads, rear service drives, parking lot cross-connections, shared driveways or side street access for parcels with frontage on US 23.

3. **Prior to Review by the Planning Commission:** Any site plan proposing new or altered access drives onto US 23 shall be accompanied by written documentation of consultation with and recommendation by MDOT and the City Engineer.
4. **Special Use Review for High-Traffic Uses:** In addition to other provisions of this Ordinance, when a high-traffic use in the highway corridor adjoins an existing residential use or a residentially zoned parcel, the high-traffic use shall be subject to review as a Special Use. The designation of a proposed use as a high-traffic use shall be determined by the Planning Commission. The designation may include, but is not limited to, big box retail stores, multi-use commercial developments, gasoline stations, convenience stores and businesses with drive-through service windows.

## E. OTHER DEVELOPMENT STANDARDS

1. **General Landscaping:** Landscaping shall be provided as per [§3.29](#).
2. **Off-Street Parking:** Off-street parking shall be provided as per [§3.30](#).
3. **Residential Buffer Area:** Where commercial, office, or industrial uses abut an existing residence or residentially zoned property, screening requirements shall be provided as per [§3.28](#).
4. **Surface Water Drainage/Stormwater Retention Requirements:** Surface water drainage shall conform to [§3.22](#) and stormwater retention shall conform to the current city Stormwater Management Ordinance.
5. **Signage:** No billboards shall be permitted within the corridor regardless of zoning. All other signage requirements shall conform to [Article 4](#).

## F. GREENBELTS

To preserve natural resources and water quality, a greenbelt shall be established and maintained on all property within fifteen (15) feet of the delineated boundary of a wetland and the top-of-bank of any existing or developed drainage ditch. Within the greenbelt area, the following development or use restrictions shall apply:

1. The greenbelt shall be maintained with existing or supplemented with natural vegetation; either trees, shrubs, herbaceous plants; or unmowed native wild grasses.
2. No structures will be permitted in the greenbelt.
3. No burning of leaves or stockpiling of grass, leaves or compost is allowed in the greenbelt.
4. Use of pesticides, herbicides and fertilizers in the greenbelt is prohibited.

5. No excavation or filling shall be permitted in the greenbelt without a Soil Erosion and Sediment Control Permit as required under Part 91 of PA 451 of 1994, and applicable permits from the Michigan Department of Natural Resources.
6. The greenbelt shall be shown on the site plan filed with the City, including type and size of additional plantings.

G. ADMINISTRATIVE PROCEDURES	
<b>Administrative Approval</b> (Planning staff may request Planning Commission review)	<b>Uses Permitted by Right</b>
<b>Planning Commission Approval</b>	<b>Special Land Uses</b>
<b>Administrative Departures</b>	Planning Staff may make modifications to minimum dimension requirements of not greater than one (1) foot for yard and/or height where no alternative plan can be suitably developed for a property.
<b>Planning Commission Departures</b>	

## USE MATRIX

## SECTION 5.26 USE MATRIX

## ZONING DISTRICTS

R1	One-Family Residential District
R2	One-Family Residential District
RT	Two-Family Residential District
RM1	Multiple-Family Residential District
RM2	Multiple-Family Residential District
OS1	Office Service District
CBD	Central Business District
CCD	Commercial Corridor District
B1	Local Business District
B2	General Business District
B3	Commercial District
I1	Light Industrial District
I2	General Industrial District
P1	Vehicular Parking District
WD	Waterfront Development District
CR	Conservation & Resources
PR	Parks & Recreation District

## USE CATEGORIES

Accommodation/Food Services
Agriculture/Forest Products
Arts/Recreation/Entertainment
Commercial/Business/Service
Communications
Construction
Educational Services/Religion
Human Care/Social Assistance
Manufacturing/Industrial/Mining/Waste Mgmt
Parking Lots
Public Facilities
Residential Uses/Accessory Buildings
Retail
Transportation/Warehouses/Wholesale/Storage
Utilities/Energy

## \* Uses with Supplemental Development Regulations (Article 7)

## TABLE OF PERMITTED USES &amp; SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM1	RM2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
<b>ACCOMMODATION AND FOOD SERVICES</b>																	
Bakeries (goods produced & sold on-site)							R	R	R	R	R				R		
Bed & Breakfasts	S*	S*	S*	S*	S*	R*	R*	R*							R*		
Caterers/Food Service Contractors								R		R	R	R					
Coffee Shops						R	R	R	R	R	R				R		
Convention Centers/Conference Centers/Banquet Halls						R	R	R		R	R				R		
Drinking Establishments							R	R	R	R	R				R		
Hotels & Motels & Resorts (attached or detached units)						S*	R*	R*		R*	R*				R*		
Microbreweries							R	R		R	R	R			R		
Resorts with ancillary uses other than swimming pools						S	S	S		S	S				S		
Restaurants without Drive-Through							R	R	R	R	R				R		
Restaurants with Drive-Through							S*			R*	R*						
Restaurants with Drive-Up (eat in car)										R	R						
Restaurants with Outdoor Dining (Dining on private property)							R*	R*	R*	R*	R*				R*		
Restaurants with Outdoor Dining (Dining public right-of-way)							S*	S*	S*	S*	S*				S*		
Rooming & Boarding Houses		S*	S*	S*	S*												

## USE MATRIX

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right S = Permitted with Special Use Permit	R1	R2	RT	RM1	RM2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	P R
<b>AGRICULTURE/FOREST PRODUCTS</b>																	
<i>Agricultural Equipment Dealers</i>										R	R	R	R				
<i>Agricultural products processing and storage</i>												R	R				
<i>Animal Shelter/Kennels</i>											S*	S*	S*				
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>											S	R	R				
<i>Greenhouses/Nurseries/Landscaping (in CCD – Washington/Ripley Corridor only)</i>								S*		S*	S*	R*	R*				
<i>Lumber Mills</i>													R				
<i>Lumber Yards</i>											R*	R*					
<i>Horse riding arenas/boarding stables</i>												S					
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>											S	R					
<i>Wineries/Distilleries/Breweries</i>												R	R				
<i>Wholesale Agriculture</i>											R	R	R				

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right S = Permitted with Special Use Permit	R1	R2	RT	RM1	RM 2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
ARTS, ENTERTAINMENT, AND RECREATION																	
Accessory Structures (recreational)																R	R
Amusement Arcades							S	S		S	S						
Art Studios						R	R	R	R	R	R				R		
Assembly Halls	S	S					R	R		R	R				R		
Ball Fields																	R
Boat Tours							R	R		R	R				R		S
Botanical Gardens	S	S		S	S											R	R
Bowling Centers										R	R						
Dive Shops/Dive Tours							R	R		R	R				R		S
Docks/Launch Ramps/Assoc Parking	S	S		S	S					S	S	S	S		R	S	
Drive-In Theater										S	S	S					
Fishing Boat Docks, tourist/comm.															R		
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)				S	S	R	R	R		R	R				R		
Golf Courses	S*	S *															S*
Maritime vessels - public agencies, educational, or foundations															R		
Marinas (including boat fuel sales, boat supplies, & accessories)										R *	R*	R *	R *		R*		
Museums & Galleries						R	R	R		R	R	R			R		
Nature Parks/Nature Areas	R	R		S	S											R	R
Outdoor Performance Facilities																	R
Outdoor Recreation Facilities (commercial)						S*				S *	S*						
Outdoor Recreational Facilities (public): including but limited to tennis courts, basketball courts, ball fields, golf, miniature golf, disk golf, dog park, skateboarding facility)																	R
Outdoor Vendors																	S
Performing Arts Facilities/ Theaters							R	R		R	R				R		
Private Clubs; Lodges							S	S		R	R						
Public Parks, Playgrounds, Rec Area	S	S	S	S	S	R	R	R	R	R	R				R	S	R
RV Parks/Campgrounds	S*	S *		S*	S*						S*						S*
Restroom Facilities (recreation- related)																	R
Spectator Sports Arenas						R		R		R	R						
Sportsmen's Clubs												S	S				
Swimming Pool Clubs				S	S	R		R		R	R						
Temp. docking of maritime vessels for special events (open to public/groups)															R		
Trails																R	R
Zoos						S				S	S						

## USE MATRIX

TABLE OF PERMITTED USES & SPECIAL LAND USES																		
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM 2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR	
COMMERCIAL/BUSINESS/SERVICE																		
Automobile Service Stations (example: gas station)							S*	S*		R*	R*	R*	R*					
Automotive Body/Paint/Interior & Glass Repair										S*	S*	R*	R*					
Automotive Equipment Rental & Leasing										S	R	R	R					
Automotive Mechanical & Electrical Repair & Maintenance							S*	S*		S*	R*	R*	R*					
Automotive Oil Change & Lubrication Shops								S*		R*	R*	R*	R*					
Business, Labor, Political & Like Organizations						R	R	R		R	R				R			
Car Washes										R*	R*	R*						
Cemeteries	R	R	S	R	R													
Commercial Docks & Assoc. Facilities												R	R		R			
Commercial/Industrial Equipment Rental & Leasing											R	R	R					
Commercial Use in a Residential District (Neighborhood Business)		S*	S*															
Commercial Equipment Repair & Maintenance											R	R	R					
Crematoriums												S	S					
Dry Cleaning & Laundry Services (dealing directly w/customers)							R	R	R	R	R				R			
Electronic & Precision Equipment Repair & Maintenance							R	R		R	R	R			R			
Extermination & Pest Control Services											R	R						
Financial Institution with drive through						R*	S*	S*		R*	R*				S*			
Financial Institution without drive through						R	R	R		R	R				R			
Funeral Homes & Mortuaries						S*	R*	R*		R*	R*							
General Rental Centers										R	R	R						
Interior Designers/Showrooms							R	R		R	R				R			
Medical Marihuana Facilities: <sup>1</sup>																		
Grow Facilities												S*	S*					
Processing Facilities												S*	S*					
Provisioning Centers						S*		S*		S*	S*	S*	S*					
Safety Compliance Facilities						S*		S*		S*	S*	S*	S*					
Secure Transport Facilities												S*	S*					
Personal & Household Goods Repair & Maintenance							R	R	R	R	R	R			R			
Personal Services (barber/beauty shops, tailoring, massage)						R	R	R	R	R	R				R			
Pet Care (except Veterinary and Animal Shelters)							R	R		R	R				R			
Photofinishing/Photographers							R	R	R	R	R				R			
Printing/Binding/Publishing of Printed Materials							R	R		R	R	R	R		R			



TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM 2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
COMMERCIAL/BUSINESS/SERVICE (continued)																	
Professional Cleaning Services										R	R	R					
Professional Offices						R	R	R		R	R	R	R		R		
Professional Offices (associated with existing or proposed industrial use)												R	R				
Real Estate Offices						R	R	R		R	R				R		
Sexually Oriented Businesses												S*	S*				
Tattoo/Piercing Parlor										S	S	S					
COMMUNICATIONS																	
Amateur Radio Antennae (roof- or ground-mounted)	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*		R*		R*
Telecommunications antennas (located on existing attachment structures) 35' or less						R*	R*	R*		R*	R*	R*	R*		R*		
Telecommunication antennas attached to monopole 75' or less						R*	R*			R*	R*	R*	R*		R*		
Telecommunications Towers & Facilities & Alternative Tower Structures (over 75')						S*					S*	S*	S*				
Telecommunications Businesses (w/vehicle storage)								S		R	R	R	R				
Television/Radio Broadcasting Stations						R	R	R		R	R	R			R		
Video & Sound Recording Studios						R	R	R		R	R	R			R		
CONSTRUCTION																	
Building, developing & general contracting (no outside storage of materials)											R	R	R				
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)										S	R	R	R				
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber) /Contractor's Equipment (within an enclosed building)											R	R	R				
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)											S*	S*	S*				
EDUCATIONAL SERVICES/RELIGION																	
Colleges/Universities/ Institutions of Higher/Specialized Learning (public and private)						R	R	R		R	R				R		
Public or private schools	S	S	S	S	S	R		R	R	R					R		
Trade/Industrial Schools										S	S	R	S				
Religious Institutions	S	S	S	S	S	R	S	S	R	R	R				R		
HUMAN CARE AND SOCIAL ASSISTANCE																	
Child Day Care Services (see following)																	
Family Child Care Home	R*	R*	R*	R*	R*												
Group Child Care Home	S*	S*	S*	S*	S*												
Child Care Center	S*	S*	S*	S*	S*	R*			R*	R*	R*						
Nursery Schools	S*	S*	S*	S*	S*	R*			R*	R*	R*						
Health Care /Dental /Optical Clinics						R	R	R	R	R	R				R		
Hospitals						S*				S	S						
Assisted Living Home				S*	S*	R*		R*									
Nursing/Convalescent Home				S*	S*	R*		R*									

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM 2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
<b>HUMAN CARE AND SOCIAL ASSISTANCE (continued)</b>																	
<i>Residential Human Care Facility</i>				S*	S*	S*		S*		S*	S*						
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	R	R	R	R	R												
Individual & Family Services						R		R		R	R						
Community/Emergency/ Relief Services						R		R		R	R						
Vocational Rehabilitation Services						R		R		R	R						
<b>MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT</b>																	
<i>Blast Furnace, Steel Furnace, Blooming or Rolling Mill</i>													R *				
Central Dry Cleaning Plants (not dealing directly with customers)												R	R				
Computer, Electronic, & Appliance Product Mfg												R	R				
<i>Concrete, Cement, Gypsum, Plaster of Paris Manufacture</i>												R *	R *				
Dry bulk blending plants												R	R				
Food/beverage processing and packaging												R	R				
Furniture & Related Product Mfg												R	R				
<i>Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant</i>													S*				
<i>Junkyards/salvage yards</i>													S*				
Laboratories												R	R				
Leather & Allied Product Mfg												R	R				
Machine Shops												R	R				
Metal Plating/Buffing/Polishing/Cutting/ Slitting/Shearing												R	R				
Mines, quarries, and gravel pits													S				
Miscellaneous Mfg (from previously prepared materials)												R	R				
Oil and Gas Processing Facilities													S				
<i>Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution</i>													S*				
Pressurized Gas Filling & Distribution (as a principal use)											S	R	R				
Recycling facilities/Resource Recovery Facilities/Transfer Stations												R	R				
Research/Design/Experimental Product Development (within a completely enclosed building)												R	R				
<i>Sign Painting Shops</i>											S *	R *	R *				
<i>Smelting Industries</i>													S*				
Textile & Apparel Mfg												R	R				
Tool & Die Shops												R	R				
Waste Collection Services												S	S				
Wood Product Mfg												R	R				

