



ZONING ORDINANCE

Adopted:
December 16, 2024



City of Alpena ZONING ORDINANCE

City of Alpena
Alpena County
Michigan

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Prepared with the assistance of:

Northeast Michigan Council of Governments
www.discovernortheastmichigan.org



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Article 1

Title & Purpose

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Section 1.0 Purpose

An Ordinance enacted under [Michigan Zoning Enabling Act, 2006 PA 110](#), 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:

- A. To regulate land development.
- B. To 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.
- C. 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.
- D. To promote the establishment of mixed-use development on appropriate properties and to provide for transportation systems and other public facilities.
- E. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
- F. To conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources, and properties.

- G. To be one means of implementing the policies, goals, and objectives as set forth in the current Comprehensive/Master 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.

Section 1.1 Authority

This Ordinance is enacted into law pursuant to the [Michigan Zoning Enabling Act, 2006 PA 110](#), 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 and shall be referred to herein as “this Ordinance.”

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Article 2

Definitions

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Section 2.0 Construction of Language

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

- A. The particular (more specific regulations) shall control the general (more general regulations) unless otherwise specified.
- B. 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.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future, words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."

- G. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.
- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.
- J. "City" shall refer specifically to the City of Alpena.
- K. "Days" means calendar days unless otherwise stated.

Section 2.1 Definitions

A

ABUTTING: Having property or district line in common; e.g., two (2) 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 BUILDING OR ACCESSORY STRUCTURE: A supplemental building or structure devoted to an accessory use and located on the same zoning lot as the principal building or buildings. An accessory building or structure attached to a principal building shall be considered part of the principal building. Fences and walls are not considered accessory structures.

ACCESSORY DWELLING UNIT: An accessory residential dwelling unit is one which is located on the same zoning lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in §7.27 and only in those zoning districts where the use is listed.

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

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ADULT DAY CARE FACILITY: A facility receiving adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

ADULT FOSTER CARE FACILITY: A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

A. The following additional definitions shall apply in the application of this Ordinance:

1. **ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
2. **ADULT FOSTER CARE SMALL GROUP HOME (7-12 ADULTS):** An adult foster care facility with the approved capacity to receive at least seven (7) but not more than twelve (12) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
3. **ADULT FOSTER CARE LARGE GROUP HOME (13-20 ADULTS):** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
4. **ADULT FOSTER CARE CONGREGATE FACILITY (MORE THAN 20 ADULTS):** An adult foster care large group home with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
5. **STATE-LICENSED RESIDENTIAL FACILITY (6 OR LESS):** A structure constructed for residential purposes that is licensed by the State pursuant to [1979 PA 218 \(Adult Foster Care Licensing Act\)](#), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or [1973 PA 116 \(Child Care Organizations\)](#), 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 that supervision or care.

B. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.

2. A home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
3. A hospital licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the Department of Health and Human Services under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the [Social Welfare Act, 1939 PA 280](#), MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under [1973 PA 116](#), MCL 722.111 to 722.128, if the number of residents who become eighteen (18) years of age while residing in the institution, camp, or home does not exceed the following:
 1. Two (2), if the total number of residents is ten (10) or fewer.
 2. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 3. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 4. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under [1973 PA 116](#), MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of [1973 PA 116](#), MCL 722.115.
8. An establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the [Michigan Veteran's Facility Act 1885 PA 152](#), MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448](#), MCL 554.917
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

AGGRIEVED PERSON: To be aggrieved, a person must meet the following three (3) criteria:

- A. The appellant must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment.
- B. The appellant must claim some legally protected interest or protected personal, pecuniary (financial), or property right that is likely to be affected by the challenged decision.
- C. The appellant must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.

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: See [WIRELESS FACILITIES DEFINITIONS: ALTERNATIVE TOWER STRUCTURE](#).

AMATEUR RADIO:

- A. **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.
- B. **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.
- C. **AMATEUR RADIO FACILITY OR STATION:** All antennas, support structures, and accessory equipment necessary for the operation of amateur radio activities, whether temporary or permanent, located on an approved site.
- D. **GUY WIRES:** 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 (5) mechanical amusement devices are located and available for operation. For purposes of this Zoning Ordinance, a mechanical amusement arcade shall not include the following:

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

ANIMAL SHELTER: A facility that is used to house or contain animals and is owned, operated, or maintained by a governmental or nonprofit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals.

ANTENNA: See [WIRELESS FACILITIES DEFINITIONS: ANTENNA](#).

APARTMENT: The dwelling unit in a multiple-family dwelling.

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

APPLICATION: The process by which the owner of a lot within the City submits a request to develop, construct, build, modify, or erect a structure or commence a use upon such lot. 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.

ATTACHED: Fastened to a principal building in a substantial manner by walls, a breezeway, and/or a roof.

AUTOMOBILE OR TRAILER SALES AREA: Any enclosed building or area or open space used for display,

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

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), and overall painting and undercoating of automobiles.

AUTOMOBILE REPAIR GARAGE: Any premises used for automobile repair and maintenance of motor-driven vehicles.

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.

AVERAGE. For the purpose of this Ordinance, the term "average" shall be an arithmetic mean.

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.

BATTERY ENERGY STORAGE SYSTEM (BESS): One (1) or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

BATTERY ENERGY STORAGE SYSTEM (BESS), OFF-SITE: Battery Energy Storage System (BESS) that is a principal use (or co-located with another principal use) and that is designed and built to connect into the transmission or distribution grid.

BATTERY ENERGY STORAGE SYSTEM (BESS), ON-SITE: A Battery Energy Storage System (BESS) that is an accessory use that is intended to primarily serve the needs of the consumer on-site.

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

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BED AND BREAKFAST ESTABLISHMENT/TOURIST HOME: A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis of less than thirty (30) consecutive days 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 (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the city.

BOARDING HOUSE: See [ROOMING HOUSE](#).

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

BOAT/CANOE/KAYAK/PADDLE BOARD 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 one (1) or more watercraft.

BREEZEWAY: Any covered passageway with open or enclosed sides between two (2) buildings.

BUFFER. Open space, landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

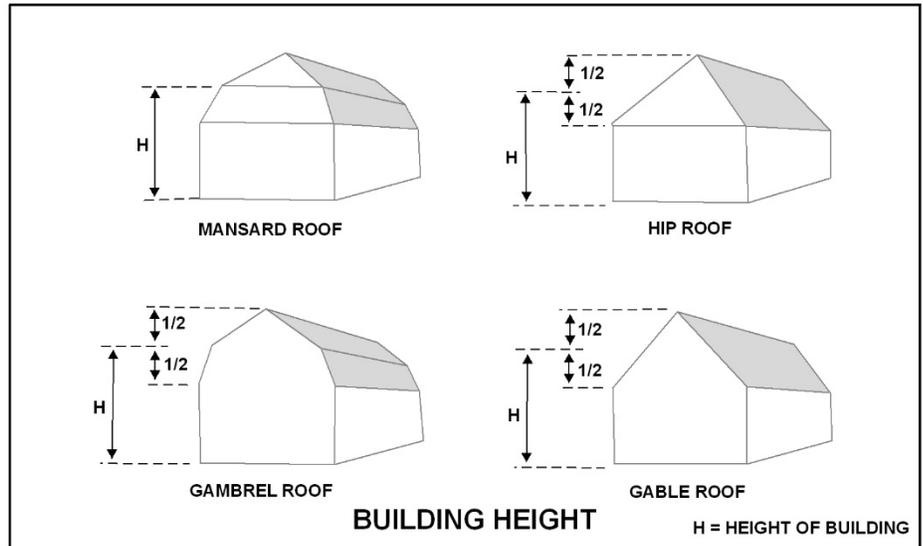
BUILDABLE AREA OR BUILDING ENVELOPE: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

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 OR ACCESSORY STRUCTURE](#).