## USE MATRIX

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM 2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
<b>PARKING LOTS</b>																	
<i>Parking lots incidental to religious institutions, schools, and other public institutions</i>	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	R*	R*	R*	S*		
<i>Parking lots (Off-street: located on a lot separate from the use it serves)</i>						S		S	S	S	S	S	S	R	S		
<i>Parking Structures</i>						R*	R*	R*		R*	R*	R*	R*	R*	R*		
<i>Storage Buildings occupying no more than 10% of the lot up to 400 ft<sup>2</sup></i>														R			
<b>PUBLIC FACILITIES</b>																	
<i>Community Centers (public)</i>	S	S	S	S	S	R	R	R	R	R	R				R		
<i>Government Offices</i>						R	R	R		R	R	R	R		R		
<i>Libraries</i>	S	S	S	S	S	R	R	R	R	R	R				R		
<i>Police/Fire Stations</i>	S	S	S	S	S	R	R	R	R	R	R	R	R		R		
<i>Post Office</i>						R	R	R		R	R				R		
<i>Public Works Facilities with Outdoor Storage</i>												R	R				
<i>Water &amp; Wastewater Treatment Plants</i>												S	S				
<b>RESIDENTIAL USES/ACCESSORY BUILDINGS</b>																	
<i>Accessory Buildings/Structures</i>	R	R	R	R	R	R	R	R	R	R	R	R	R		R	R	
<i>Accessory Apartments/Dormitories related to churches, school, hospitals</i>				R*	R*	S*											
<i>Cottage Industry</i>	S*	S*	S*	S*	S*												
<i>Dwelling Units above Commercial Establishment</i>						R*	R*	R*	R*	R*					R*		
<i>Home Occupations</i>	R*	R*	R*	R*	R*												
<i>First Floor Residential Units (in existing commercial buildings)</i>							S								S		
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</i>		S*															
<i>Multiple-Family Dwelling</i>				R	R		S	S							R		
<i>One-Family Dwelling (year round &amp; seasonal)</i>	R	R	R	R	R												
<i>One-Family Dwelling (River Street between 7<sup>th</sup> and 9<sup>th</sup> Ave)</i>															R		
<i>Secondary Dwelling Units</i>	S*	S*															
<i>Stand-alone residential units except on Chisholm (between State &amp; Third), Second (between Washington &amp; Oldfield), and Third (between River &amp; Lockwood).</i>						S*											
<i>Two-Family Dwelling (duplex)</i>			R	R	R												

## USE MATRIX

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
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<b>RETAIL</b>																	
Boat and Boating Accessory Sales										S	R	R			R		
Building Material & Garden Equipment & Supplies Dealers										R	R	R					
Clothing & Clothing Accessories Stores							R	R		R	R				R		
Convenience Stores							R	R	R	R	R				R		
Drive-Through Establishments (ex: pharmacy, dry cleaners)					R*	S*	R*			R*	R*				R*		
Electronics & Appliance Stores							R	R		R	R				R		
Fish (fresh) processing and sales										R	R				R		
Florists							R	R	R	R	R				R		
Food & Beverage Stores							R	R	R	R	R				R		
Furniture & Home Furnishings Stores; Antique Stores							R	R		R	R				R		
General Merchandise Stores							R	R	R	R	R				R		
Hardware Stores							R	R	R	R	R				R		
Health & Personal Care Stores							R	R	R	R	R				R		
Home Improvement Centers (lumber stored in enclosed structure)										R	R						
Manufactured Home Dealers										R*	R*						
Movie Rental Stores							R	R	R	R	R				R		
Office Supply Stores							R	R		R	R				R		
Outdoor Sales/Display							R	R		R	R	R			R		
Outdoor Vendors															R		
Pawn Shops/Resale Shops/Antique Shops									S	S	R						
Pet Stores							R	R		R	R				R		
Pharmacies/Medical & Optical Supplies						R	R	R	R	R	R				R		
Retail Uses with Outdoor Storage										S*	S*						
Seasonal Use Sales							S*	S*	R*	R*	R*				S*		
Small-Scale Craft Making							R	R	R	R	R				R		
Sporting Goods, Hobby, Book & Music Stores							R	R		R	R				R		
Truck and heavy equipment sales/service establishments												R	R				
Vehicle Sales (indoor)							R	R		R	R	R					
Vehicle Sales (outdoor)							S*	S*		S*	S*	R*					

## USE MATRIX

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
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<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE</b>																	
Airports, Landing Fields, and Heliports											S	S	S				
Couriers/Parcel Packing/Delivery Establishments											R	R	R				
Freight Terminals											R	R	R				
Rail yards												R	R				
Scenic & Sightseeing Transportation											R	R	R				
Transit & Ground Passenger Transportation											R	R	R				
Transit & Ground Passenger Transportation (only depot/station)							R	R		R	R	R	R		R		
Warehousing & Storage											S *	R *	R *				
Truck Washes											R *	R *	R *				
Wholesale trade of fresh fish															R		
Wholesale Trade											R	R					
<b>UTILITIES/ENERGY</b>																	
Heating & Electric Power Generating Plants													S				
Public Utility Facilities (without storage yards)	S	S	S	S	S		S	S		S	S	R	R				
Public Utility Facilities (with storage yards)												R	R				
Wind Energy Facilities and Anemometer Towers (Commercial)		S *		S*	S*	S*	S*	S*		S *	S *	S *	S *		S*		
Wind Energy Systems (small on-site) (See §7.40 D.3.a for restrictions on ground mounted horizontal axis turbines)	R *	R *	R *	R*	R*	R*	R*	R*	R *	R *	R *	R *	R *		R* S*		

# ARTICLE 6

## PLOT PLANS, SITE PLAN & SPECIAL USE REVIEW

SECTION	PG	NAME	SECTION	PG	NAME
6.0	234	PURPOSE	6.8	245	CONFORMITY TO SITE PLAN REQUIRED
6.1	235	PLOT PLAN REQUIREMENTS	6.9	246	AMENDMENT TO AN APPROVED SITE PLAN
6.2	236	CIRCUMSTANCES REQUIRING A SITE PLAN	6.10	247	EXPIRATION OF SITE PLAN APPROVAL
6.3	236	PREAPPLICATION CONFERENCE	6.11	248	SPECIAL LAND USE APPLICATIONS
6.4	237	SITE PLAN DATA REQUIRED	6.12	249	SPECIAL LAND USE APPROVAL STANDARDS
6.5	240	SITE PLAN PROCEDURES	6.13	251	SPECIAL LAND USE APPROVAL
6.6	241	SITE PLAN APPROVAL STANDARDS	6.14	251	AMENDMENT TO A SPECIAL LAND USE
6.7	245	SITE PLAN APPROVAL	6.15	251	EXPIRATION OF A SPECIAL LAND USE
			6.16	253	SITE CONDOMINIUM REVIEW

### SECTION 6.0 PURPOSE

The purpose of this article is to specify the documents and/or drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure, through the application of standards, that development taking place within the City is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect surrounding properties, roadways, natural features, and infrastructure from substantial adverse impacts.

### SECTION 6.1 PLOT PLAN REQUIREMENTS

All applications for Zoning Permits which do not require a site plan shall be accompanied by a Plot Plan, drawn to scale, showing the following:

1 Purpose

2 Definitions

3 General  
Provisions

4 Signs

5 District  
Regulations6 Site Plan  
Review7 Supplemental  
Regulations

8 ZBA

9 Administration

10 Adoption &  
Amendments

A. PLOT PLAN APPLICATION REQUIREMENTS (Planning Staff may waive any of the plot plan requirements listed below if the requirements are not applicable to the proposed use)	
1.	Zoning classification of the property.
2.	Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
3.	The shape, location and dimensions of the lot and property lines, drawn to scale. The scale shall be of such size as deemed adequate by the Planning Staff to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Planning Staff, a survey may be required.
4.	The scale, north arrow, and date.
5.	The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Planning Staff in order to measure the height of the proposed structures.
6.	All existing structures within ten (10) feet of the property on adjoining property.
7.	The location and configuration of the lot access, driveway, and any proposed parking areas including manner of surfacing drawn to scale.
8.	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
9.	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
10.	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Planning Staff to be applicable.
11.	Proposed landscaping for uses other than single-family or two-family dwelling units.
12.	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Planning Staff.

B. PLOT PLAN ADMINISTRATIVE PROCEDURE	
PERMITTED USES	Plot Plan is reviewed and approved by Planning Staff.
SPECIAL USES	Plot Plan is reviewed and approved by the Planning Commission after required public hearing.
ACCESSORY STRUCTURES (RESIDENTIAL AND NONRESIDENTIAL)	Plot Plan is reviewed and approved by Planning Staff.
ACCESSORY STRUCTURES FOR SPECIAL USES	Plot plan is reviewed by the Planning Commission (no public hearing required).



## CIRCUMSTANCES REQUIRING SITE PLAN

**SECTION 6.2 CIRCUMSTANCES REQUIRING A SITE PLAN**

- A. A site plan shall be submitted to Planning Staff for the following:
1. All new uses and/or structures except single-family or two-family dwelling units.
  2. Change of use or expansion or renovation of an existing use where such change would result in an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.
  3. Special Land Uses with the exception of residentially-based Special Uses such as Cottage Industries and Group Day Care Homes. Residentially-based Special Uses require a plot plan.
  4. Multiple-family dwelling units, condominiums, and site condominiums.
  5. Planned Unit Developments.
  6. Any use requiring off-street parking, except single-family or two-family dwelling units.
  7. Other uses as required by this Ordinance.

B. SITE PLAN ADMINISTRATIVE PROCEDURE	
<b>SITE PLANS FOR PERMITTED USES</b>	Site plan is reviewed and approved by Planning Staff. Planning Staff may refer permitted uses to the Planning Commission.
<b>SITE PLANS FOR SPECIAL USES</b>	Site plan is reviewed and approved by the Planning Commission as part of Special Use approval process (unless otherwise noted in Ordinance) after required public hearing.
<b>SITE PLANS FOR MULTIPLE-FAMILY DWELLING UNITS (over 6 units), CONDOMINIUMS, SITE CONDOMINIUMS</b>	Site plan is reviewed and approved by the Planning Commission.
<b>PUD</b>	Site plan is reviewed and approved by the Planning Commission as per <a href="#">§5.24</a> .

**SECTION 6.3 PRE-APPLICATION CONFERENCE**

Staff shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Staff or Planning Commission to make a proper review.

## SITE PLAN DATA REQUIRED

## SECTION 6.4 SITE PLAN DATA REQUIRED

Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Planning Staff or the Planning Commission. The Planning Staff or Planning Commission can waive any of the site plan requirements listed below, when it finds those requirements are not applicable to the proposed development.

SITE PLAN APPLICATION REQUIREMENTS	
1	<b>APPLICATION FORM:</b> Completed and signed application form.
2	<b>CONTACT INFORMATION:</b> Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
3	<b>LEGAL DESCRIPTION:</b> The parcel's legal description.
4	<b>MAP REQUIREMENTS:</b> The date, a north arrow, the scale, date of original submittal and last revision, and name, seal, and signature of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = one hundred (100) feet or less. If multiple sheets are used, each shall be labeled and the preparer identified.
5	<b>ZONING CLASSIFICATION:</b> The existing zoning district in which the site is located and the zoning of adjacent parcels.
6	<b>BOUNDARY LINES:</b> The boundary lines and dimension of the property. Show relationship of the subject property to abutting properties. Show monument locations. A certified survey of the property which has been prepared and sealed by a professional licensed surveyor may be required by the Planning Staff.
7	<b>SETBACKS:</b> Setback lines and distances between structures and lot lines.
8	<b>ADJACENT FRONT YARD DIMENSIONS:</b> The front yard dimensions of the nearest building on both sides of the proposed structure/development.
9	<b>NEARBY STRUCTURES:</b> The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
10	<b>NATURAL FEATURES:</b> Boundary dimensions of natural features such as existing trees and vegetation, forests, high risk erosion areas, slopes over ten (10) percent, drainage and other similar features.
11	<b>TOPOGRAPHY:</b> The topography of the existing site and proposed grades of the finished site shall be shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less. Direction of drainage shall be depicted.
12	<b>WATER FEATURES:</b> Location and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, and wetlands.
13	<b>LOCATION OF STRUCTURES AND ACCESSORY FEATURES:</b> The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including but not limited to principal building(s), accessory structures, trash receptacles, walkways, common use areas, recreational areas and facilities, flag poles, docks, transformers, generators and similar equipment, and any impervious surface. Indicate gross building areas. Indicate method of screening of structures.
14	<b>SIGNS:</b> Location, size and specifications of all signs and advertising features with cross sections.
15	<b>LIGHTING:</b> Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
16	<b>LANDSCAPING, FENCES, AND WALLS:</b> Location and height of all walls, fences and screen planting, including a landscaping plan.
17	<b>LOCATION OF VEHICULAR FEATURES:</b> Location of existing and proposed drives, neighboring drives, vehicle entrances and loading points, vehicular circulation features, size and number of parking spaces, carports, service lanes (show the dimensions of a typical parking stall and parking lot), fire lanes, loading and unloading areas, and acceleration, deceleration or passing lanes where applicable.

## SITE PLAN DATA REQUIRED

18	<b>LOCATION OF PEDESTRIAN CIRCULATION FEATURES:</b> Location and design of sidewalks, walkways, barrier-free access points, bicycle paths, bicycle parking areas, and areas for public use.
19	<b>ELEVATIONS:</b> Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures and signs under consideration. Indicate number of stories of structures.
20	<b>TYPE OF SURFACE:</b> Types of surfacing such as paving, turfing or gravel to be used at the various locations.
21	<b>AREA OF DEVELOPMENT:</b> Indicate the gross land area of the development and area of the property subject to be covered by structures (not available as open space).
22	<b>COMMON AREAS:</b> Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
23	<b>RIGHTS-OF-WAY, EASEMENTS, AND PUBLIC SPACES:</b> The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
24	<b>UTILITIES:</b> Location of water supply lines and/or wells, including fire hydrants and shut off valves, waste water lines, clean-out locations, connection points and treatment systems including septic systems if applicable. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam. NOTE: Location of utilities required as part of permit process, not for Planning Commission review. Applicant may discuss with staff the information necessary for the Planning Commission review process.
25	<b>SIGNIFICANT VIEWS/UNIQUE FEATURES:</b> Identification of any significant views onto or from the site to or from adjoining areas. Identification of any significant site amenities or unique natural features.
26	<b>OUTDOOR STORAGE:</b> 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.
27	<b>DRAINAGE:</b> The location, size and slope of all surface and subsurface drainage facilities. The location and design of storm sewers, retention or detention ponds. Include drainage calculations. NOTE: Location of drainage required as part of permit process, not for Planning Commission review. Applicant may discuss with staff the information necessary for the Planning Commission review process.
28	<b>WASTEWATER TREATMENT:</b> Description and location of on-site wastewater treatment and disposal systems.
29	<b>WELL LOCATION:</b> Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
30	<b>SNOW STORAGE:</b> The location of snow storage areas.
31	<b>SOILS:</b> The location and type of existing soils on the site and any certifications of borings.
32	<b>HOURS OF OPERATION:</b> Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
33	<b>RESIDENTIAL PROJECT REQUIREMENTS:</b> Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information: <ul style="list-style-type: none"> <li>a. Minimum floor area of dwelling units.</li> <li>b. Total number of units proposed.</li> <li>c. Number of bedrooms per unit in multiple family developments.</li> <li>d. Areas to be used for open space and recreation.</li> </ul>
34	<b>PHASED CONSTRUCTION:</b> Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following: <ul style="list-style-type: none"> <li>a. Relationship and identification of future structures.</li> <li>b. Pedestrian and vehicular circulation.</li> <li>c. Time schedule for completion of the various phases of the proposed construction.</li> <li>d. Temporary facilities or construction of same as required to facilitate the stated development.</li> </ul>

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

## SITE PLAN DATA REQUIRED

35	<p><b>IMPACT STATEMENT:</b> Staff may require a statement which addresses the following as applicable to the type of use:</p> <ul style="list-style-type: none"> <li>a. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.</li> <li>b. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.</li> <li>c. Statements relative to the impact of the proposed development on soil erosion, drainage patterns, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise pollution and the aesthetics and scale of development in terms of the surrounding environment. Statement of the impact of the development with respect to noise, dust, fire hazard, fumes, odors, vibration, smoke, or excessive light.</li> </ul>
36	<p><b>OTHER:</b> Information as may be required by the Planning Staff or Planning Commission to assist in the consideration of the proposed development.</p>
37	<p><b>DATA REQUIRED FOR GROUNDWATER PROTECTION:</b> All businesses or facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons) per month, whichever is less, or stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons), whichever is less shall submit the following:</p> <ul style="list-style-type: none"> <li>a. Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the local fire marshal.</li> <li>b. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.</li> <li>c. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.</li> <li>d. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store, transport stormwater or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.</li> <li>e. Location of all water wells on the site and within 150 feet surrounding the parcel's property boundaries.</li> <li>f. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of the contamination, including any remediation activities.</li> <li>g. Submissions of the "State/County Environmental Permits Checklist".</li> </ul>

1 Purpose

2 Definitions

3 General Provisions

4 Signs

5 District Regulations

6 Site Plan Review

7 Supplemental Regulations

8 ZBA

9 Administration

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**SECTION 6.5 SITE PLAN SUBMITTAL AND APPROVAL PROCEDURES**

- A. **NUMBER OF COPIES:** If site plan is 11"X17" or smaller and black/white, then one (1) copy is required. If site plan is larger than 11"X17" or in color, then twelve (12) copies of the proposed site plan, including all required additional or related information, shall be presented to the Planning Staff by the petitioner or property owner or his designated agent. A digital copy of final approved site plan may be required by planning staff or Planning Commission. An additional twelve (12) copies may be required if City Council approval is required.
- B. **TIMING OF SUBMITTAL FOR PLANNING COMMISSION APPROVAL:** For site plans requiring Planning Commission approval, site plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered.
- C. **REVIEW:** The Planning Staff will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Planning Staff will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, within thirty (30) days, the Planning Staff shall:
1. Review and approve, review and approve with conditions, review and deny, or review and refer to the Planning Commission all site plans submitted under this Ordinance; or
  2. Cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Site plans which are referred to the Planning Commission for its review shall be accompanied by the recommendations of the Planning Staff as to conformity or nonconformity with Ordinance requirements and what revisions or conditions, if any, would be necessary in order to be in conformance
- D. **COORDINATION WITH OTHER AGENCIES:** The Planning Staff may distribute the site plan to the following for comment or recommendation prior to consideration for approval:
1. Police Chief
  2. Fire Chief
  3. Engineer
  4. Alpena County Road Commission,
  5. District Health Department
  6. County Drain Commissioner
  7. Michigan Department of Transportation
  8. Michigan Department of Natural Resources and the Environment
  9. Planning consultant
  10. Other agencies as deemed appropriate.
- E. **APPLICATION FEES:** Application fees pursuant to currently adopted City of Alpena fee schedule shall be paid when the application and site plan are submitted.

- 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

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- 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.

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## SECTION 6.7 SITE PLAN APPROVAL

- A. **APPROVAL BASED ON FINDINGS OF FACT:** The Planning Staff or Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the above approval standards. The decision of the Planning Staff or Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
- B. No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan, and no building permit(s) shall be issued prior to the approval of the site plan.
- C. **SIGNED COPIES:** Upon approval of the site plan, three (3) copies of the site plan shall be signed and dated by the applicant and Planning Staff. One signed and dated site plan shall be provided to the applicant and two copies shall be retained by Planning Staff as part of the City's permanent zoning file. If required by staff, a digital copy of the final approved site plan shall be provided by the applicant.

## SECTION 6.8 CONFORMITY TO SITE PLAN REQUIRED

Following approval of a site plan by the Planning Staff or Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Planning Commission if approval was given by the Planning Commission or by the Planning Staff in the case of an administrative approval. The Planning Staff shall give the permittee notice of violation of the site plan at least ten (10) days prior to the revocation by the Planning Commission or Planning Staff to provide time for corrective action. The Planning Commission or Planning Staff may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

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**SECTION 6.9 AMENDMENT TO AN APPROVED SITE PLAN**

- A. The owner of property for which a site plan has been approved shall notify the Planning Staff of any desired change to the approved site plan. Changes to an administratively approved site plan may be approved by the Planning Staff provided that such changes conform to the Zoning Ordinance. Minor changes to a site plan which have been approved by the Planning Commission may be approved by the Planning Staff upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor amendments shall include the following as deemed appropriate by Planning Staff:
1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s). Relocation of building entrances or exits, or shortening of building canopies.
  2. Reduction of the size of any building and/or sign.
  3. Changing to a more restricted use provided there is no reduction in the amount of required off-street parking as originally provided.
  4. Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or in reduction of aisle width below ordinance requirements. Internal re-arrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
  5. Moving of ingress and egress drives a distance of not more than 25 feet if required by the appropriate state, county or other local road authority with jurisdiction.
  6. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  7. Changes that will preserve the natural features of the site without changing the basic site layout.
  8. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
  9. Increase peripheral yards.
  10. Changing the location of signs by no more than ten (10) feet.
  11. Changing the location of an exterior building wall or location not more than 10 feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected.

12. Changes related to item 1 through 11 above, required or requested by the City of Alpena or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
- B. All amendments to a site plan approved by the Planning Staff shall be in writing. After approval by the Planning Staff, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for Planning Staff to sign and date all approved amendments.
- C. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission action, the same application process and fees as for site plan reviews shall apply.
- D. No fees shall be required for minor site plan amendments approved by Planning Staff.
- E. If Planning Staff finds that a proposed amendment to a Planning Commission-approved site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. If construction has begun, a stop work order shall be issued by Planning Staff for that portion of the project which is not in compliance with the approved site plan. Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the approved site plan, or of restarting the Site Plan Review process. When the issue has been resolved the Planning Staff shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

#### **SECTION 6.10 EXPIRATION OF SITE PLAN APPROVAL**

- A. The approval of any site plan under this provision shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one (1) year of continuous substantial construction and development does not occur, in which event, said approval shall expire. The Building Official shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired. In the instance of mobile home park developments, the rules of the Mobile Home Commission shall govern.
- B. Any subsequent re-submittal of a site plan due to expiration shall be processed as a new request with new fees.

**SECTION 6.11 SPECIAL LAND USE APPLICATIONS****A. General Requirements**

Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

**B. Special Land Use Applications:**

If site plan is 11"X17" or smaller and black/white, then one (1) copy is required. If site plan is larger than 11"X17" or in color, then twelve (12) copies of the proposed site plan, including all required additional or related information, shall be presented to the Planning Staff by the petitioner or property owner or his designated agent. Staff may accept a digital copy as a substitute for printed copies of the site plan. The appropriate number of copies of the site plan and an application for a Special Land Use shall be submitted to Planning Staff at least thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed, and shall include items listed below:

1. Uses which require a site plan shall submit a site plan prepared under the requirements of §6.4. Uses which require a plot plan shall submit a plot plan prepared under the requirements of §6.1.
2. Written description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
3. A statement prepared by the applicant appraising the effect on the neighborhood.
4. Other information as may be required by the Planning Commission to assist in the consideration of the Special Land Use application.
5. The application shall be accompanied by the fee established by the City Council.

- C. Application Review for Completeness and Required Public Hearing:** The Planning Staff will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Planning Staff will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Planning Staff shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with §9.6.

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**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

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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.

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**SECTION 6.13 SPECIAL LAND USE APPROVAL****A. Decision**

1. After the required public hearing and review of approval standards, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the Special Land Use.
2. The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
3. In the case of a Special Land Use, the decision of the Planning Commission may not be appealed to the Zoning Board of Appeals. Appeals shall be made to the Circuit Court of Alpena County.

**B. Inspection**

The Planning Staff shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.

**C. Compliance with Other Regulations**

1. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.
2. As a minimum, or unless specifically modified by the provisions of **Article 7 (Supplemental Site Development Standards)**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of **Article 7**.

**SECTION 6.14 AMENDMENT OF AN APPROVED SPECIAL LAND USE**

Amendments to an approved Special Land Use shall be processed in the same manner as the original application. Minor amendments may be approved by Planning Staff pursuant to **§6.9 (A) (1-12)**.

**SECTION 6.15 EXPIRATION OF A SPECIAL LAND USE**

- A. The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.

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- B. The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.
- C. The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Planning Staff shall consider the following factors:
1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
  2. Whether the property, buildings, and grounds have fallen into disrepair.
  3. Whether signs or other indications of the existence of the Special Land Use have been removed.
  4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
  5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.
- D. **New Ownership of a Special Land Use:** A Special Land Use Permit does not expire on transfer or sale of the property.

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## SECTION 6.16 SITE CONDOMINIUM REVIEW

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall be reviewed and approved by the City Planning Commission and City Council. In determining whether to approve a condominium subdivision plan, the Planning Commission and City Council shall consult with the City Attorney, City Engineer, and City Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act.

### A. Site Condominium General Requirements

1. **Condominium Lots:** For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use.
2. **Revision of Condominium Subdivision Plan:** If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission and City Council before any building permit may be issued, where such permit is required.
3. **Amendment of Master Deed or Bylaws:** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan shall be reviewed and approved by the Planning Commission and City Council before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
4. **Development Agreement:** The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and the City, incorporating therein the terms and conditions of final site plan approval, and record the same in the Office of the Register of Deeds for Alpena County.
5. **Relocation of Boundaries:** Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Building Official. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
6. **Subdivision of Lots:** Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Building Official. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

7. **Private Streets:** All site condominium subdivisions in which private streets are proposed shall be developed to the public street requirements of the City Subdivision Regulations Ordinance No. 67 as amended and to the street requirements of the City. Site condominium subdivisions and condominium lots may abut public or private streets.
8. **Road Rights-of-Way:** Road rights-of-way shall be parcels separate from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the City for all public water and sanitary sewer lines and appurtenances.
9. **Easement for Utilities:** The site condominium subdivision plan shall include all necessary easements granted to the City of Alpena, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structure.
10. **Monuments:** Monuments shall be set at all boundary corners and deflection points and at all roads right-of- way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The City Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the City, whichever the developer selects, in an amount as determined from time to time by resolution of the City Council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the City Council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

11. **As Built Drawings:** A dimensionally stable copy of the as-built drawings shall be submitted to the City Clerk and a second dimensionally stable copy shall be recorded with the Alpena County Register of Deeds.

## B. Site Condominium Plan Requirements

1. The name, address and telephone number of:
  - a. All persons, firms or corporation with an ownership interest in the land on which the condominium project will be located together with a description of

- the nature of each entity's interest (for example, fee owner optionee, or land contract vendee).
- b. All engineers, attorneys, planners, architects or registered land surveyors associated with the project.
- c. The developer or proprietor of the condominium project.
- 2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- 3. The acreage content of the land on which the condominium project will be developed.
- 4. The purpose of the project (for example, residential commercial, industrial, etc.)
- 5. Number of site condominium units to be developed on the subject parcel.
- 6. A survey plan of the site condominium subdivision.
- 7. The site condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The site condominium subdivision plan shall include the nature, location and approximate size of common elements.
- 8. A utility plan showing all sanitary sewer, water, and storm sewer lines and easement granted to the City for installation, repair and maintenance of all utilities.
- 9. A street construction, paving and maintenance plan for all private streets within the proposed site condominium subdivision.
- 10. A storm drainage and storm water management plan, including all lines, scales, drains, basins, and other facilities.
- 11. A detailed site grading plan showing grade changes at two (2) foot intervals of all site condominium subdivision units, common areas, road rights-of-way and all other land areas within the proposed development shall be provided.

## C. Site Condominium Plan Review

### 1. Preliminary Site Plan

- a. A preliminary site plan shall be filed for approval at the time of notice of proposed action is filed with the City. Preliminary site plans shall be reviewed and approved or denied approval by the City Planning Commission and the City Council.
- b. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.

- c. The preliminary site plan shall include all information required herein, except in the case of single-family detached dwelling units.
- d. Dwelling units and required yards, shall be shown on the preliminary site plan. In those instances where dwelling unit plans are not known the plan may show the building envelope provided such building envelope meets all side, front and rear setback requirements of the zoning district.

## 2. Final Site Plan

- a. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan. Final site plans shall be reviewed and approved or denied by the City Planning Commission and City Council.
- b. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and City Council and is in effect.
- c. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required herein, except in the case of single-family detached dwelling units, location and dimensions of condominium units rather than individual buildings and required yards, shall be shown on the site plan.
- d. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department and the Michigan Department of Natural Resources. The Planning Commission and City Council shall not approve a final site plan until all County and State agencies, required to review the condominium subdivision plan, have approved the condominium subdivision plan.

## D. Condominium Subdivision Design and Approval

- 1. All site condominium subdivision plans shall conform to the design, layout and improvements standards of the City Subdivision Regulations Ordinance as amended. The requirements for subdivision approval in the City's Subdivisions Regulations Ordinance shall not apply to condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit acceptable to the City Council shall be made with the City of Alpena to guarantee the installation and completion of any required public sanitary sewer, water supply, drainage facilities, and public or private street and walkway improvements within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Planning Commission and City Council.
- 2. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site



condominium development until a final site plan therefore has been approved by the City Council and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums as defined in the Condominium Act (P.A. 59 of 1978 as amended).

3. The approval of any site condominium plan under this provision shall expire one year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one year in continuous construction and development does not occur, in which event, said approval shall expire. Prior to such expiration date the development owner shall be notified in writing 30 days in advance of the expiration date. The building official shall not issue a building permit for any type of construction on the basis of the approved site condominium plan after such approval has expired. Fees for review of expired site plan may be waived in those instances where no substantial change in conditions of the site condominium plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site condominium plans for new site condominium plans shall be the same as for the initial submittal.
  4. All site improvements including sanitary sewers, water mains, storm sewers, retention basin, site grading and private street improvements shall meet or exceed the minimum design standards of the City of Alpena.
  5. A final survey plan of the site condominium subdivision or phase thereof shall be submitted together with a closure sheet of the external boundary and internal common areas, condominium land units, blocks of condominium units, street rights-of-way and all other land units for review and approval by the City Engineer. The exact length and bearing of all external and internal boundaries shall be clearly shown on the plan. The bearing source of orientation of the survey plan shall conform with that of an existing adjacent recorded subdivision or other established survey.
- E. **Notice of Proposed Action:** The notification requirements stated in Section 71, of the Condominium Act (Public Act 59 of 1978, as amended), shall be filed with the City of Alpena and other listed agencies.