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



C

CABIN: Any building 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.

CAMPGROUNDS/RV PARK: Any lot, 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.

CAR WASH: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

CEMETERY: Property, including 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 [1973 PA 116](#), 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:

- A. **FAMILY CHILD CARE HOME:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than seven (7) 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

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home that gives care to an unrelated child for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. “Providing babysitting services” means caring for a child on behalf of the child’s parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child’s parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family child care home includes a private home with increased capacity. Increased capacity” means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in [1973 PA 116](#), as amended, supersedes this definition if a difference in definition exists.

- B. **GROUP CHILD CARE HOME:** A private home operated by a Michigan licensed day care operator in which at least seven (7) but no 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. Group child care home includes a private home with increased capacity. Increased capacity” means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in [1973 PA 116](#), as amended, supersedes this definition if a difference in definition exists.

- C. **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.

- D. **CHILD CARING INSTITUTION.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the [Revised School Code, 1976 PA 451](#), MCL 380.1335, a hospital or facility operated by the State or licensed under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

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E. **PRIVATE HOME**: A private residence in which the registered facility operator permanently resides as a member of the household.

CHURCH: See **RELIGIOUS INSTITUTION**.

CLEANING SERVICES, PROFESSIONAL: A commercial business which offers professional cleaning services to residential homes, commercial businesses, industrial establishments, and other organizations. “Professional cleaning services” includes general cleaning and specialized cleaning such as mold remediation and restoration from water damage, etc.

CLINIC, ANIMAL: A building or group of buildings and/or structures 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, HEALTH CARE, DENTAL, OPTICAL: 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.

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/Master 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.

CONDOMINIUMS:

A. **CONDOMINIUM ACT**: [1978 PA 59](#), as amended.

- B. **CONDOMINIUM DOCUMENTS:** The master deed, recorded pursuant to the [Condominium Act](#), and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **CONDOMINIUM, SITE:** See [SITE CONDOMINIUM \(CONDOMINIUM SUBDIVISION\)](#).
 - . **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 lot of land occupied, or intended to be occupied, by a principal 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.
Attached condominium units, such as but not limited to attached dwelling units, attached storage condominium units, and similar buildings, are not regulated as site condominiums, the attached units are considered to be one (1) building and the setbacks shall be measured from the perimeter of the parcel on which condominium units are being proposed.
 - . **GENERAL COMMON ELEMENTS:** The common elements other than the limited common elements.
- F. **LIMITED COMMON ELEMENTS:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
 - . **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](#).

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.

CONVENIENCE STORE: A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

CREMATORIUM: An establishment or structure in which the bodies of the dead are cremated.

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.

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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."

DOCK: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

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 ESTABLISHMENT: A business establishment so developed that its retail or service character is dependent on providing a driveway approach and/or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure. In a drive-through establishment, orders are taken from the patron while in the vehicle.

DRIVE-UP ESTABLISHMENT: A business establishment so developed that its retail or service character is dependent on providing a driveway approach and/or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure. In a drive-up establishment, orders are placed prior to the patron arriving on the site and the drive-up facility is for pick-up only.

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

DWELLING, MULTIPLE-FAMILY: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other and which falls under one (1) of the following definitions:

- A. **APARTMENT BUILDING:** A structure that consists of five (5) or more stacked dwelling units with one (1) shared entry or individual entries along the front.
- B. **BUNGALOW COURT/COTTAGE HOUSING:** This building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court. The shared court takes the place of a private rear yard.
- C. **COURTYARD APARTMENTS:** A structure consisting of multiple, attached side-by-side dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or may share a common entry.

- D. **QUADPLEX**: A structure that consists of four (4) units, typically two (2) on the ground floor and two (2) above with a shared entry.
- E. **TOWNHOUSE**: A structure in which each dwelling unit shares a common wall with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and upper floor and has a separate ground-floor entrance.
- F. **TRIPLEX**: A structure that consists of three (3) units typically with a shared entry.

DWELLING, SINGLE-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 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 (1) 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 recreational vehicle, truck, bus, motor home, tent, or other such portable structures be used as a dwelling unit, unless otherwise allowed by this Ordinance.

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 shall be installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development. Also called “Manufactured Homes.”

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 pre-cut 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.

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E

EASEMENT: The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

EGLE: Michigan Department of the Environment, Great Lakes and Energy or any subsequently named agency (such as the Department of Environmental Quality).

ELECTRIC VEHICLE: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. “Electric vehicle” includes: (A) a battery electric vehicle; and (B) a plug-in hybrid electric vehicle.

ELECTRIC VEHICLE CHARGING STATION: A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. Charging levels refers to the voltage at which an electric vehicle’s battery is recharged.

- A. Level-1 is considered slow charging. Provides charging through 120V AC outlet.
- B. Level-2 is considered medium charging. Provides charging through 240V (in residential applications) or 208V (in commercial applications) AC outlet.
- C. DCFC is Direct Current Fast Charging. Voltage is greater than 240 and uses direct current (DC).

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. Wireless facilities and antenna, alternative tower structures, solar panels/facilities, battery energy storage systems, and wind turbines are not included within this definition.

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

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F

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

FAÇADE, PRIMARY: Any façade which contains the principal pedestrian entrance and which faces a public street. Buildings on corner lots shall be considered to have two (2) primary facades. Rear entrances accessed from an alley or parking lot are not considered Primary Facades. Buildings along the waterfront in the Waterfront District shall have two (2) primary facades.

FAMILY: A person living alone in a single dwelling unit or two (2) or more persons whose domestic relationship is of a continuing non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. “Family” does not include a collective number of individuals occupying a hotel, motel, fraternity, sorority, club, rooming house, or any other collective number of individuals whose domestic character is of a transient or seasonal nature, or whose occupancy is for the purpose of rehabilitation or special care.

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

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 one hundred (100) years. The one hundred (100) year flood plains are identified on Floodway Maps produced by [FEMA \(Federal Emergency Management Agency\)](#).

FLOOR AREA, GROSS: 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 and mezzanines shall be exempt.

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 (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FOOD TRUCK: Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a mobile business to sell prepared food or drink for human consumption from a stationary location during serving hours. Food trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. Also called a Mobile Food Vendor. This definition does not include mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck).

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FOOD TRUCK PARK: A lot or lots under the control of a person or entity upon which two (2) or more Food Trucks are located for more than two (2) weeks and which is offered to the public for the purpose of conducting commerce relating to the sale of prepared food or drink. Approval for food truck parks shall be issued to the property owner and not to individual food trucks.

FUELING STATION: A place where gasoline or any other automobile engine fuel, kerosene, motor oil, lubricants, grease, or electricity (for operation of motor vehicles) are retailed directly to the public on premises; including the sale of minor accessories and service for automobiles. Fueling stations may include a convenience store and/or a restaurant area.

FULL-TIME EQUIVALENT EMPLOYEE: One (1) or more employees whose combined hours do not total more than forty (40) hours in any seven (7) day period.

FUNERAL HOME OR MORTUARY: A building or part thereof used for human funeral services. Such building may contain space and facilities for (1) embalming and the performance of other services used in the preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; (4) the storage of funeral vehicles; and (5) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted. Where facilities for cremation are contained within the establishment, the funeral home or mortuary shall only be permitted in districts which allow crematoriums and shall be subject to §7.11.

G

GARAGE, PRIVATE: An accessory building or portion of a principal 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. Also called an **ACCESSORY BUILDING OR ACCESSORY STRUCTURE**.

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.

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

GASOLINE SERVICE STATION: See **FUELING 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. Greenbelt is a specific type of **BUFFER**.

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GUEST HOUSE: See **ACCESSORY DWELLING UNIT.**

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. “Hazardous substances” includes the term “Hazardous Waste.”

HOME OCCUPATION: An occupation or profession, carried on in a dwelling unit by members of the immediate family residing on the premises, which are clearly incidental or secondary to the use of the dwelling for dwelling purposes. A permit is required. See **§7.38.B.**

HOME OFFICE: An occupation or profession, carried on in a dwelling unit by members of the immediate family residing on the premises, which are clearly incidental or secondary to the use of the dwelling for dwelling purposes. A permit is NOT required. See **§7.38.A.**

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 of the building and are used primarily for transient occupancy of less than thirty (30) consecutive days, and in which one (1) 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

IMPERVIOUS SURFACE: Any material which prevents, impedes, or slows infiltration or absorption of stormwater 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.

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

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INOPERABLE MOTOR VEHICLE: An inoperable motor vehicle is one that is not capable of travel on public highways due to any of the following:

- A. The vehicle does not have a valid and current registration.
- B. The vehicle is not licensed for operation upon the highways of the State.
- C. The vehicle is not operable under its own power because of missing, damaged, or broken equipment.

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.

JUNKYARD: An area where junk, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. A "Junkyard" includes any open area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk. A "Junkyard" shall include any premise upon which two (2) or more inoperable motor vehicles are kept or stored for a period of fifteen (15) days or more outside of an enclosed building. For the purposes of this Ordinance, the following shall be regulated as a Junkyard: Salvage Yard, Automobile Wrecking Yards, Scrap Yards, and Motor Vehicle Impoundment Yards.

K

KENNEL, BOARDING: Any kennel where pet animals owned by another person are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

KENNEL, BREEDING: Any kennel where no more than ten (10) dogs, registered with a nationally recognized registration organization, over the age of six (6) months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos, to animal hospitals operated by veterinarians duly licensed under the law, or to residences who breed one (1) dog.

L

LABORATORY, RESEARCH: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LABORATORY, SUPPORT: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside

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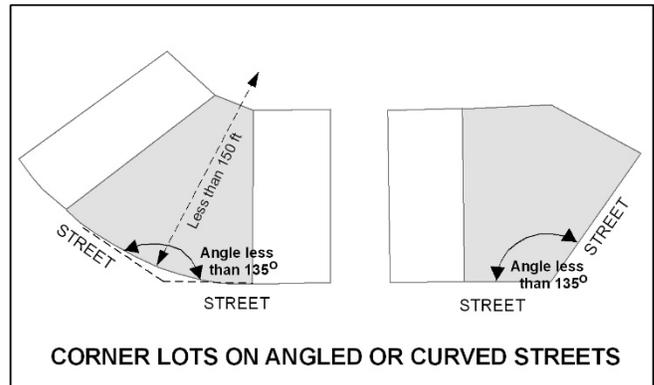
customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products; or forensic laboratories for analysis of evidence in support of law enforcement agencies.

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.

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 principal 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. A condominium unit within a site condominium shall be considered a lot for the purpose of this Ordinance. Sometimes called "Parcel."

LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) 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, when the lot lines are extended, the two (2) points where the lot lines meet, form an interior angle of less than one hundred and thirty-five (135) degrees.



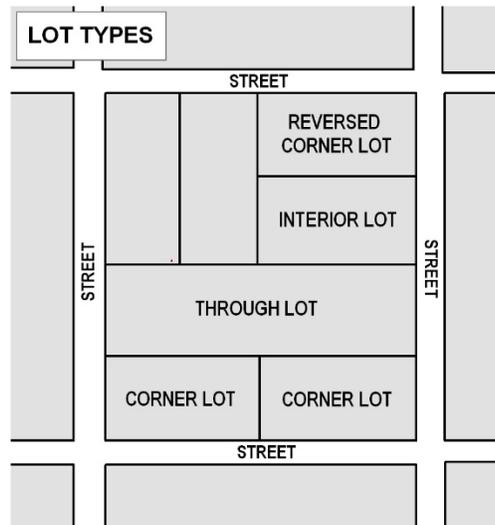
LOT, INTERIOR: Any lot other than a corner lot.

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 (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered front lot lines, 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. The lot line separating the lot from the street or right-of-way is the front lot line in a waterfront lot.

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.



LOT AREA: The total horizontal area (i.e., square footage) within the lot lines of the lot.

LOT COVERAGE: The part or percent of the lot occupied by buildings or covered/roofed structures including accessory buildings or structures. Structures such as decks, patios, driveways, swimming pools, fences, walls, and similar unroofed structures shall not count toward lot coverage.

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:

- A. **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.
- B. **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.
- C. **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 lot or 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 lot 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 (2) points where the required 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 UNIT, MANUFACTURED](#).

MANUFACTURED HOUSING COMMUNITY: A lot or tract of land under the control of a person upon which three (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 lot 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.

MANUFACTURING, HEAVY: The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing facilities are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

MANUFACTURING, LIGHT: The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing facilities are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

MARIHUANA DEFINITIONS:

A. **MARIHUANA ESTABLISHMENTS (ADULT USE):** An enterprise at a specific location at which a licensee is licensed to operate under [Initiated Law 1 of 2018, Michigan Regulation and Taxation of Marihuana](#)

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Act, MCL 333.27951 et seq.; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility.

1. **MARIHUANA GROWER**: A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
2. **MARIHUANA MICROBUSINESS**: A person licensed to cultivate not more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
3. **MARIHUANA PROCESSOR**: A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
4. **MARIHUANA RETAILER**: A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.
5. **MARIHUANA SAFETY COMPLIANCE FACILITY**: A person licensed to test marihuana, including certification for potency and the presence of contaminants.
6. **MARIHUANA SECURE TRANSPORTER**: A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

All other definitions pertaining to Adult Use Marihuana are defined by **Initiated Law 1 of 2018**, MCL 333.27951 et seq., as amended.

B. **MARIHUANA FACILITIES (MEDICAL)**: The **Michigan Medical Marihuana Facilities Licensing Act (2016 PA 281)** specifies five (5) 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. **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.

4. **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.
5. **SECURE TRANSPORTER**: A commercial entity located in this state that stores marihuana and transports marijuana between marihuana facilities for a fee.

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

- C. **MARIHUANA PRIMARY CAREGIVER**: That term defined in Section 3 of Initiated Law 1 of 2008, as amended ([Michigan Medical Marihuana Act](#), being MCL 333.26423) who is at least twenty-one (21) years old and who has been registered by [State Department of Licensing and Regulatory Affairs](#) or any successor agency to assist with a Qualifying Patients' use of medical marihuana.
- D. **MARIHUANA PRIMARY CAREGIVER FACILITY**: A building in which the activities of a Primary Caregiver are conducted.
- E. **QUALIFYING PATIENT**: That term defined in Section 3 of [Initiated Law 1 of 2008](#), as amended ([Michigan Medical Marihuana Act](#), being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the [Michigan Medical Marihuana Act](#) and who has obtained a duly issued registry identification card from the [State Department of Licensing and Regulatory Affairs](#) or any successor agency.

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 roof-like structure, often bearing a signboard, projecting over an entrance, such as to a theater or hotel.

MASTER DEED: See [CONDOMINIUMS: MASTER DEED](#).