# ARTICLE 7

## SUPPLEMENTAL DEVELOPMENT REGULATIONS

SECTION	PG	NAME
7.0	258	PURPOSE
7.1	259	ACCESSORY APARTMENTS/DORMITORIES RELATED TO CHURCHES, SCHOOLS, AND HOSPITALS
7.2	259	ACCESSORY DWELLING UNITS ABOVE COMMERCIAL ESTABLISHMENTS
7.3	260	AMATEUR RADIO ANTENNAS
7.4	263	ANIMAL SHELTERS/KENNELS
7.5	264	ASSISTED LIVING HOMES; NURSING/CONVALESCENT HOMES
7.6	265	AUTOMOBILE SERVICE STATIONS; AUTOMOTIVE BODY/PAINT/INTERIOR/ GLASS REPAIR; AUTOMOTIVE MECHANICAL & ELECTRICAL REPAIR & MAINTENANCE; AUTOMOTIVE OIL CHANGE & LUBRICATION SHOPS
7.7	267	BED AND BREAKFASTS
7.8	271	CAMPGROUNDS/RV PARKS
7.9	272	CHILD CARE CENTERS, NURSERY SCHOOLS, AND DAY CARE HOMES
7.10	273	COMMERCIAL/OFFICE USE IN A RESIDENTIAL DISTRICT
7.11	275	DRIVE THROUGH BUSINESSES
7.12	276	FUNERAL HOME/MORTUARY
7.13	276	GOLF COURSES
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7.15	277	HOSPITALS
7.16	278	HOTELS & MOTELS
7.17	278	JUNKYARDS/SALVAGE YARDS/LANDFILLS
7.18	279	LUMBER YARDS
7.19	279	MANUFACTURED HOME DEALERS
7.20	279	MANUFACTURED HOUSING DEVELOPMENT
7.21	281	MANUFACTURING USES: MISCELLANEOUS
7.22	281	MARINAS
7.23	282	OUTDOOR RECREATIONAL FACILITIES – COMMERCIAL
7.24	282	OUTDOOR STORAGE FACILITIES FOR BUILDING MATERIALS (SAND, GRAVEL, STONE, LUMBER)/CONTRACTOR'S EQUIPMENT
7.25	283	PARKING LOTS INCIDENTAL TO RELIGIOUS INSTITUTIONS, SCHOOLS, AND OTHER PUBLIC INSTITUTIONS
7.26	284	PARKING STRUCTURES
7.27	284	RESIDENTIAL HUMAN CARE FACILITY
7.28	285	RESTAURANTS WITH OUTDOOR DINING
7.29	286	RETAIL USES WITH OUTDOOR STORAGE
7.30	286	ROOMING & BOARDING HOUSES
7.31	287	SEASONAL USE SALES
7.32	288	SECONDARY DWELLING UNITS
7.33	289	SEXUALLY ORIENTED BUSINESSES
7.34	291	SIGN PAINTING SHOPS
7.35	291	STAND-ALONE (FREESTANDING) RESIDENTIAL STRUCTURES, CONVERTED EXISTING NON-RESIDENTIAL FLOOR AREA TO RESIDENTIAL USE, AND ADDITIONS TO EXISTING BUILDING INCLUDING FIRST FLOOR RESIDENTIAL UNITS
7.36	292	STORAGE FACILITIES
7.37	293	TELECOMMUNICATIONS FACILITIES
7.38	301	VEHICLE SALES (OUTDOOR)
7.39	301	VEHICLE WASHES
7.40	302	WIND ENERGY SYSTEMS
7.41	312	MEDICAL MARIHUANA FACILITIES (AMENDED 6-1-20)

### SECTION 7.0 PURPOSE

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. All uses marked with an “\*” in the Table of Permitted and Special Land Uses are included in this Article.

## SECTION 7.1 ACCESSORY APARTMENTS/DORMITORIES RELATED TO CHURCHES, SCHOOLS, AND HOSPITALS

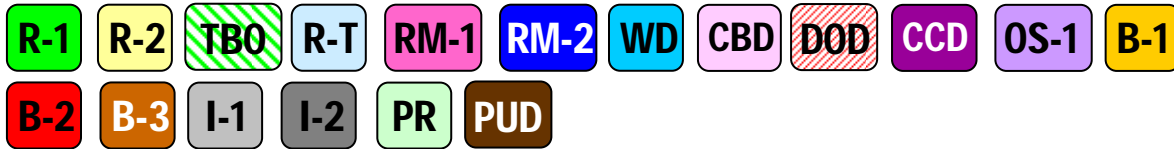
**OS-1 RM-1 RM-2**

- A. Accessory apartment and dormitory sites shall be contiguous on at least one side to property that is both under control by the principal institution and is actively being used as the principal use of such institution.
- B. Occupancy of accessory apartments and dormitory dwelling units shall be limited exclusively to either students (and their immediate families) or employees of the principal educational or religious institution and to the families of patients of the principal human care facility.

## SECTION 7.2 ACCESSORY DWELLING UNITS ABOVE COMMERCIAL ESTABLISHMENTS

**WD CBD DOD CCD OS-1 B-1 B-2**

- A. Residential units shall only be allowed above the first floor of business, office or institutional buildings.
- B. The building and residential units shall comply with all building, housing, fire and safety codes of the City.
- C. No off-street parking shall be required for the first four (4) residential units developed within any five (5) year period located in an existing building or an addition to an existing building in the CBD district. All units in excess of four (4) shall be in compliance with the off-street parking requirements in [§3.30](#).
- D. For units requiring parking, proof of ownership or the right to lease parking spaces for the required residential units shall be submitted to the City Building Official for review and approval prior to the issuance of any permits. Parking may be allowed for residential uses in the CBD District on properties other than on the property being used for residential purposes.
- E. Review and approval of site plan, if required, in accord with [Article 6: Plot Plans, Site Plans, and Special Use Review](#) shall be required before issuance of any related building permits or certificates of occupancy.
- F. This use is permitted only if the subject structure and its use are lawful at the date of application for building permit. (Ord. No. 04-346, Sec. 1201).

SECTION 7.3 AMATEUR RADIO SUPPORT STRUCTURES/ANTENNAS<sup>1</sup>

- A. **GENERAL CLASSIFICATION:** Amateur radio antenna support structures (support structures) and antennas shall be considered accessory structures and shall meet the requirements of [§3.11, Accessory Buildings/Structures](#), except as may be varied under this Section.
- B. **HEIGHT:** The total height of amateur radio support structures/antennas shall be permitted up to seventy-five (75) feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast or whip type antennas which are roof-mounted or attached to a building shall not extend more than thirty-five (35) feet above the highest point of a roof, or seventy-five (75) feet in total height, whichever is greater.
- C. **LOCATION AND SETBACKS:**
1. Permitted Use/Special Land Use: Amateur radio support structures/antennas, constructed in accordance with this Section, shall be a permitted or special land use in all districts except the P-1, Vehicular Parking District, and the CR, Conservation & Resource District, where they shall be prohibited. Support structures/antennas located in a PUD must be included as a component of the approved final site development plan in accordance with [§5.24](#).
  2. Ground Mounted Support Structures/Antennas: Shall be located in the rear or interior side yards only, and shall comply with the setbacks for accessory structures. Guy wires permitted in compliance with [§7.3 D](#). below may extend to within one (1) foot of the property line. Within the WD District ground mounted support structures/antennas located between the river and the principal building shall be placed within six (6) feet of such building.
  3. Roof Mounted Support Structures/Antennas: Shall be located at the midpoint or the rear half of the building roof.
  4. Temporary Facilities: The Building Official may approve the use of a temporary amateur radio facility for periods up to seven (7) days on any parcel within the City as part of a special event or due to a government declared emergency. Approval of the property owner shall be provided. The Building Official may waive any or all requirements of this section based on the location and/or the nature of the event or emergency and require any reasonable conditions necessary to ensure the safe construction and operation of the facility.
  5. The Building Official may waive any of the above standards if in his/her determination the location of the structure/antenna has no or minimal impact on the immediate neighborhood due to location, type, aesthetic design, etc.

### D. GUY WIRES:

1. Ground mounted support structures and antennas requiring guy wires shall be permitted as follows:
  - a. Residential Zones: Support structure/antenna and guy wiring shall be located within a yard enclosed by a minimum 4-foot high fence in accordance with [§3.28, Fences & Walls](#).
  - b. B-3 District: Must be located on lots at least 0.5 acre in area. Support structure/antenna and guy wiring shall be located within a yard enclosed by a minimum 4-foot high fence in accordance with [§3.28, Fences & Walls](#).
  - c. I-1 and I-2 Districts: Support structure/antenna and guy wiring shall be located within a yard or portion of yard enclosed by a minimum 4-foot high fence in accordance with [§3.28, Fences & Walls](#).
  - d. PR District: When included as part of a site plan approved by the Alpena City Council.
  - e. PUD District: Included as a part of an approved PUD development plan.
  - f. All Other Districts: Not permitted by right.
2. Guy wires for the support of antennas and support structures located on the rooftops of buildings/structures shall be permitted. In such instances all guy wires shall be secured to the roof of the building/structure unless otherwise approved by the Building Official.

### E. NUMBER PERMITTED: No more than two independent (2) antennas or antenna support structures shall be permitted for each lot or parcel, with the following exceptions:

1. On non-residential parcels, two (2) antennas or antenna support structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area or the first one (1) acre of parcel area, whichever provides the greater number. One (1) additional antenna or antenna support structure shall be permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof, or for each additional acre of parcel area, or major portion thereof, whichever provides the greater number.
2. The numerical limits of this Section shall not apply in the following situations:
  - a. Antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).
  - b. Pole, mast or whip antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

### F. PERMITS: All ground mounted support structures/antennas in excess of thirty-five (35) feet in height and all roof mounted structures/antennas shall require a Building Permit. Those not requiring a Building Permit shall obtain a Zoning Permit to ensure compliance with the requirements of this ordinance. All applicable fees shall be paid prior to issuance of a permit. The Building Official may waive the required permits and fees at his/her discretion based on the type of antenna and the character of its installation.

1. Submittal Requirements for both Zoning and Building Permits:
    - a. Copy of valid Amateur Radio Operators License.
    - b. Plot plan showing location and number of support structures and antennas, including any guy wiring.
  2. Submittal Requirements for Building Permit:

Antennas and antenna support structures shall be constructed and installed in compliance with acceptable construction practices and approved by the Building Official. The Building Official may, at his/her discretion, require engineered drawings to certify the safety of an antenna or antenna support structure.
- G. GROUNDING:** All antenna support structures shall be electrically grounded. Grounding shall be in accordance with the provisions of the National Electrical Code (NEC), as amended, and the manufacturer's specifications.
- H. MAINTENANCE:** Antennas and antenna support structures shall be properly maintained at all times. Those that have, due to damage, lack of maintenance or repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse, shall be removed or brought into compliance within sixty (60) days of notice being given by the City Building Official. An order for immediate action may be given to prevent an immediate threat to public safety or property.
- I. REMOVAL:** Upon discontinuance of the use of the property as an amateur radio facility for whatever reason, all support structures, antennas and accessory exterior equipment shall be removed within ninety (90) days of such discontinuance.
- J. SPECIAL LAND USE PERMIT:** Projects not compliant with the above regulations shall require review and approval by the Planning Commission as Special Land Uses in accordance with [§6.11-15](#).
- K. EXISTING ANTENNA SUPPORT STRUCTURES:** This section shall not affect any existing antenna support structure, utilized by a federally licensed amateur radio operator, constructed prior to the date of the passage of this Ordinance provided that:
1. Such structure shall be properly grounded in accordance with [§7.3.G](#).
  2. The owners shall submit to the Building Official within ninety (90) days of the date of this Ordinance, the documentation required in [§7.3.F](#). above, less the required fee.

## SECTION 7.4 ANIMAL SHELTERS/KENNELS

**B-3****I-1****I-2**

- A. The applicant must demonstrate that the proposal contains sufficient land and building area for the safe and healthful keeping of the intended number and types of animals.
- B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than three hundred (300) feet to any dwelling on adjacent premises or nearer than one hundred (100) feet from the property line, which ever is greater.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. The following applies to animal shelters only:
  - 1. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m. if within five hundred (500) feet from a residential use or district.
  - 2. All principal use activities shall occur within an enclosed main building. This subsection 2 shall not apply to kennels, however kennels shall provide animals protection from the elements.

**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 7.5 ASSISTED LIVING HOMES; NURSING/CONVALESCENT HOMES**

**RM-1 RM-2 CCD OS-1**

**A. ASSISTED LIVING HOMES:**

1. All dwellings shall consist of at least two hundred twenty (220) square feet per unit (not including kitchen and sanitary facilities).
2. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed forty percent (40%) of the total site exclusive of any dedicated public right-of-way.
3. Service uses such as a dry cleaning pick-up station, beauty shop, barber shop, food service establishment, or similar use for the exclusive service to residents of a building may be allowed within a single building or a contiguous group of buildings owned and operated by the same party. In no instance shall such service use be provided with direct access to a street for the use of the public in general. It is the purpose of this provision to allow such use to be provided as a convenience to occupants of the building(s) in which such service is located. No signs of any nature shall be visible from outside the building in which the use is located.

- B. CONVALESCENT HOMES AND NURSING HOMES:** There shall be provided on the site not less than one thousand (1,000) square feet of open space for each bed in the home. The one thousand (1,000) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.

- 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 7.6 AUTOMOBILE SERVICE STATIONS; AUTOMOTIVE BODY/PAINT/INTERIOR/ GLASS REPAIR; AUTOMOTIVE MECHANICAL & ELECTRICAL REPAIR & MAINTENANCE; AUTOMOTIVE OIL CHANGE & LUBRICATION SHOPS**

**CBD** **CCD** **B-2** **B-3** **I-1** **I-2**

A. Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street. Entrances shall be no less than twenty-five feet (25') from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

B. Outdoor Storage

1. Outdoor storage of parts or materials shall be prohibited.

**CBD** **CCD** **B-2**

2. Outdoor storage of parts or materials shall be prohibited unless such storage is within a fenced and obscured area which meets all setback requirements.

**B-3** **I-1** **I-2**

C. Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle.

D. Areas utilized for off-street parking and vehicular storage shall be paved.

E. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.

F. All vehicle servicing or repair shall be conducted within a building.

G. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.

H. Any ventilation from the building shall be filtered to eliminate any airborne odor or particulate matter being discharged into the atmosphere.

I. Vehicles which have been treated shall be stored inside the building or on a designated area on the site for a period adequate to assure that none of the material utilized in the process shall drip or be tracked upon public sidewalks or streets.

**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

- J. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- K. Such uses shall not include vehicle body repair, painting, refinishing, tire capping, auto dismantling, or other such activities whose external effects could adversely extend beyond the property lines.



**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 7.7 BED AND BREAKFASTS

## A. GENERAL REQUIREMENTS (ALL DISTRICTS)



1. Property must be suitable for use as a guest lodging facility. For purposes of this ordinance, the Bed & Breakfast establishment shall meet the requirements of the City of Alpena Rental Inspection Regulations and shall be subject to periodic inspections as provided in those regulations.
2. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.
3. Guests may rent sleeping rooms for a period not to exceed fourteen (14) consecutive days. Seven (7) additional consecutive days may be allowed upon approval by the City Building Official or the Planning and Development Director.
4. A smoke detector in proper working order shall be provided in every sleeping room and in additional locations within the structure as determined by the City Building Official. A fire extinguisher in proper working order shall be located on every floor in the immediate vicinity of the sleeping rooms.
5. The structure shall have at least two (2) exit doors to the outside.
6. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
7. The Bed & Breakfast shall not alter the residential character of the structure.
8. Rental sleeping rooms shall have a minimum of 100 square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
9. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast at a ratio of one (1) per floor, and shall be designated for the exclusive use of guests of the Bed & Breakfast.
10. There shall be no separate cooking facilities for the Bed & Breakfast establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises.
11. A site plan shall be provided including a floor plan of the structure, drawn to scale not less than 1/8" = 1', providing the following information:
  - a. Owner/ resident manager and guest on-site parking

- b. Guest entrance to the structure
  - c. Outdoor areas for use by guests
  - d. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests
  - e. Additional information as may be deemed necessary by the Planning Commission or the Planning and Development Director.
12. All on-site parking shall be paved and constructed in accordance with the parking requirements of **§3.30**.
  13. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes, or onto public rights-of-way.
  14. All required state and local permits must be secured, maintained and displayed within an area of the Bed & Breakfast available to guests.
  15. Rental of snowmobiles, ATV's, or similar vehicles, boats and other marine equipment to guests may be permitted as part of the Special Permitted Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.
  16. All requirements and conditions imposed upon the Special Permitted Use approval shall be implemented prior to the Bed & Breakfast establishment becoming operational.