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 [DWELLING UNIT, MANUFACTURED](#).

MOBILE HOME PARK: See [MANUFACTURED HOUSING COMMUNITY](#).

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 of less than thirty (30) consecutive days, and in which one (1) or more of the following services are offered: maid service, furnishing of linen,

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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.

MURAL: Any message or image painted directly onto the wall of a building. Decorative art elements attached to the mural are considered part of the mural.

N

NATIVE PLANT SPECIES: A plant that originally occurred in Northern Michigan.

NATURAL GARDEN: A defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses, or a combination of them consistent with a maintained and natural landscape other than regularly mown grass but does not include a naturalized area.

NATURALIZED AREA: Native natural areas that are not typically located in a developed portion of common yards, including but not limited to ravines, zoned open space, environmental protection, or future development.

NET ACRE: The actual land available for development within a lot 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 LOT. A lot of record existing at the time of the adoption of this Ordinance which is not in conformance with the area and or width standards of this Ordinance.

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 this Ordinance in the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or lot 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 lot 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, or (Q) a condemned

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structure.

NURSERY, PLANT MATERIALS: A space, building, 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. Also called a Greenhouse.

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.

ORDINARY HIGH WATER MARK: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water are 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 mark is set by [Michigan Great Lakes Submerged Lands Act](#) at 581.5 feet above mean sea level, per International Great Lake Datum of 1985.

OUTDOOR SALES/RENTAL: Sales and rental of products generally occurring outside of an enclosed building including, but not limited to the following: bicycle, motor vehicle, boat, aircraft, home equipment sales, repair or rental services, manufactured homes, farm implements, recreation vehicles, gardening equipment, outdoor furniture, and similar items. **OUTDOOR SALES OF LARGE ITEMS** refers to items that are typically too large to completely contain within a building such as but not limited to vehicles, boats, aircraft, recreational vehicles, and similar items. All related activities incidental to the sale of items such as minor repairing, servicing, and restoring, shall be performed within completely enclosed facilities.

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

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

P

PARCEL: See [LOT](#).

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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 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.

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

PERMITTED USE: A use-by-right which is specifically authorized in a particular zoning district.

PERVIOUS SURFACE: Area maintained in its natural condition or covered by a material that permits full or partial infiltration or percolation of water into the ground.

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

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.

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. See [Article 5](#) for setbacks.

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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. See [Article 5](#) for setbacks.

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

PRINCIPAL RESIDENCE: The place where a person actually lives and which such person regularly intends to occupy over a substantial period of time. If a person has more than one such place where he or she lives, the principal residence shall be the place occupied the majority of the time by such person.

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 wastewater 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, 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, recreational trailers, snowmobiles, horse trailers, dune buggies, tents, and other similar equipment.

RECREATIONAL FACILITY, INDOOR: A commercial business that provides indoor amusement facilities, such as arcades, rebound tumbling facilities, bowling, billiards, and other similar attractions.

RECREATIONAL FACILITY, OUTDOOR: A commercial business that provides outdoor amusement facilities, such as miniature golf, carnival rides, outdoor rebound tumbling facilities, and other similar attractions and is open to the general public.

RECREATIONAL VEHICLE: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities. The recreational vehicle may be designed to be

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attached to a vehicle and used for such purposes or self-propelled including 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 occupancy of recreation vehicles and which can include other recreational facilities. May also be known as a campground. This definition includes parks where RVs are parked year-round but only occupied seasonally.

RECYCLING FACILITY: 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. Religious institution accessory uses include the following:

- A. Child and adult day care. No Special Land Use approval is required, however, site plan review is required.
- B. Art, music, and dance classes and adult and general education classes. An elementary, middle, or high school shall require separate zoning approval.
- C. After-school programs.
- D. Religious education classes.
- E. Community center, community meeting and performance space, and receptions.
- F. Counseling, social, and community services.
- G. Emergency shelter. An emergency shelter shall require Special Land Use approval.
- H. Food pantry and soup kitchen.

RESIDENTIAL HUMAN CARE FACILITY: A facility (not within a private residence) providing:

- A. Emergency shelter and services for abused individuals and their children.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

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

RESORT: A lot 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 store and/or a restaurant which may be open to guests and/or the public. The existence of an ancillary recreational use such as a beach, fishing, golf, and similar uses is the characteristic that differentiates a resort from a hotel or motel. A bed and breakfast/tourist home, short term rental, or rooming house are not considered a resort.

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 an 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 ESTABLISHMENT**,” “**DRIVE-IN RESTAURANT**,” or “**DRIVE-UP ESTABLISHMENT**.” A **FOOD TRUCK** is not classified as a 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 the passage of persons or vehicles.

ROAD: See **STREET**.

ROOMING HOUSE: An owner-occupied single-family dwelling containing guest rooms in which lodging is provided with or without meals for compensation and which is open to long-term (for thirty (30) consecutive days or more) guests only (not to the traveling public). A rooming house shall not include hotels, motels, apartment houses, two-family and multi-family dwellings, short term rentals, bed and breakfast facilities, tourist homes, 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 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. For the

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purposes of this Ordinance, a scrap yard is regulated as a Junkyard.

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 lot line of a lot within which no buildings or structures may be placed. Setback is measured from the lot line to the outermost edge of the building including the eave. The lot line shall be considered the outermost edge of the street right-of-way or easement.

SEXUALLY ORIENTED BUSINESS: A business or commercial enterprise engaging in any of the following: adult arcade; adult bookstore or adult video store; adult cabaret; adult motel; adult motion picture theater; adult theater; escort agency; and nude model studio; similar establishments.

- A. **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 (5) 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.
- B. **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 (1) or more of the following:
 - 1. 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
 - 2. 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.

- C. **ADULT CABARET:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;

2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 3. 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
 4. 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.
- D. **ADULT MOTEL**: A hotel, motel, or similar commercial establishment that:
1. 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;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. 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.
- E. **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.
- F. **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.
- G. **ESCORT AGENCY**: Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- H. **HUMAN**: Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (resembling human) devices, both physical and digital.
- I. **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.

J. **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. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. 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.
3. 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.

K. **SPECIFIED ANATOMICAL AREAS**: Means and includes any of the following:

1. Less than completely and opaquely covered:
 - a. Human genitals.
 - b. Pubic region.
 - c. Buttocks.
 - d. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

L. **SPECIFIED SEXUAL ACTIVITIES**: Means and includes any of the following:

1. Human genitals in a state of sexual arousal;
2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1 – 3 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: Any structure or wall or other object used for the display of any message. Murals and messages

painted or appearing directly onto a wall (and not on a separate structure that has been attached to a wall) are not considered a sign.

SIGN AREA: Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see diagrams below). When a sign uses a shape other than a parallelogram, a rectangular box shall be drawn around the shape to determine the area (Figure B). Sign area excludes the necessary supports or uprights on which the sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area.

Figure A

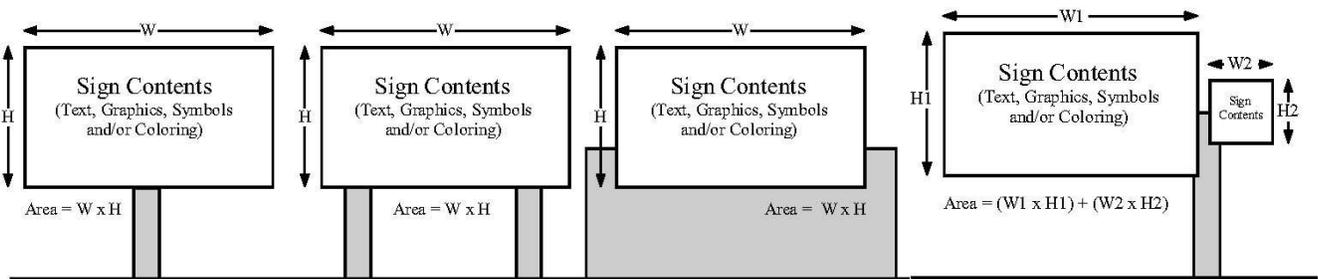
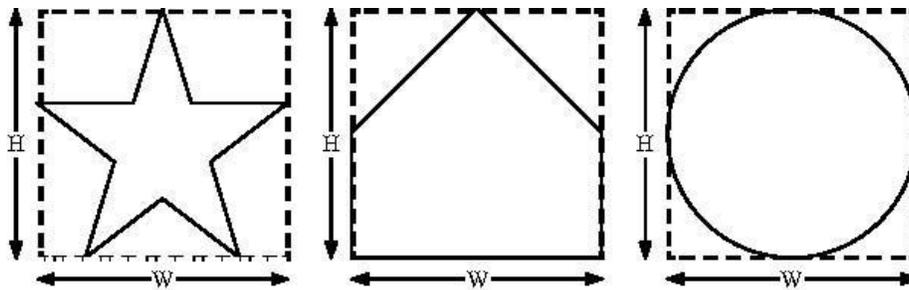


Figure B



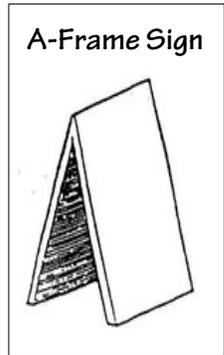
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SIGN HEIGHT: The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

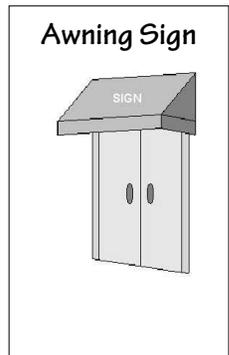
SIGN TYPES: The following definitions are related to signs:

A. **ATTENTION-GETTING DEVICE:**

1. **AIR DANCERS:** A tall inflatable model, usually of a person or an animal, that appears to move around due to air being blown into it.
2. **FEATHER BANNER OR SAIL SIGN:** A temporary banner made of flexible material and typically shaped like a sail or feather that is usually placed in an upright position.



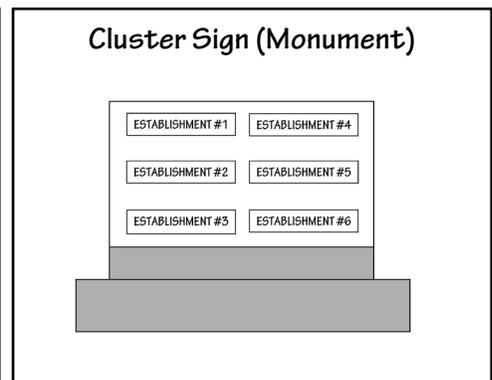
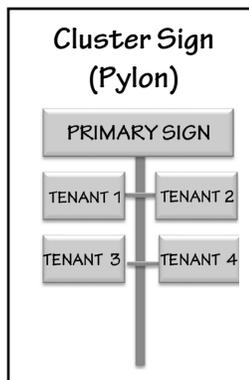
- B. **A-FRAME SIGN:** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.



- C. **AWNING SIGN:** A sign painted on, printed on, or attached flat against the surface of an awning. The awning of a building may be made of flexible or rigid material. Rigid awnings may be covered in a traditional building treatment (such as siding) or may be covered in traditional roofing materials (such as shingles).

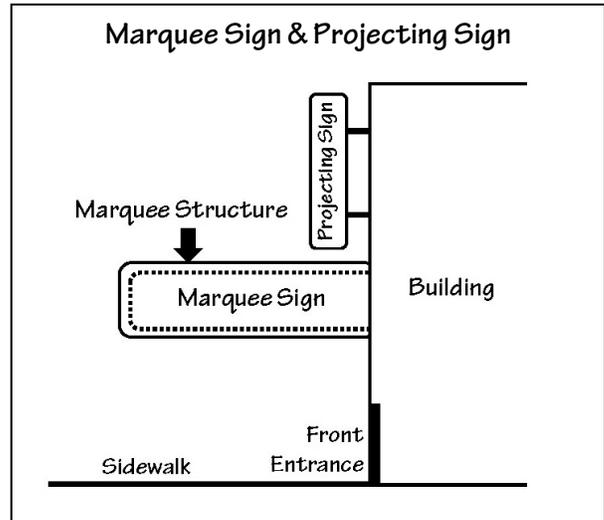
- D. **BANNER:** A linear sign made of natural or synthetic material used to call attention to a message; however, not including pennants or flags.

- E. **CLUSTER SIGN:** An on-premises sign which identifies a complex of establishments/tenants on one (1) lot and contains multiple signs on one structure including one (1) for each establishment and one (1) for the complex as a whole.

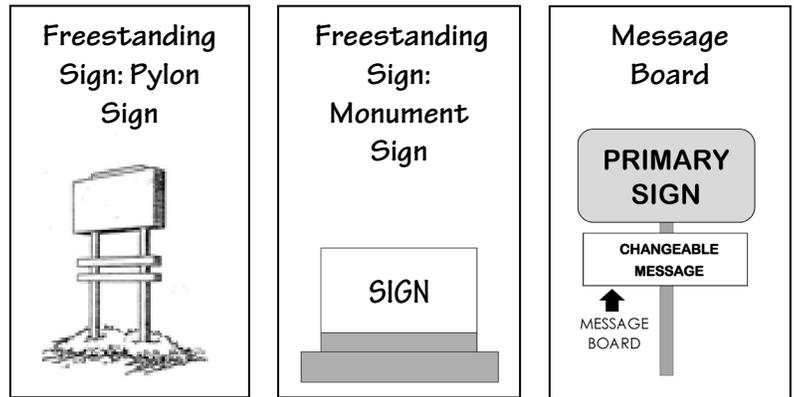


- F. **CANOPY SIGN:** See **AWNING SIGN**.

- G. **FREESTANDING SIGN**: A pylon sign or monument sign.
- H. **LIGHTED SIGN**: Any sign having a conspicuous, continuous, or intermittent variation in the illumination of the physical position of any part of the sign.
- I. **MARQUEE SIGN**: Any sign attached to or supported by a marquee structure. See **MARQUEE**.
- J. **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.



- K. **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.
- L. **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.



- M. **MOVING SIGN**: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
- N. **MURAL**: Any message, or image painted directly onto the wall of a building. Decorative art elements attached to a mural are considered part of the mural.
- O. **OFF-PREMISE ADVERTISING SIGN**: 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.
 1. **SMALL OFF-PREMISE SIGN**: An off-premise sign which does not exceed six (6) square feet in area.
 2. **LARGE OFF-PREMISE SIGN (BILLBOARD)**: An off-premise sign which is larger than six (6) square

feet in area.

- P. **PERMANENT SIGN:** A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below-grade footing.
- Q. **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.

- R. **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.