### B. SPECIFIC REQUIREMENTS FOR BED & BREAKFAST ESTABLISHMENTS LOCATED IN R-1, R-2, RT, RM-1 AND RM-2 DISTRICTS



1. A Special Permitted Use must be approved by the Planning Commission following a public hearing, and comply with the general requirements for Special Permitted Uses and the specific requirements for Bed & Breakfast establishments.
2. The Bed & Breakfast establishment shall be located in an existing single-family residence.
3. The owner(s) or resident manager(s) of the Bed & Breakfast shall reside at the residence at all times during periods of operation, except for temporary absences (up to fourteen (14) days per calendar year), in which the owner's or resident manager's designee must be on the premises. The resident manager and/or designee's name must be filed with the City Building Official.
4. Any number of dwelling residents may assist with the Bed and Breakfast operation, but not more than one (1) non-resident full-time equivalent employee may be hired.

5. Sufficient sleeping rooms and bathrooms shall be retained for use by the owner(s) and their immediate family members residing at the residence.
6. A minimum of two (2) parking spaces for the owner(s) or resident manager(s) plus one (1) parking space per rental sleeping room shall be provided on-site. Parking will not be permitted in the lawn extension. Screening by use of plant material, fencing, walls or other means may be required by the Planning Commission to screen parking areas from adjoining residential properties.
7. The use of outdoor yard areas, open decks, pools, and the like available for use by guests shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of the Bed & Breakfast operation may be conditioned on the installation of fencing, plantings, and/or other such installations and conditions necessary to ensure compatibility with the surrounding neighborhood.
8. A Special Permitted Use shall be approved by the Planning Commission only if it is determined that the proposed use of the property as a Bed & Breakfast establishment does not significantly diminish the existing residential character of the neighborhood in which the Bed & Breakfast is to be located. The Planning Commission may, at its discretion, reduce the scope and scale of a proposed Bed & Breakfast (number of rental rooms, use of outside areas of the property, etc.) to maintain the integrity of the neighborhood.

#### C. SPECIFIC REQUIREMENTS FOR BED & BREAKFAST ESTABLISHMENTS LOCATED IN OS-1, CBD, CCD, AND WD DISTRICTS



1. Bed & Breakfast establishment shall be located within an existing residential structure.
2. The structure shall be utilized for a Bed & Breakfast establishment only. No other multi-family residential or non-residential use may be conducted on the property in conjunction with a Bed & Breakfast.
3. An owner(s) or resident manager(s) shall be on the premises at all times while the Bed & Breakfast is in operation. There shall be no restrictions on the number of non-resident employees at the Bed & Breakfast.
4. Sufficient sleeping rooms shall be retained for use by the owner(s), resident manager(s), and their immediate family members residing in the residence.
5. A minimum of two (2) parking spaces for the owner(s) or resident manager(s), one (1) parking space per non-resident employee over two (2) working at the same time, plus one (1) parking space per rental sleeping room shall be provided on-site. Parking shall not be permitted in the lawn extension. Screening by use of plant material, fencing, walls or other means may be required by the Planning Commission to screen parking areas from adjoining residential properties. Off-

site parking may be approved by the Planning Commission in non-residential zoning districts.

#### D. SIGNAGE

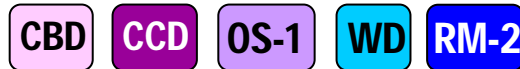
It is the intent of the Planning Commission to encourage signage to be placed as close to the Bed & Breakfast establishment as possible.

1. In Residential Districts:



- a. One (1) sign permitted per Bed & Breakfast property:
- b. Wall Sign: Maximum four (4) square feet in area, attached flat against the front face of the dwelling. The sign shall not be internally illuminated. If externally illuminated, such illumination shall be directed downward toward the sign and shall be in accordance with Section 2110.1.c of the City Zoning Ordinance. Signage shall be consistent with the scale and architectural and aesthetic character of the dwelling to which it shall be affixed; or
- c. Ground Sign: Maximum four (4) square feet in area with a maximum height of four (4) feet. The sign shall not be internally illuminated. If externally illuminated, such illumination shall be directed downward toward the sign and shall be in accordance with Section 2110.1.c of the City Zoning Ordinance. Signage shall be located at least four (4) feet from any public right-of-way, parallel or perpendicular to the property line, and centered on the lot as much as possible. For corner lots the sign may be located at an angle to the intersecting right-of-way lines. Sign shall not obscure vehicle vision from intersecting streets, alleys or private drives.

2. In Non-residential Districts:



- a. One (1) sign permitted per Bed & Breakfast property:
- b. Wall Sign: Maximum six (6) square feet in area, attached flat against the front face of the dwelling. The sign shall be consistent with the scale and architectural and aesthetic character of the dwelling to which it shall be affixed. If illuminated, it must be from an external source; or
- c. Ground Sign: Maximum eight (8) square feet in area with a maximum height of six (6) feet. The sign shall be located at least four (4) feet from any public right-of-way, parallel or perpendicular to the property line, and centered on the lot as much as possible. For corner lots the sign may be located at an angle to the intersecting right-of-way lines. Sign shall not obscure vehicle vision from intersecting streets, alleys or private drives. If illuminated, it must be from an external source.



**SECTION 7.8 CAMPGROUNDS/RV PARKS****R-1****R-2****RM-1****RM-2****B-3****PR**

- A. A minimum lot size shall be four (4) acres, and not less than two hundred fifty (250) feet in width.
- B. The lot shall provide direct vehicular access to a public street. The term "lot" shall mean the entire campground or travel trailer park.
- C. All sanitary stations, portable toilets, or any sanitary facilities shall be centrally located on the lot.
- D. The campground perimeter shall be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and RV parks shall comply with State of Michigan and District Health Department requirements.

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**SECTION 7.9 CHILD CARE CENTERS; NURSERY SCHOOLS; DAY CARE HOMES****A. CHILD CARE CENTERS, NURSERY SCHOOLS, AND GROUP CHILD CARE HOMES** (not including dormitories) shall meet the following conditions:

1. An outdoor play area shall be provided for all facilities caring for one or more children who individually receive care for more than four (4) hours per day. Play areas shall have a minimum area of not less than two thousand (2,000) square feet; be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area; and located in the side or rear yard area.
2. No group child care use shall be located closer than four hundred feet (400') to another child care use permitted under this section unless located on different sides of the street or block.

**B. FAMILY CHILD CARE HOMES** shall meet the following conditions:

1. Play areas shall have a minimum area of not less than one hundred fifty (150) square feet per child; be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area; and located in the side or rear yard area.

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SECTION 7.10 COMMERCIAL/OFFICE USE IN A RESIDENTIAL DISTRICT

**R-2 R-T**

A. **PURPOSE:** To permit neighborhood retail/service commercial uses in the R-2 and RT districts in:

1. existing commercial buildings;
2. buildings that were originally constructed for commercial use, but have since been converted to residential use; or
3. new buildings constructed on vacant lots previously occupied by a commercial structure.

**B. USES**

1. Any generally recognized retail business which supplies new commodities on the premises primarily for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware. Businesses selling previously-used items (antique and resale shops) shall be permitted.
2. Any personal service establishment which performs services on the premises primarily for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops (for off-site processing), tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned.
3. Any professional office use such as: architect, engineer, attorney, accountant, therapist/counselor, and similar professions that have no greater impact than the aforementioned.
4. Prohibited uses: Activities specifically prohibited include: restaurants, repair or service of motor vehicles and other large equipment; manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.

**C. CONDITIONS**

1. All such businesses shall have no more than three (3) persons working on the premises at any time.
2. Outdoor storage is prohibited.
3. The total area devoted to approved uses shall not exceed two thousand (2,000) square feet for new buildings or additions. The square footage of uses in existing commercial buildings shall be limited to the size of the building. If the building is less than two thousand (2,000) square feet, an addition may be constructed so

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- that the total square footage does not exceed two thousand (2,000) square feet, the addition matches the existing structure, and all developmental standards of the district are met or appropriate variances obtained.
4. New construction shall utilize brick, stone, wood, vinyl, or decorative concrete masonry units. Metal siding shall be prohibited. Final design shall be approved the Planning Commission as part of the Special Use approval process.
  5. All goods produced on the premises shall be sold at retail on the premises where produced.
  6. All business activity shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
  7. Parking shall be accommodated on-site, if possible. Otherwise the Planning Commission may permit the use of on-street parking.
  8. Hours of operation may be limited by the Planning Commission.
  9. Signs must comply with those set forth for the residential zoning district.
  10. The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be or sold.

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### SECTION 7.11 DRIVE THROUGH/DRIVE UP BUSINESSES

#### A. RESTAURANTS



1. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
2. The primary access shall be on a major thoroughfare. Secondary access may be on a side street which has direct access to a major thoroughfare.
3. Back up or waiting space for drive-up windows or service facilities shall be provided in a manner physically separated from off-street parking areas and drives at a rate of eight (8) car spaces for each service window or facility in addition to the space at the service window or facility.

#### B. USES OTHER THAN RESTAURANTS



1. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
2. Drive-up windows or service facilities shall include the provision of back up or waiting space physically separated from off-street parking areas and drives at the rate of four (4) car spaces for each service window or facility in addition to the space at the service window or facility.

#### C. DRIVE-UP IN CBD



Drive-up windows for restaurants and service businesses shall comply with the following conditions:

1. Must be in an existing public alley or existing private parking lot/driveway on the site of the principal use.
2. For a drive-up located off an alley, review and approval by the City Engineering Department and the City Police is required prior to submission of a petition to the Planning Commission for consideration.
3. Drive-up windows located in a public alley: Pick-up/payment windows shall not be used for placing food/drink orders. Orders must be placed in advance.
4. Drive-up windows located in an existing private parking lot/driveway: Sufficient stacking space shall be provided and will be determined on a case by case basis.
5. The Planning Commission may impose additional conditions it deems necessary to insure public safety and the smooth and efficient flow of traffic.

## SECTION 7.12 FUNERAL HOME/MORTUARY

**OS-1** **CBD** **CCD** **B-2** **B-3**

- A. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
- B. Points of ingress and egress shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- C. A mortuary that houses a crematorium shall be located at least one hundred (100) feet from any residential use.
- D. A caretaker's residence may be provided within the main building or within an accessory building of the mortuary establishment.

## SECTION 7.13 GOLF COURSES

**R-1** **R-2** **PR**

- A. The site shall have direct access to a major thoroughfare or to a street with direct access to a major thoroughfare.
- B. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
- C. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred feet (200') from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may approve modification of this requirement.

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**SECTION 7.14 GREENHOUSES; NURSERIES; LANDSCAPING**

- A. Areas for off-street parking shall not be utilized for storage or sales of plants, materials or products.
- B. When such uses are located adjacent to residential zones, they shall not operate or be open for business between the hours of 11:00 p.m. and 7:00 a.m. (Ord. No. 194, Sec. 1402).
- C. The storage of soil, fertilizer or any packaged or loose materials may occur in the side or rear yard only and shall be so contained so as to prevent any effects on adjacent uses.
- D. Plant materials and garden/yard amenities (statuary, benches, arbors, etc) may be displayed in the front yard setback.
- E. Within the Washington Avenue and Ripley Boulevard CCD Districts, the Planning Commission may allow parking in the front yard if it is demonstrated that there is no other feasible location.

**SECTION 7.15 HOSPITALS**

- A. Primary access to the site shall be on a major thoroughfare.
- B. The minimum distance of any main or accessory building from abutting lot lines or streets shall be at least one hundred feet (100') from front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty feet (20').
- C. Helicopter landing pads may be permitted as accessory uses.

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**SECTION 7.16 HOTELS & MOTELS****OS-1****CBD****CCD****WD****B-2****B-3**

- A. Each unit shall contain not less than two hundred (200) square feet of floor area.
- B. No guest shall establish permanent residence at a hotel or motel for more than thirty (30) days within any calendar year.
- C. Rental units with kitchens and with suites may be permitted as part of a hotel or motel are subject to the following:
  - 1. Units shall be functionally and architecturally integrated components of the motel reflecting common access ways, services, parking, and open space.
  - 2. Units shall be designed primarily for overnight lodging and shall not be configured or include improvements which would typically be found only in dwellings.

**SECTION 7.17 JUNKYARDS; SALVAGE YARDS****I-2****A. SIZE**

- 1. The minimum lot size for junkyards and salvage yards shall be two (2) acres and the maximum lot size shall be eight (8) acres.
- 2. One (1) property line shall abut a railroad right-of-way.
- B. The location of a junkyard or salvage yard shall be at least one hundred twenty-five (125) feet from any public road.
- C. The location of any such use shall be not less than five hundred (500) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district.
- D. Glare from any process, such as arc welding, conducted at a junkyard or salvage yard, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- E. Such uses shall adhere to screening requirements per [§3.28\(F\)](#).
- F. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.

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**SECTION 7.18 LUMBER YARDS****B-3****I-1**

No open yard storage shall be allowed. All storage shall be obscured from public streets and from abutting properties.

**SECTION 7.19 MANUFACTURED HOME DEALERS****B-3****I-1**

- A. Minimum lot size shall be two (2) acres.
- B. Ingress and egress to the outdoor sales area shall be at least sixty feet (60') from the intersection of any two (2) streets.
- C. No major repair or major refinishing shall be done on the lot.

**SECTION 7.20 MANUFACTURED HOUSING COMMUNITY****R-2**

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

**C. LOCATION REQUIREMENTS**

- 1. Access to any manufactured housing community shall be a public major thoroughfare. Locations for manufactured housing communities are encouraged to avoid higher density traffic movements through existing or planned single-family developments.
- 2. Manufactured housing communities shall not be permitted on parcels of less than fifteen (15) acres in area.

- D. **AREA, HEIGHT AND BULK REQUIREMENTS:** All manufactured housing communities shall comply with State Manufactured Housing Commission requirements.
- E. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed. Skirting material shall be consistent with the siding of the manufactured housing unit.
- F. All utility connections shall comply with State and Local codes.
- G. The proposed site plan for the manufactured housing community shall be submitted to the Planning Commission for their review and approval prior to any consideration. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the City. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the State Manufactured Housing Commission for their consideration in reviewing the proposed manufactured housing community plans.
- H. The City Engineer shall also review the proposed manufactured housing community plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated, and the City's ability to accommodate such manufactured housing community needs. In addition, any connections to municipal facilities shall meet applicable City engineering design requirements. A copy of any deficiencies noted shall be transmitted immediately, with the recommendations of the Planning Commission, to the State Manufactured Housing Commission.
- I. The outside storage of household effects, other than normal patio furniture, etc., is prohibited. The storage of recreational vehicles, i.e., boats, campers, trailers, motor homes, snowmobiles on manufactured home sites and/or required parking spaces for longer than forty-eight (48) hours is also prohibited. The storage or parking of recreational vehicles, motor homes, boats, snowmobiles or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the manufactured housing community, shall be in accordance herewith. The storage of the vehicles or items in the mobile home development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence six (6) feet in height around its perimeter or by some other similar screening device.