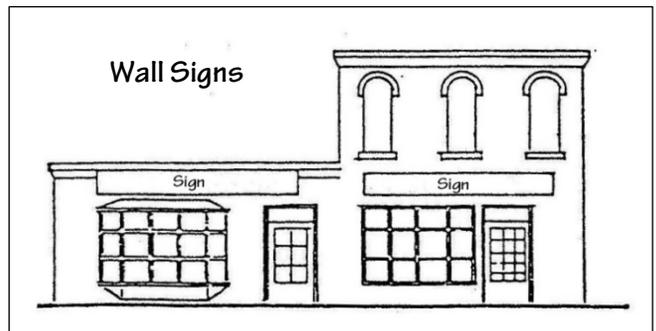
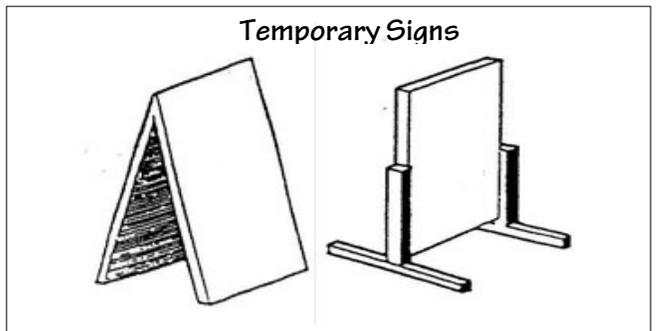
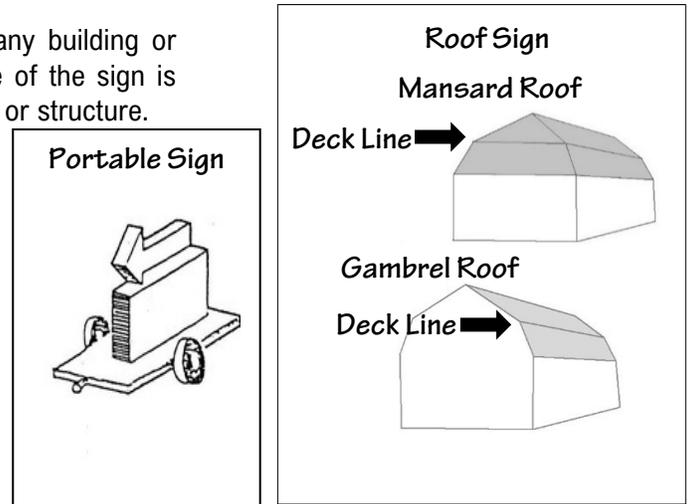
- S. **PYLON SIGN:** A sign which is an elevated sign supported by one (1) or more bearing columns.

- T. **ROOF SIGN:** A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof or a gambrel roof, a sign that is above the deck line of the roof. A sign is not allowed on a hip roof.

- U. **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.

- V. **WALL SIGN:** A sign which is attached directly to the building wall.

- W. **WINDOW SIGN:** A sign installed inside or projected upon a window and intended to be viewed from the outside.



SITE CONDITIONS: 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 are regulated by the [Condominium Act \(1978 PA 59](#), as amended) as opposed to the [Land Division Act \(1967 PA 288](#), as amended).

SITE CONDOMINIUM SUBDIVISION PLAN: The site, survey, 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 DEFINITIONS:

- A. **SOLAR ENERGY SYSTEM:** A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any solar collection devices and any necessary operations and maintenance building(s) but does not include any temporary construction offices, substation(s), or other transmission facilities between the solar energy system and the point of interconnection to the electric grid.
- B. **SOLAR ENERGY FACILITY (UTILITY SCALE):** A solar energy system designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
- C. **SOLAR ENERGY PANELS (ACCESSORY):** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
 - 1. **BUILDING-INTEGRATED ACCESSORY SOLAR ENERGY PANELS:** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 - 2. **GROUND-MOUNTED ACCESSORY SOLAR ENERGY PANELS:** Accessory solar energy panels mounted on support posts, like a rack or pole that are attached to or rest on the ground.
 - 3. **ROOF-MOUNTED ACCESSORY SOLAR ENERGY PANELS:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

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- 4. **WALL-MOUNTED ACCESSORY SOLAR PANELS**: A solar energy system mounted on a building wall.
- D. **MAXIMUM TILT**: The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- E. **MINIMUM TILT**: The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- F. **NON-PARTICIPATING LOT(S)**: One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility associated with the applicant project.
- G. **PARTICIPATING LOT(S)**: One (1) or more lots under a signed lease or easement for development of a solar energy facility associated with the applicant project.
- H. **REPOWERING**: Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.
- I. **WILDLIFE-FRIENDLY FENCING**: A fencing system with openings that allow wildlife to traverse over or through a fenced area.

SOLID WASTE TRANSFER FACILITY: A tract of land, a building, and any appurtenances, a container, or any combination of land, buildings, or containers that are 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 permitted within certain Zoning Districts that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special Land Uses are 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.

SPOT ZONING: A spot zone is one that meets all of the following:

- A. The spot zone is small in size with respect to the size of the lots in the vicinity.
- B. The spot zone will permit uses that are inconsistent with uses already established or permitted in the vicinity.

- C. The spot zone confers a special benefit on a single property owner that is not available to other similar property owners in the area. This benefit is to the detriment of nearby properties.
- D. The spot zone is contrary to the Master Plan (i.e. not shown as intended in the Master Plan).

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the State pursuant to [1979 PA 218](#) (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or [1973 PA 116](#) (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 (1) or more of the following ways:

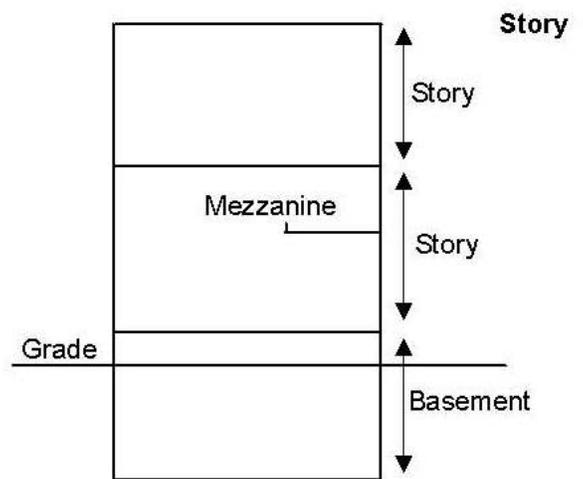
- A. **STORAGE, ACCESSORY:** Storage which is accessory to the principal use of the premises.
- B. **STORAGE BUILDING:** A building in which storage is the principal activity.
- C. **STORAGE FACILITY:** A building or property on which storage is carried out as the principal use of the property.
- D. **STORAGE, SELF-SERVICE:** A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal 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 (7) feet. 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 (2) 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 a depth greater than twenty-four (24) inches, intended for swimming or bathing.

T

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

TOWNHOUSE: SEE [DWELLING, MULTIPLE-FAMILY](#).

TRANSIT CENTER: A fixed location where passengers interchange from one (1) 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.

TRAVEL TRAILER: See [RECREATIONAL VEHICLE](#).

TREE LAWN:

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

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, 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.

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

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, NON-USE: 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.

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.

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

WATER'S EDGE: A fluctuating line where the water and the land meet. May or may not be the ordinary high water mark.

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support,

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and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WHOLESALE TRADE: An establishment which engages in the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

WIND ENERGY DEFINITIONS:

- A. **AMBIENT:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- B. **ANEMOMETER:** A device used to measure wind speed.
- C. **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.
- D. **DECIBEL:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **HUB HEIGHT:** The distance measured from the ground level to the center of the turbine hub.
- F. **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.
- G. **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.
- H. **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.
- I. **SOUND PRESSURE LEVEL:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- J. **WIND ENERGY FACILITY:** A power generating facility consisting of one (1) 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.
- K. **WIND TURBINE:** 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:
 - 1. 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.