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**SECTION 7.21 MANUFACTURING USES: MISCELLANEOUS****I-1****I-2**

The following production or manufacturing uses (not including storage of finished products) shall be located not less than five hundred (500) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district:

- A. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- B. Blast Furnace, Steel Furnace, Blooming or Rolling Mill
- C. Manufacture of Corrosive Acid or Alkali, Cement, Gypsum, or Plaster of Paris
- D. Petroleum or other Inflammable Liquids, Production, Refining, or Storage
- E. Smelting of Copper, Iron, or Zinc Ore

**SECTION 7.22 MARINAS****WD****B-2****B-3****I-1****I-2**

- A. The marina site shall be physically separated from any adjacent industrial uses by fencing a minimum six (6) feet in height.
- B. A separate entry/egress drive shall be provided, which shall not cross through any property used or intended for industrial uses.
- C. On-site restroom facilities shall be provided per code for all marinas.
- D. Any marina, which permits boaters to overnight in their moored or docked boats, must provide shower/washing facilities as prescribed by the Planning Commission.
- E. On-site parking and landscaping shall be provided in accordance with the requirements of this Ordinance.
- F. Docks and mooring shall be physically separated from adjacent industrial/commercial waterfront uses and shipping channels.
- G. Proposed docks and moorings shall not interfere with the passage of boats into or out of adjacent or nearby marinas, and will not be so located as to be a hazard or obstacle to the normal movement of boats in the Thunder Bay River or the adjacent waters of Lake Huron.
- H. The Planning Commission may modify or waive those site requirements listed in A – D above upon a demonstration of hardship or a compelling need or justification.

**SECTION 7.23 OUTDOOR RECREATIONAL FACILITIES - COMMERCIAL**

**OS-1** **B-2** **B-3**

- A. Such uses shall be located on a site of at least one acre in area, be at least one hundred fifty feet (150') from any Residential District,
- B. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

**SECTION 7.24 OUTDOOR STORAGE FACILITIES FOR BUILDING MATERIALS (SAND, GRAVEL, STONE, LUMBER)/CONTRACTOR'S EQUIPMENT**

**B-3** **I-1** **I-2**

- A. The outdoor storage of building materials shall comply with the performance standards in [§3.33](#).
- B. The outdoor storage of raw materials shall be a use incidental to the principle use of the zoning lot.
- C. The outdoor storage of raw materials and equipment shall not be permitted in the front yard.

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**SECTION 7.25 PARKING LOTS INCIDENTAL TO RELIGIOUS INSTITUTIONS, SCHOOLS,  
AND OTHER PUBLIC INSTITUTIONS**

Parking lots incidental to churches, temples or elementary schools, when located on properties which are contiguous but separated by a street from the use it serves, are subject to the following conditions:

- A. Parking lots may be located directly across the street or kitty-corner from the use it serves.
- B. No more than one parking lot shall be allowed to serve a given church, temple or elementary school which is separated by a street from such use.
- C. The area of a parking lot under this section shall comply with [§3.30](#).
- D. The parking lot shall not be located in the middle of a residential block unless the use it serves is located exclusively on side lots.
- E. The parking area/lot shall be used solely for parking of private passenger vehicles for periods of less than one (1) day and shall not be used as an off-street loading area.
- F. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- G. No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking areas.
- H. No building shall be erected upon the premises (except as allowed in [§5.21 Vehicular Parking District](#)).
- I. Where the parking lot is contiguous to the side or rear lot lines of a residentially zoned district, a six foot (6') wall or fence shall be located along said lot lines. Where the parking lot is contiguous to a residentially zoned district which has a common frontage, a three foot (3') wall or fence shall be located on the minimum front yard setback line unless, under unusual circumstances, the Planning Commission finds that no good purpose would be served by this requirement. The land between said setback and street right-of-way line shall be kept free of refuse and debris and shall be planted with shrubs, trees, and lawn. Such green spaces shall be maintained in a healthy growing condition and neat in appearance.
- J. The Planning Commission may allow the utilization of side and rear yard setback areas required in residential districts for parking provided adequate screening is assured in a manner acceptable to the Planning Commission.
- K. Parking lot lighting shall be shielded from abutting residential properties and shall be directed only on the parking area. Light standards shall not exceed twelve feet (12') in height.

**SECTION 7.26 PARKING STRUCTURES**

- A. The architecture of the parking structure shall be consistent and/or compatible with development in the surrounding neighborhood.

**CBD**

- B. In the CBD District, commercial uses must occupy a portion of the ground floor of the parking structure fronting a public street.

**SECTION 7.27 RESIDENTIAL HUMAN CARE FACILITY**

The following regulations shall apply to any facility providing:

- Emergency shelter and services for battered individuals and their children in a residential structure;
  - Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
  - Emergency shelter for individuals who are homeless.
  - Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation
- A. **LICENSE:** Such facility shall have received a State of Michigan license to operate prior to seeking a Special Use Permit under this Ordinance in those instances where a license is required by the State.
- B. **TIME LIMIT:** Residency by persons shall be limited to a maximum of six (6) months in any one (1) year period. Longer periods shall be permitted if directed by the court or if necessary to satisfactorily complete prescribed rehabilitative treatments or if approved by the Planning Commission. Such facility shall not become the full time residence for any person.
- C. **OCCUPANCY:** The occupancy of such a facility shall not exceed twenty-five (25) persons, excluding the supervisor(s).
- D. **SPACING:** No such facility shall be located within two thousand five hundred feet (2500') of the property line of a similar facility.



- E. **PARKING:** Parking shall be provided for staff and residents based upon a level necessary to meet the needs of the facility and agreed upon by City staff and the Planning Commission. The number of spaces required shall be included in the Special Use Permit. If, in the future, the City determines that additional parking is required, such a finding shall be provided in writing and shall be remedied by the facility within sixty (60) days or a request submitted to the Planning Commission for modification.
- F. **OUTDOOR PLAY SPACE:** In those instances where child care is to be provided as a part of such facility, not less than one hundred fifty (150) square feet of outdoor play space shall be provided per child. Such play space shall be fenced.
- G. **SUPERVISOR:** A supervisor designated by the operating agency shall be present at all times while the facility is open for use. On-site staff shall be at a level sufficient to properly supervise residents.
- H. **HOURS:** The facility shall be open to serve persons at designated hours, as approved by the Planning Commission so as to discourage loitering outside such facility. Outside loitering shall not be permitted, and will be subject to prosecution under City Ordinance.
- I. **GUEST REGISTER:** When permitted by law, a guest register shall be kept with names of occupants and dates and times of check-in and check-out for each occupant.
- J. Specific rules and monitoring procedures for individuals entering/leaving the facility during late evening and early morning hours shall be provided to the Building Official.
- K. Any structure or part of a structure utilized as a shelter shall meet all health, fire and safety code requirements of the State and City.

## SECTION 7.28 RESTAURANTS WITH OUTDOOR DINING



Outdoor dining service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted, subject to the following conditions:

- A. Outdoor seating/dining shall be included as part of an approved site plan.
- B. An outdoor cafe shall be allowed during normal operating hours of the establishment.
- C. An outdoor cafe may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m. (Ord. No. 94-242).
- D. The exterior of the premises shall be kept clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the Health Department.
- E. Any outdoor seating located within the public right-of-way must be approved by the City Council.

### SECTION 7.29 RETAIL USES WITH OUTDOOR STORAGE

**B-3** **I-1**

Major retail uses of a general merchandising character with a usable floor area of no less than ten thousand (10,000) square feet may have an outdoor storage area located no further than five feet (5') from the front face of the principal structure at a rate of one square foot of display area per one hundred (100) square feet of usable floor area.

### SECTION 7.30 ROOMING & BOARDING HOUSES

**R-2** **R-T** **RM-1** **RM-2**

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accord with [§3.30](#).
- G. The establishment shall have at least two (2) exits to the outdoors.
- H. The boarding house shall not alter the residential character of the building or structure.

**SECTION 7.31 SEASONAL USE SALES**

A. Time limits for seasonal uses and for tent sales shall be as follows:

1. Time limits for a tent or sidewalk sale shall be no longer than five (5) days. No more than three (3) tent sales or sidewalk sales shall be allowed for a given location within a single calendar year. However, no tent sale or sidewalk sale for any given location shall occur for three (3) consecutive time periods. A one-week period shall lapse between each such successive tent or sidewalk sale.
2. The time limit for the sale of Christmas trees, pumpkins, or similar uses shall be for no longer than forty (40) days.
3. The time limit for the sale of plants, vegetables, fruit, or other produce shall be for no longer than fourteen (14) weeks. Not more than one (1) fourteen-week sale of plants, vegetables, fruit, or produce shall occur for any given location within a single calendar year.

B. The proposed use, including the erection of any temporary building or structure, will be allowed if the seasonal user does the following:

1. Provide adequate light and ventilation between buildings and structures.
2. Provide adequate automobile and pedestrian traffic flow.
3. Provide adequate off-street parking.
4. Provide adequate lot access for fire protection purposes.
5. Not adversely affect the stability and integrity of the zoning plan prescribed by this ordinance or otherwise interfere with the protection of public health, safety, and general welfare.
6. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of three hundred (300) feet.

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## SECTION 7.32 SECONDARY DWELLING UNITS

**R-1 R-2**

The purpose of this section is to allow a minor amount of space within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in all residential neighborhoods within the City. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods. The following regulations shall apply:

- A. One (1) secondary dwelling unit is allowed per lot.
- B. The secondary dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
- C. The secondary unit shall not exceed 600 square feet or twenty-five (25) percent of the total floor area of the home, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The secondary dwelling unit shall be provided electricity, plumbing, and heat.
- E. The secondary unit shall contain only one (1) bedroom.
- F. The secondary unit shall be a self-contained unit and shall be:
  1. located above a garage, or
  2. attached to the primary dwelling or garage, or
  3. totally within a primary dwelling, or
  4. a detached stand-alone structure.
- G. The secondary unit shall have a separate exterior entrance which shall not be visible from the front yard.
- H. The residents of the primary structure shall maintain the secondary unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- I. The secondary unit shall conform to the building code standards adopted by the City.
- J. One and one-half (1 ½ ) parking spaces shall be provided on-site for each dwelling unit.
- K. **Detached Stand-Alone Structures** shall be considered accessory structures. The following regulations shall apply:
  1. Such structures shall be located in the rear yard and shall be consistent in appearance with the principal structure.
  2. Such structures shall be a maximum of six hundred (600) square feet in size with a minimum width of twenty (20) feet.
  3. The property owner must reside on-site.
  4. Separate water and sewer service must be provided.

## SECTION 7.33 SEXUALLY ORIENTED BUSINESSES

I-1

I-2

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the City, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of City residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by City Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The City further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection (B)** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the City of Alpena and other governments or governmental agencies having

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jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
  2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
  3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
  5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

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**SECTION 7.34 SIGN PAINTING SHOPS****B-3** **I-1** **I-2**

- A. Only sign painting and minor repair shall be allowed, only if conducted within an entirely enclosed building.
- B. No structural fabrication of signs or billboards shall be permitted on the premises. **B-3**
- C. No outdoor storage of sign materials, paints or supplies shall be permitted on the premises.

**SECTION 7.35 STAND-ALONE (FREESTANDING) RESIDENTIAL STRUCTURES, CONVERTED EXISTING NON-RESIDENTIAL FLOOR AREA TO RESIDENTIAL USE, AND ADDITIONS TO EXISTING BUILDING INCLUDING FIRST FLOOR RESIDENTIAL UNITS****CBD**

Stand-alone (freestanding) residential structures, converted existing non-residential floor area to residential use, and additions to existing building including first floor residential units are subject to the following conditions:

- A. Shall be allowed in the CBD except on Chisholm (between State and Third), Second (between Washington and Oldfield), and Third (between River and Lockwood).
- B. An application for Special Use Permit shall also include submission of a final site plan, both of which shall be subject to review and approval by the Planning Commission.
- C. If an existing building is to be converted to residential use (including the first floor) the applicant must obtain approval in writing from the City Building Official that the use of the building for dwelling purposes is in compliance with all applicable building, housing, fire and safety codes of the City prior to review of the proposed use by the Planning Commission.
- D. Prior to action by the Planning Commission, the Downtown Development Authority (DDA) shall review and forward a recommendation regarding the appropriateness of the proposed use and site plan relative to the most currently adopted version of the DDA Strategic Plan.
- E. Off-street parking shall be provided in keeping with the requirements of **§3.30** of this Ordinance for dwellings. The Planning Commission may reduce the minimum parking spaces required, if it deems sufficient justification is provided by the applicant and it is demonstrated to the Commission's satisfaction that the reduction will not negatively impact overall parking within the downtown area.



- F. The ownership or leasing arrangement for parking spaces to be utilized for residential uses shall be included with the Special Use and Site Plan Review application. The location and layout of spaces to serve the residential use shall be indicated on the required site plan. Parking may be allowed for residential uses in the CBD District on properties other than the property being used for residential purposes provided such parking spaces are located within two hundred feet (200') of the residential structure they are intended to serve. (Ord. No. 04-346, Sec. 1202).

**SECTION 7.36 STORAGE FACILITIES**

- A. All storage shall be of a non-industrial nature and within an enclosed building.
- B. The storage of dangerous, toxic or flammable materials shall not be permitted.
- C. Minimum lot size shall be three (3) acres.
- D. All proposed storage buildings nearest to the primary access road shall be sited perpendicular to the road.
- E. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings shall be set back at least one hundred (100) feet from public road right-of-way lines.
- F. Storage of trailers, recreational vehicles, boats, and other similar equipment shall only be permitted in the rear yard and shall be screened from residential uses pursuant to [§3.28](#).
- G. A caretaker dwelling unit and/or office may be permitted on-site.

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**SECTION 7.37 TELECOMMUNICATIONS FACILITIES****A. PURPOSE**

The purpose and intent of these regulations pertaining to wireless telecommunications facilities including towers, antennas and structures (accessory buildings, structures, WIFI, antennas and other ground or pole mounted appurtenances) is to establish general guidelines for their location within the City and on individual lots or parcels. The City recognizes that it is in the public interest to permit the location of these facilities within its jurisdiction, while also recognizing the need to protect the adjacent and nearby properties from potential health, safety and aesthetic impacts that may result from the construction of such facilities. As such, these regulations seek to:

1. Protect residential areas from potential adverse impact of towers and antennas;
2. Encourage the location of towers in nonresidential areas;
3. Minimize the total number of towers throughout the community;
4. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
5. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
6. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
7. Consider the public health and safety of telecommunication towers and alternative tower structures; and
8. Avoid potential damage to adjacent property from tower failure.
9. Amateur radio antenna: See [§7.3](#).