2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- L. **WIND TURBINE (HORIZONTAL AXIS)**: A wind energy system in which the rotor(s) rotate around a horizontal shaft.
- M. **WIND TURBINE (VERTICAL AXIS)**: A wind energy system in which the rotor rotates around a vertical shaft.
- N. **WIND TURBINE TOTAL HEIGHT**:
1. **HORIZONTAL AXIS WIND TURBINE ROTORS**: The distance between the ground and the highest point of the wind turbine, 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.
 2. **VERTICAL AXIS WIND TURBINE**: The distance between the ground and the highest point of the wind turbine.

WIRELESS FACILITIES DEFINITIONS:

- A. **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.
- B. **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.
- C. **ANTENNA ARRAY**: One (1) 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), parabolic antenna (disc), or any other antenna configuration. The Antenna Array does not include the Support Structure.
- D. **CO-LOCATION**: Co-location 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.

- E. **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.
- F. **FTA: Federal Telecommunications Act of 1996**, as amended.
- G. **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.
- H. **SETBACK**: Setback shall mean the required distance from the property line of the lot 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.
- I. **SMALL CELL WIRELESS FACILITY**: A wireless facility that meets both of the following requirements:
 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

A small cell wireless facility is not considered an accessory building or accessory structure.
- J. **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. Also known as “tower.” A Support Structure does not include existing buildings, utility poles, water towers and similar structures which contain antennae.
- K. **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.
- L. **WIRELESS COMMUNICATIONS**: Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.
- M. **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

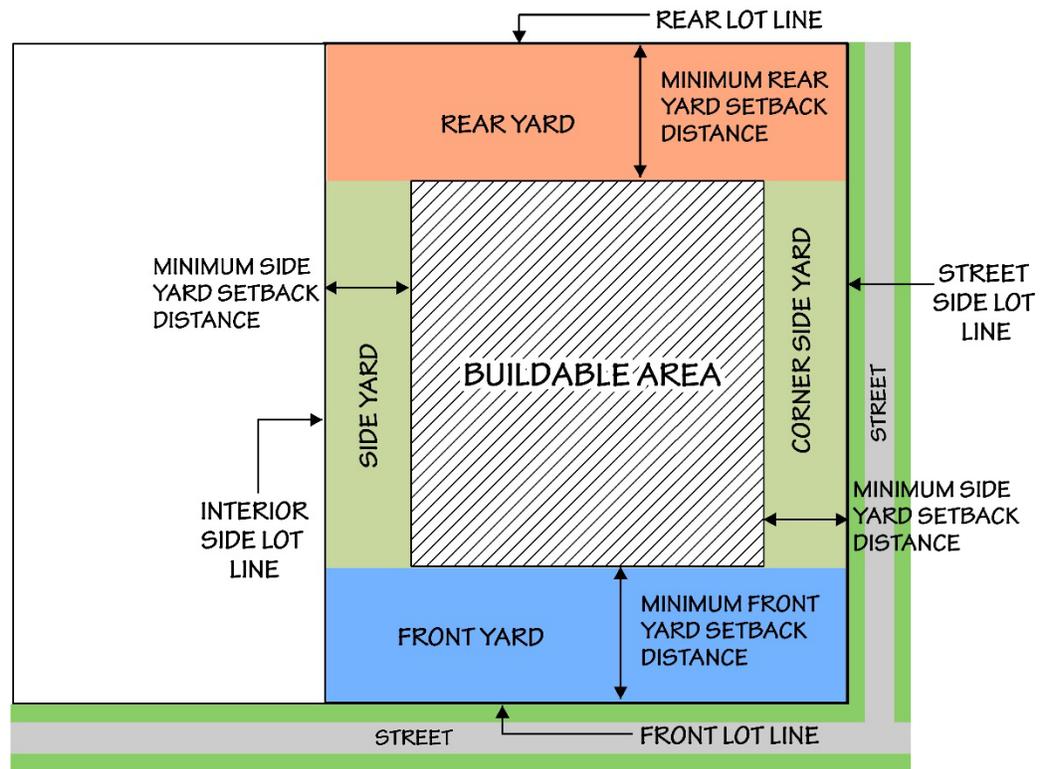
Array, connection cables, an Equipment Facility, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.

- N. **WIRELESS COMMUNICATION FACILITY (GROUND-MOUNTED) – ALSO CALLED “EARTH STATION OR GROUND STATION.”** A wireless communication facility in which the antenna array is mounted to the ground or any other surface and does not use a Wireless Communications Support Structure (tower).

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:

- A. **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 principal building.
- B. **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 principal building. In the case of a corner lot, the rear yard shall be opposite the street on which an address has been assigned.
- C. **SIDE YARD:** An open space between a principal 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 principal building.
- D. **CORNER SIDE YARD:** An open space between a principal 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 principal 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 may also be the Building Official, Building Department Staff, Zoning Department Staff, Planning Staff, or Zoning Staff.

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 LOT: See [LOT](#), [ZONING](#).

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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.

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Article 3 General Provisions

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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 Land 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 [§3.33](#).
- 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 setback, rear setback, side setback, 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 lot may be divided in a manner which conflicts with the requirements set forth in the [Michigan Land Division Act](#), as amended. The Zoning Administrator has the authority to approve all land divisions in the City of Alpena.
- 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

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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.

Section 3.2 Zoning Lot Occupancy

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

Section 3.3 Restoration of Unsafe Buildings

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.

Section 3.4 Barrier Free Modification

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](#). A variance may be required.

Section 3.5 Continued Conformance with Regulations

The maintenance of setbacks, 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 Zoning Administrator or Planning Commission at the request of the Zoning Administrator shall classify the use based on similar uses in the district. The decision of the Zoning Administrator or Planning Commission regarding unclassified uses may be appealed to the Zoning Board of Appeals. If no similar use can be found, then the use may be added to the Ordinance only by a zoning amendment.

Section 3.7 Construction – Temporary Buildings & Debris

A. Temporary Construction Buildings.

Temporary buildings, including construction trailers and shipping containers, may be utilized during

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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. Temporary buildings for storage of construction materials and construction offices shall not be regulated by [§3.11 \(Accessory Buildings /Structures\)](#).

B. Temporary Dwellings During Construction.

Temporary dwellings shall be permitted to be used during periods of construction provided an open building permit exists and progress is being approved by the Building Official. Such temporary dwellings shall comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Administrator may allow variances in the size of temporary dwelling units. No garage or other accessory building or structure, recreational vehicle, 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. Proper sanitary facilities to address water and sewage shall be provided. Temporary dwellings during construction shall be removed within thirty (30) days after the completion or abandonment of the work except in the case where the temporary dwelling will remain on the property as an accessory building or a recreational vehicle.

C. Construction Debris.

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, recreational vehicles, 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

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Department and a Demolition Permit issued by the Department. The demolition shall be completed within such a 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 known. If the intended use is not permitted under the property's current zoning, a request to rezone the property is required and is subject to the approval of the Planning Commission and City Council prior to construction; approval of the rezoning is not guaranteed.
- B. If the structure is more than fifty (50) years old and is not deemed to be a threat to 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 and to determine possible adaptive reuses of the property and possible funding for rehabilitation/preservation or relocation. 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 lot lines and prevent drainage of surface water onto abutting properties.
- D. Following grading all non-paved areas shall be top dressed with a minimum of 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

Residential and non-residential 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 [Article 5](#)):

- A. No accessory structure shall be erected, constructed, or placed upon a lot without a principal building. Accessory structures of two hundred (200) square feet or less require a zoning permit. Accessory structures greater than two hundred (200) square feet require a building permit (no zoning permit is required).