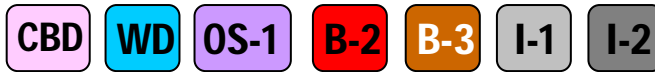
**B. TELECOMMUNICATION FACILITIES PERMITTED BY RIGHT WITH ADMINISTRATIVE REVIEW**

The following telecommunication facilities shall be permitted by right following administrative review:

1. Wireless telecommunication antennas and supporting equipment facilities located on existing attachment structures within the OS-1, B-2, B-3, CBD, WD, CCD, I-1 and I-2 districts. Such antenna shall not extend more than 35 feet above the highest point of the existing structure. Supporting equipment facilities shall be located within an enclosed structure and screened as necessary in accordance with the requirements of these regulations.



2. Wireless telecommunication facilities attached to a monopole of seventy-five (75) feet or less in height and in compliance with the development standards of this Section within the OS-1, B-2, B-3, CBD, WD, I-1 and I-2 districts. An increase in total height by up to 20 feet may be approved upon review and approval by the Planning Commission following a determination that the additional height is necessary and will not negatively impact the neighborhood in which it is located.



3. Wireless telecommunication facilities co-located on an existing supporting structure approved for co-location and with sufficient space available for the additional equipment.
4. Wireless telecommunications antennas and supporting appurtenances located on existing utility poles located with public rights-of-ways or within dedicated easements, or on private buildings or structures approved by City staff (WIFI and other similar telecommunications technology).
5. Administrative decisions may be appealed to the **Zoning Board of Appeals**, which shall render a decision following a public hearing in accordance with **§9.6**.

### C. PLANNING COMMISSION REVIEW

All telecommunications facilities not permitted by right shall require review and approval by the Planning Commission as a Special Use based on the following considerations:

1. Whether the facility offers opportunities for co-location.
2. Whether all applicable development standards are met.
3. Compatibility of the facility with existing uses located on the site and surrounding properties.
4. The extent to which granting the Special Use would substantially serve the public safety and welfare.
5. The suitability of the site for the proposed use.
6. Demonstration of need for the facility to be located at the subject site.
7. Whether conditions may be imposed by the Planning Commission or commitments made by the applicant which are sufficient to mitigate any potential adverse effects on neighboring properties identified during the review process.

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

- From Residential Districts:** Towers shall be located from any residential district a distance equal to twice the height of the proposed structure.
- 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.
- 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

- 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

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- 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 \(F\)](#)

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### SECTION 7.38 VEHICLE SALES (OUTDOOR)

**CBD** **CCD** **B-2** **B-3** **I-1**

Outdoor display may be allowed in non-required front and side yards abutting a street provided the following conditions are met:

- A. Display areas shall not be covered by canopies or other structures.
- B. Display areas shall be surfaced with concrete, asphalt, or other impervious surface material.

### SECTION 7.39 VEHICLE WASHES

**B-2** **B-3** **I-1**

- A. Such facility shall only be located on property abutting a major thoroughfare or a street with access to such major thoroughfare.
- B. A six foot (6') high obscuring wall of sound-absorbing material shall be provided and maintained on those property lines abutting a residential district.
- C. All wash equipment shall be located within a building.
- D. Outdoor vacuums, if provided, will be required to be a minimum distance of fifty feet (50') from a residential area.
- E. Entrances: Sufficient space shall be provided on the lot so that vehicles do not enter the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

**SECTION 7.40 WIND ENERGY SYSTEMS****A. PURPOSE AND GOALS**

The purpose of this section is to establish guidelines for siting wind energy systems and wind energy facilities. This section's goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce on-site consumption of electricity supplied by utility companies and/or to produce power that will be directly supplied to the electric power grid system.
2. To lessen potential adverse impacts that wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

**B. TECHNOLOGICAL ADVANCES AND DESIGN STANDARDS FLEXIBILITY**

The City recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the City of Alpena. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

**C. HISTORIC DISTRICT/SITE REQUIREMENTS**

Prior to the issuance of any permits the City of Alpena Historic District Commission shall review and approve any proposal to locate a wind turbine or wind energy facility within a certified historic district or certified historic site.

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**D. SMALL ON-SITE WIND ENERGY SYSTEMS**

A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right. The following site development standards shall apply:

**1. DESIGN & INSTALLATION**

All wind turbines (ground and roof-mounted) shall comply with the building code currently adopted by the City of Alpena. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted. The installation of the wind turbine shall meet manufacturer's specifications.

**2. PLOT PLAN SUBMITTAL**

An application for the installation of a Small On-Site Wind Energy System shall include a plot plan including the following information:

- a. the location of the proposed wind turbine.
- b. the location of all structures on the property and adjacent properties and the distance from the wind turbine.
- c. the location and approximate height of trees within fifty (50) feet of the wind turbine.
- d. the distance from other wind turbines on adjacent lots, if applicable.

**3. MINIMUM LOT SIZE****a. Ground Mounted Horizontal Axis Wind Turbine:**

- 1) Not permitted in the CBD, CCD, P-1 or CR Districts.
- 2) WD District: Requires a Special Land Use Permit.
- 3) PUD District: Only if permitted in the approved PUD.
- 4) R-1, R-2 and RT Districts:
  - a) Rotor Diameter of eight (8) feet or less: Average lot width of one hundred (100) feet.
  - b) 2) Rotor Diameter in excess of eight (8) feet: Average lot width of one hundred fifty (150) feet and at least one (1) acre in area

- 5) All other districts: Average lot width of one hundred fifty (150) feet and at least three-fourths (3/4) acre in area.

4. **HEIGHT**

The maximum height above ground for both the Horizontal and Vertical Axis Wind Turbines is fifty (50) feet.

5. **MULTIPLE WIND ENERGY TURBINES**

a. **Horizontal Axis Wind Turbine:**

- 1) **Ground Mounted:** No more than one on any lot of less than one (1) acre in size. For lots one (1) acre and over in area, the number of turbines shall be determined by the spacing requirement of the manufacturer and the site plan must be approved by the Planning Commission without a public hearing.
- 2) **Roof Mounted:** A maximum of two (2) may be installed on a building following review and approval by the Planning Director or Building Official. For more than two units a site plan and elevation drawings must be approved by the Planning Commission without a public hearing. Multiple roof top units shall be incorporated into the architectural design of the building. Turbine must comply with the size and design requirements as specified for ground mounted units on lots less than one (1) acre in Paragraph 4.a.1) above

b. **Vertical Axis Wind Turbine:**

For both ground and roof mounted turbines a maximum of two (2) may be placed on a lot following review and approval by planning staff. For more than two units a site plan and elevation drawings must be approved by the Planning Commission without a public hearing. Multiple roof top units shall be incorporated into the architectural design of the building. Multiple ground mounted units shall be incorporated as much as possible into the site design of the property.

6. **ROTOR CLEARANCE**

A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.

7. **GUY WIRES**

The use of guy wires shall be prohibited.

8. **PLACEMENT ON LOT**

Each small wind energy system shall be placed within the rear yard only. Roof mounted units shall comply with Paragraph D.16 below. The wind energy system shall be located as close as possible to the center of the rear yard. No part of the wind turbine generator may extend closer to the property line or waterfront than the required setback for the district in which the unit is located.

**9. NOISE**

Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

**10. VIBRATION**

Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

**11. SPACING:** Minimum spacing between wind energy systems (on- and off-site) shall be per the manufacturers specifications).**12. ACCESSORY EQUIPMENT**

All electrical equipment and battery storage shall be located within a locked panel or building (principal or accessory structure) so as not to be readily accessible. A small sign shall be placed on the panel or building with emergency contact information. A Manufacturers Materials Safety Data Sheet(s) for all coolants, lubricants, batteries (acid), etc. shall be provided to the City prior to installation, and updated or amended sheets provided as may be required.

**13. RECEPTION INTERFERENCE**

Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.

**14. SHADOW FLICKER**

The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

**15. POTENTIAL ICE THROW**

Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

**16. VISUAL IMPACT**

All visible components of a small onsite wind energy system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.

**17. SAFETY**

A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.

**18. OTHER REGULATIONS**

On-site use of wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures

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Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

#### 19. ROOF-MOUNTED WIND ENERGY SYSTEMS

Small roof-mounted wind energy systems are exempt only from the **subsection 8** above (placement on lot). All other subsections shall apply as well as the following:

- a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
- b. Horizontal Axis Wind Turbines shall not be roof-mounted, **except for those specifically designed for such installation.**
- c. The maximum height of a roof-mounted wind energy system shall be measured from the ground.



#### E. COMMERCIAL WIND ENERGY FACILITIES AND ANEMOMETER TOWERS:

Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in [Article 6](#).

##### 1. PRINCIPAL OR ACCESSORY USE

A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

##### 2. SUFFICIENT WIND RESOURCES

The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The City may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

##### 3. DESIGN & INSTALLATION

All wind turbine generators shall comply with the building code currently adopted by the City of Alpena. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.

Guy wires may be utilized to support a temporary (18 months or less) anemometer tower, if demonstrated by the applicant to be necessary to maintain the safety of the structure.

#### 4. MINIMUM SITE AREA

The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.

#### 5. SETBACKS

Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

- a. **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed sixty-five (65) decibels on the dB (A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
- b. **Setback from Road:** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.
- c. **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure located on property not owned or leased by the applicant a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.
- d. **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total wind turbine height, whichever is greater, determined from the existing power or communications lines.
- e. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

#### 6. MAXIMUM HEIGHT

The maximum wind turbine generator height shall not exceed a hub height of one hundred sixty (160) feet. The maximum height for an anemometer tower erected prior to the installation of a wind turbine generator shall be two hundred fifty (250)

feet The applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if it the applicant satisfactorily demonstrates that the increased height will not negatively impact adjoining properties or the City as a whole, and that either of the following conditions is met:

- a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.

or

- b. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the City.

In subsections (a) and (b) above, the increased height shall not result in increased intensity of lighting of the tower due to FAA (Federal Aviation Administration) or MAC (Michigan Aeronautics Commission) requirements.

## **7. TOWER SEPARATION**

Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.

## **8. MINIMUM GROUND CLEARANCE**

The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifty (50) feet.

## **9. MAXIMUM NOISE LEVELS**

The sound pressure level generated by the wind energy system shall not exceed sixty-five (65) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds sixty-five (65) dB(A), the standard shall be ambient plus five (5) dB(A).

## **10. MAXIMUM VIBRATIONS**

Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

## **11. POTENTIAL ICE THROW**

Any potential ice throw or ice shedding from a wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

## **12. SIGNAL INTERFERENCE**

No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the

major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

### 13. VISUAL IMPACT, LIGHTING, POWER LINES

- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
- b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
  - (1) Shall be the intensity required under State or federal regulations.
  - (2) 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.
  - (3) May be a red top light that does not pulsate or blink.
  - (4) All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing or permitted land use to the maximum extent practicable. The collection system may be placed overhead adjacent to State and major City streets upon approval of the Planning Commission following a written recommendation from the City Engineering, DPW, and Planning Departments, near substations or points of interconnection to the electric grid or in other areas as necessary.

### 14. SAFETY

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall not be climbable up to fifteen (15) feet above the ground surface.

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- c. All access doors to wind turbine towers and electrical equipment shall be locked.
- d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- e. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
- f. Wind turbine generators shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

#### 15. ADDITIONAL STATE, FEDERAL, OR LOCAL REQUIREMENTS

Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the state, federal, or local government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use application is approved.

#### 16. HAZARD PLANNING

An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:

- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
- b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
- c. A listing of any hazardous fluids that may be used on site shall be provided in an electronic format, including Material Data Safety Sheets (MDSS).
- d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
- e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

#### 17. APPROVALS

All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan, and such approval of the site plan by the Planning Commission shall be conditional upon the approval of all other required permits.

#### 18. REMOVAL OF WIND TURBINE GENERATORS

- a. The applicant shall submit a decommissioning plan. The plan shall include:
  - (1) The anticipated life of the project.

- (2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
  - (3) The method of ensuring that funds will be available for decommissioning and restoration.
  - (4) The anticipated manner in which the project will be decommissioned and the site restored.
- b. Any wind turbine generator or anemometer tower that is non-operational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice of abandonment from the City. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the City to remove the wind turbine generator or anemometer tower at the owner's expense.
- c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
- d. The Planning Commission shall require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

#### 19. EQUIPMENT REPLACEMENT

Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.



F. Administrative Procedures	
Administrative Approval	Small On-Site Wind Energy Systems
Planning Commission Approval	Commercial Wind Energy Facilities and Anemometer Towers
Administrative Departures	<b>Small On-Site Wind Energy Systems:</b> Planning staff may approve a departure of up to five (5) feet in height provided the applicant provides sufficient justification of the height increase.
Planning Commission Departures	The Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

## SECTION 7.41 MEDICAL MARIHUANA FACILITIES<sup>1</sup>



### A. Standards:

1. Medical Marihuana Facilities shall not be located within one thousand (1,000) feet of any school.
2. Medical Marihuana Facilities shall not be located within two hundred fifty (250) feet of any place of worship, child care centers, addiction clinics and treatment facilities, the Boys and Girls Club of Alpena, or McRae, Bay View, or Water Tower Parks, or be directly adjacent to Starlite Beach Park or Mich-e-ke-wis Park.
3. Medical Marihuana Facilities shall not be located in the district or area known as the "Downtown Development Authority."
4. Medical Marihuana Facilities shall comply with the City of Alpena Ordinance No. 21-459 (Medical Marihuana Facilities).

### B. Submittal Requirements (in addition to submittal requirements in [Section 6.11](#)):

Applicant shall submit the documentation contained in 1-3 below which will be reviewed by the Planning Commission. The Planning Commission shall also evaluate the site plan using the site plan review standards in [Section 6.6](#) and Special Land Use review standards in [Section 6.12](#).

1. Applicant shall submit a plan which details economic benefits to the City by way of improvements to real property.
2. If an existing building is proposed to be utilized, applicant shall commit to physical improvements to exterior of existing building or structure. If no improvements are necessary, applicant shall include a statement indicating the reasons.
3. Applicant shall submit a maintenance plan that provides for upkeep of property, including exterior or right-of-way.

<sup>1</sup> Amended 6-1-20 and 6-21-21



# ARTICLE 8

## ZONING BOARD OF APPEALS

SECTION	PG	NAME
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### SECTION 8.0 – ZONING BOARD OF APPEALS CREATION AND MEMBERSHIP

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of seven (7) members, appointed by the City Council by a vote of a majority of its membership.

- A. The first member shall be a member of the Alpena City Planning Commission for the terms of his/her office.
- B. The remaining members must be selected from the electors of the City of Alpena and shall be representative of the population distribution and of the various interests present in the City.
- C. An employee or contractor of the City Council may not serve as a member of the Board of Appeals.
- D. The City Council may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- E. The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission, whose terms shall be limited to the time they are members of the Planning Commission. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

- F. The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be fixed by the City Council.
- G. A member of the Zoning Board of Appeals may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

### SECTION 8.1 – MEETINGS

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the City Clerk, which shall be a public record.
- B. Four (4) members of the ZBA shall constitute a quorum for the conduct of its business. The Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.
- C. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

### SECTION 8.2 – JURISDICTION

- A. **APPEALS FROM A DECISION:** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.
- B. **INTERPRETATION:** The ZBA may interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- C. **DIMENSIONAL VARIANCES:** Upon the finding of practical difficulty, the ZBA shall have the authority to grant nonuse variances related to dimensional requirements of the Zoning Ordinance as provided for in [§8.5](#).

- D. **USE VARIANCES:** Upon the finding of unnecessary hardship, the ZBA shall have the authority to grant variances from uses of land as provided for in §8.5.
- E. **EXERCISE OF POWERS:** In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken.
- F. **SPECIAL LAND USE AND PUD:** The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.
- G. Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the City Council of the City of Alpena in the manner provided by law.

### SECTION 8.3 – PROCEDURE & DECISIONS

- A. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board or bureau of Michigan or the City of Alpena.
- B. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief
- C. A variance in the Zoning Ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- D. The Zoning Board of Appeals shall state the grounds of any determination made.
- E. The appellant shall file with the Board of Appeals on blanks or forms to be furnished by the Zoning Administrator a notice of appeal specifying the grounds for the appeal.
- F. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- G. The applicant is required to submit nine (9) copies of surveys, plans and data or other information deemed reasonably necessary for making any informed decision on his or her appeal.
- H. Following receipt of a written request for a variance, an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, the Zoning Board

- of Appeals shall fix a reasonable time for the hearing of the request and give notice pursuant to §9.6.
- I. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
  - J. A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
  - K. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Written findings of fact supporting the decision reached by the ZBA must become part of the public record.
  - L. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a dimensions variance in the zoning ordinance. A two-thirds (2/3) majority is required to grant a use variance. A majority vote of a quorum present may deny a requested variance.
  - M. **CONDITIONS:** The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in §9.9.
  - N. **FINDINGS OF FACT:** In granting or denying a variance, the Board shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance.
  - O. **TIME LIMIT:** No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than ninety (90) days, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. If a variance which is granted is not utilized within twelve (12) months of its granting, the variance shall be considered null and void and an application must be re-filed if it is desired at a future date. A variance which is legally utilized and maintained runs with the property and any subsequent owners who legally continue the variance under its original or amended terms. The Board of Appeals may require such conditions and the posting of necessary bonds or other financial guarantees acceptable to the City Council to control compliance with specified conditions.
  - P. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court of Alpena County.

## STAY/VARIANCE STANDARDS

- Q. Copies of the written statement of findings of fact shall be furnished to the City Council and Planning Commission.

### SECTION 8.4 – STAY

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

### SECTION 8.5 – VARIANCE STANDARDS

A. **DIMENSIONAL VARIANCE STANDARDS:** The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship;
2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Alpena

## VARIANCE STANDARDS/CIRCUIT COURT

B. **USE VARIANCE STANDARDS:** To obtain a variance from the use regulations of this Ordinance the applicant must demonstrate that unnecessary hardship exists by showing all of the following:

1. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
2. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
3. The proposed use will not alter the essential character of the neighborhood.
4. The immediate hardship causing the need for the use variance was not created by the property owner or previous property owners (self-created).

### SECTION 8.6 – APPEAL TO CIRCUIT COURT

- A. Any party aggrieved by a decision of the zoning board of appeals may appeal to the circuit court for Alpena County. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:
1. Complies with the constitution and laws of the state.
  2. Is based upon proper procedure.
  3. Is supported by competent, material, and substantial evidence on the record.
  4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
- B. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.
- C. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.



## ARTICLE 9 ADMINISTRATION

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### SECTION 9.0 ENFORCEMENT

- A. The provision of this Ordinance shall be administered in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. The provisions of this Ordinance shall be administered and enforced by the Building Official, the Planning Director or by such deputies of the Planning department as the Building Official or Planning Director may delegate to enforce the provisions of this Ordinance. For purpose of this Ordinance, the Building Official may also be called Building Department, Zoning Administrator, Zoning Department or other titles as designated by the City Manager.

### SECTION 9.1 DUTIES OF BUILDING OFFICIAL/PLANNING DIRECTOR

- A. The Building Official or Planning Director shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. The Building Official shall have the power to grant certificates of occupancy. It shall be unlawful for the Building Official or Planning Director to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until the City has inspected such plans in detail and found them to conform with this Ordinance.
- B. Under no circumstances is the Building Official or Planning Director permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Building Official or Planning Director.
- C. The Building Official or Planning Director shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.



## SECTION 9.2 PERMITS

- A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the City of Alpena and a Zoning Permit has been issued by the Building Official or Planning Director, except as otherwise provided for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.
- B. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits which are contingent upon the issuance of a zoning permit.
- C. The zoning permit will expire after one (1) year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.
- D. The Building Official or Planning Director shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
- E. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the City Council.
- F. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Building Official or Planning Director authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.
- G. Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary permit, whether it be a zoning compliance permit, sign permit, fence permit, etc. shall be subject to an additional fee of not more than two (2) times the amount of the original permit not legally obtained.
- H. The following shall apply in the issuance of any permit:

### 1. PERMITS NOT TO BE ISSUED

No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

## 2. PERMITS FOR NEW USE OF LAND

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

## 3. PERMITS FOR NEW USE OF BUILDINGS

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

## 4. PERMITS REQUIRED

No building or structure, or part thereof, with the exception of manufactured housing developments, shall be hereafter erected, altered, demolished, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the applicable building code, property maintenance code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features. Demolition shall be in accordance with standards established by the Building Official.

### I. CERTIFICATES

No land, building, or part thereof, with the exception of manufactured housing developments, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificates:

#### 1. CERTIFICATE NOT TO BE ISSUED

No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

#### 2. CERTIFICATES REQUIRED

No building or structure, or part thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure. Certificates of occupancy shall be required for any change in occupancy of any building, structure or land in all office-service, business and industrial districts.

#### 3. CERTIFICATES INCLUDING ZONING

Certificates of occupancy, as required by the applicable building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of

existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

## 4. CERTIFICATES FOR EXISTING BUILDINGS

Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

## 5. RECORD OF CERTIFICATES

A record of all certificates issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

## 6. CERTIFICATES FOR DWELLING ACCESSORY BUILDINGS

Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings. This section does not include Secondary Dwelling Units.

## 7. APPLICATION FOR CERTIFICATES

Application for certificates of occupancy shall be made in writing to the Building Official on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

8. On written request, the Building Official may issue a temporary Certificate of Occupancy for a building or structure or part thereof when he has determined that there are no conditions that would endanger the health, safety or welfare of the occupants or users.

Temporary certificates may be issued for a period not to exceed twelve (12) months and may only be extended upon appeal to the Zoning Board of Appeals except for building projects occurring in distinct phases or stages.

The Building Official upon request may issue temporary certificates for phased or staged projects which have received Planning Commission site plan approval pursuant to [Article 6](#) of this Ordinance. In these instances the temporary certificate may be issued for periods of time not exceeding the limitations set forth in [Article 6](#) of this Ordinance.

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## SECTION 9.3 FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection.

## SECTION 9.4 FEES

- A. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in costs to the City, the City Council shall adopt by resolution a fee to cover the cost of inspection and supervision resulting from enforcement of this ordinance.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, and time spent by City staff,. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Planning Director determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Director determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the City Clerk such additional zoning fees in an reasonable amount determined by the Planning Director equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Director may require the applicant to deposit additional fees into escrow in an reasonable amount determined by the Planning Director to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.

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## SECTION 9.5 PERFORMANCE GUARANTEE

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the City with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the City Clerk at or before the time the City issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the City Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the City as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

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**SECTION 9.6 PUBLIC NOTIFICATION**

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, and the other provisions of this Section with regard to public notification.

A. **PUBLISHED NOTICE:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the planning staff shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the city of Alpena and mailed or delivered as provided in this Section.

B. **CONTENT:** All mail, personal and newspaper notices for public hearings shall:

1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. When and where the request will be considered: indicate the date, time and place of the public hearing(s).
4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. **PERSONAL AND MAILED NOTICE**

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property



subject to the request, regardless of whether the property or the occupant is located within the City of Alpena. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to **§9.6(E)**.
  - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved.
2. **Notice Deemed Given:** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. Planning staff shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. **TIMING OF NOTICE:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or Ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

#### E. REGISTRATION TO RECEIVE NOTICE BY MAIL

1. **GENERAL:** Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of all applications for development approval pursuant to **§9.6(C)(1)(c)** or written notice of all applications for development approval within the zoning district in which they are located. The City Clerk shall be responsible for providing this notification, as established by the City Council.
2. **REQUIREMENTS:** The requesting party must provide the City Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.



## SECTION 9.7 VIOLATIONS

### A. VIOLATIONS

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution, or in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of prosecution.

Notwithstanding the provision above that makes a violation of the Zoning Ordinance a misdemeanor, the City may, in its discretion for minor violations or for a first offender, choose to treat the violation as a municipal civil infraction subject to a fine of not more than five hundred (\$500.00) dollars.

Every day that such violation continues constitutes a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the City from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.

2. The City Building Official is hereby designated as the authorized City official in conjunction with the City Attorney and may issue misdemeanor citations/municipal civil infractions directing alleged violators of this Ordinance to appear in Court.
3. In addition to or in lieu of enforcing this Ordinance, either as a misdemeanor or a municipal civil infraction, the City may initiate proceedings in any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.
4. **Stop work Order:** Upon notice from the Building Official of the occurrence of unauthorized activity or the existence of site conditions contrary to any provisions of this ordinance or the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, such activity shall be immediately stopped and/or said site conditions shall be immediately abated.

Upon determining that such unauthorized conditions are present or such unauthorized activities are occurring, the Building Official shall post a stop work order on the said premises.

The stop work order shall be in writing and shall also be given to the owner of the property involved, or to the owner's agent, or to the person involved in such activity or the person responsible for such unauthorized site conditions or activity, and shall state the terms under which the stop work order will be rescinded or removed.

Any person, firm or company who continues such activity or fails to correct such site conditions after having been served with the stop work order shall be subject to the penalties recited in this Section.

**B. INSPECTION**

The Building Official shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

**C. RIGHTS AND REMEDIES ARE CUMULATIVE**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

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## SECTION 9.8 PLANNING COMMISSION

- A. In cases where the Alpena City Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.
- B. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- C. Any approval given by the Planning Commission, under which premises are not used or work is not started within one (1) year or when such use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect.
- D. The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant variances from any terms or requirements of this Ordinance except as specifically granted in this Ordinance.

## SECTION 9.9 CONDITIONS

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

## SECTION 9.10 REHEARING PROCESS

- A. REHEARING PERFORMED BY PLANNING COMMISSION OR ZBA:** Except as provided in §9.11, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:
1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
  2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
  3. The City attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. REHEARING PROCEDURE:** A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
1. **Time Limit:** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
  2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
  3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

## SECTION 9.11 APPEALS

- A. **APPEAL OF ADMINISTRATIVE AND PLANNING COMMISSION DECISIONS TO THE ZBA:** An applicant may appeal to the Zoning Board of Appeals any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance. Planning Commission decisions may be appealed to the ZBA with the exception of Planning Commission decisions regarding Special Land Uses and Planned Unit Developments ([Article 8: Zoning Board of Appeals](#)).
- B. **APPEAL OF ZONING BOARD OF APPEALS DECISIONS:** Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for Alpena County ([Article 8: Zoning Board of Appeals](#)).

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## ARTICLE 10

### ADOPTION & AMENDMENTS

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10.3	334	PROTEST PETITION
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10.8	336	ENACTMENT & EFFECTIVE DATE

#### SECTION 10.0 AMENDMENT TO THIS ORDINANCE

The City Council is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the City of Alpena Zoning Map may be amended, supplemented or changed by action of the City Council following a recommendation from the Planning Commission.
- B. Proposals for amendments, supplements or changes may be initiated by the City Council on its own motion, by the City Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.

#### SECTION 10.1 AMENDMENT PROCEDURE

Each petition by one (1) or more persons for an amendment shall be submitted by application to planning staff on a standard form provided and shall be accompanied by the fee as prescribed by the City Council. No part of such fee shall be returnable to a petitioner if the public hearing is held.

- A. In the case of a Zoning Ordinance text amendment, a letter shall be submitted which shall contain the requested change and the reason for such change.
- B. In the case of a desired Zoning Map change, a petition shall be submitted which shall describe the property involved, the zone change desired, and the reason for such change.
- C. Planning staff shall transmit the amendment application and all related materials to the Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.



- D. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
- E. The public notice procedure shall be the same as that contained in §9.6.
- F. The Planning Commission shall submit a final report/recommendation to the City Council along with a summary of the comments received at the public hearing.
- G. The City Council may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in §9.6.
- H. The City Council shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the City Clerk. Notice of such hearing shall be published using the procedures in §9.6.
- I. The City Council may refer any proposed amendments to the Planning Commission for consideration and comment. The Planning Commission shall have a reasonable time, not less than sixty (60) days for consideration and report.
- J. After any such public hearing as allowed under §10.0(G – H), the City Council shall consider and vote upon the adoption of a Zoning Ordinance amendment. A Zoning Ordinance amendment shall be approved by a majority vote of the members of the City Council.
- K. Once adopted by the City Council, amendments to this Ordinance shall be filed with the City Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) business days after publication or at a later date as may be specified by the City Council at the time of adoption.
- L. **Re-submittal of Application for Rezoning:**
- An owner of property, his/her authorized agent, or other person, shall not initiate action for rezoning affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Planning Commission determines that conditions affecting the property have changed substantially, thereby justifying a repetition before twelve (12) months have elapsed from the date of the previous petition.

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### 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 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. 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?

### SECTION 10.3 PROTEST PETITION

- A. An amendment to this Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to the Zoning Ordinance shall require a 2/3 vote of the legislative body, unless a larger vote, not to exceed a ¾ vote, is required by ordinance or charter. The protest petition shall be presented to the City Council before final legislative action on the amendment and shall be signed by one (1) or more of the following:
  1. The owners of at least twenty (20) percent of the area of land included in the proposed change.
  2. The owners of at least twenty (20) percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- B. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement under subsection (A).

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**SECTION 10.4 SEVERABILITY**

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The City Council hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

**SECTION 10.5 INTERPRETATION**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

**SECTION 10.6 VESTED RIGHT**

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

**SECTION 10.7 REPEAL AND SAVINGS CLAUSE**

- A. This Ordinance repeals and replaces any previous City of Alpena Zoning Ordinance in its entirety.
- B. The repeal of any previous City of Alpena Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

# ADOPTION & AMENDMENTS

## ARTICLE 10

### SECTION 10.8 ENACTMENT AND EFFECTIVE DATE

- A. This Ordinance was adopted on January 18, 2010 by the Alpena City Council and will be effective March 1, 2010. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at public hearings before the City of Alpena Planning Commission on November 10, 2009.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Alpena City Council after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.

I hereby certify that the above Ordinance was adopted by the Municipal Council of the City of Alpena, Michigan at a regular meeting held on January 18, 2010.



Karen Hebert  
City Clerk

First Reading: January 4, 2010

Second Reading: January 18, 2010

Published: January 25, 2010

Effective Date: March 1, 2010

### NOTICE OF ADOPTION OF ZONING ORDINANCE

A Zoning Ordinance (Ordinance No. 09-392) regulating the development and use of land has been adopted by the Municipal Council of the City of Alpena.

The Zoning Ordinance may be purchased or inspected at the City Clerk's Office, City Hall, Alpena, Michigan 49707, during regular business hours.

Affidavit of Publication Required.

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