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

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regulations of this Ordinance applicable to the principal building regardless of whether the accessory building was constructed as a detached building and then attached with the exception that the setback for attached accessory buildings shall be six (6) feet on the side and rear lot lines.

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 principal building in single-family and two-family dwellings.
2. **Relationship to Principal Building.** No detached accessory building/structure shall be located closer than six (6) feet to any principal 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. The Building Official may allow an accessory building/structure closer than six (6) feet to the principal building if a firewall is used in the accessory building/structure. Detached accessory structures less than twenty-five (25) square feet, are exempt from setback requirements to the principal building.
3. **Accessory Building/Structure Setback for Rear and Interior Side Lot Lines.** No detached accessory building/structure shall be located closer than six (6) feet to any interior side or rear lot line.

. Detached Accessory Building/Structure Side Setback on Corner Lot.

- a. When an accessory building is located on a corner lot with a rear yard abutting the rear yard of the lot to the rear, the side setback for said building shall be six (6) feet (**Figure 3.11.A**).
- 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 setback of the district, whichever is less (**Figure 3.11.B**).

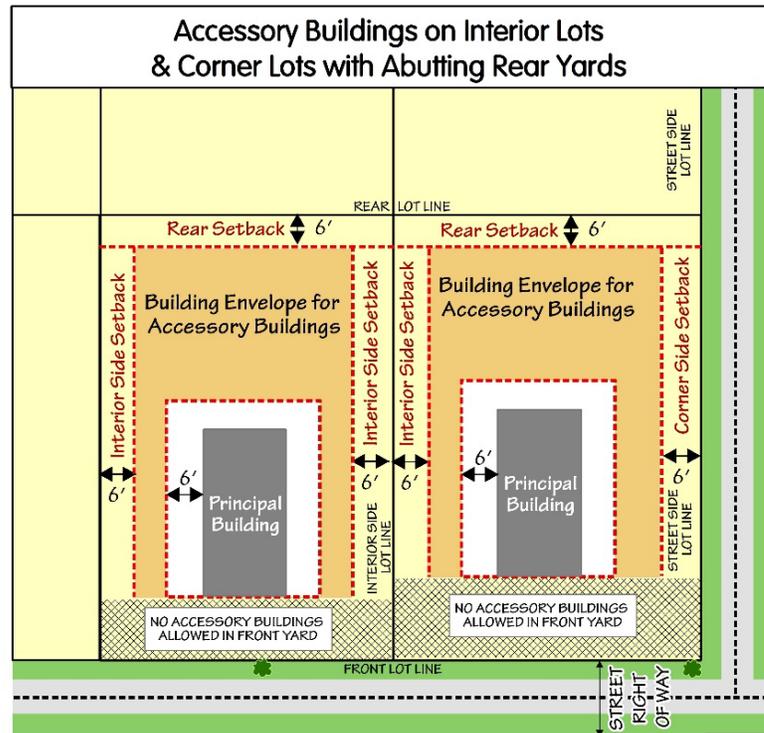


Figure 3.11.A

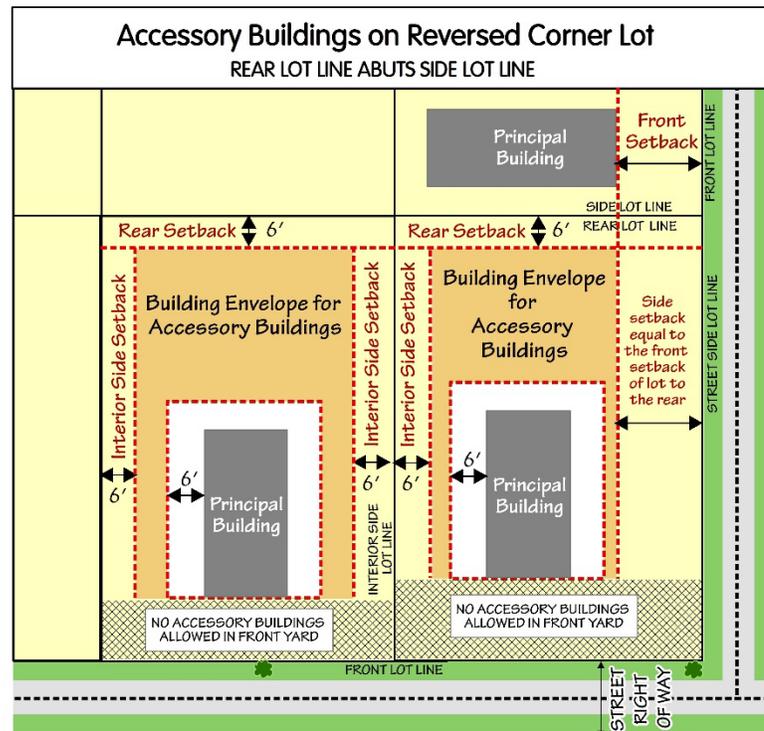


Figure 3.11.B

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5. **Accessory Building/Structure on Waterfront Lots.**

- a. Accessory buildings/structures on waterfront lots shall adhere to the requirements in §3.23 pertaining to waterfront setbacks.
- b. Detached garages are permitted in the front yard (street side) of waterfront lots and shall adhere to the setbacks of the district.

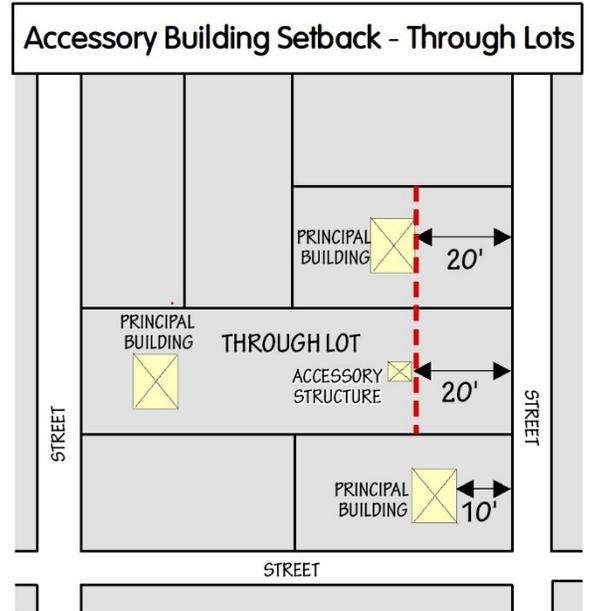
Figure 3.11.C

. **Accessory Building/Structure on Through Lots.**

When a through lot contains a principal building facing a different street than at least one (1) of the abutting lots, the setback of an accessory building on that through lot shall be equal to the largest setback of the principal building of each adjoining lot (facing the opposite street) or equal to the setback of the district in which it is located, whichever is less. See Figure 3.11.C.

. **Accessory Building/Structure Height.**

No detached accessory building in R-2, R-T, RM 1, RM 2 Districts shall exceed the allowable height of principal buildings in the Zoning District. P-1 is limited to fifteen (15) feet.



D. **Gazebos in Front Yards.**

- 1. 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. A screen is considered “see-through.”
- 2. Gazebos are permitted in the front yard. Gazebos shall meet the front setback requirements for a principal building of the district in which it is located.

E. **Nontraditional Storage Facilities.**

- 1. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings on any lot in the city.
- 2. No permanent or temporary shipping containers shall be allowed on residential lots. Temporary storage containers designed for the express purpose of storing the resident’s items when the resident is moving into or out of the residence shall be allowed for a maximum of thirty (30) days.

3. **Temporary Storage Structures on Commercial and Industrial Lots.** Structures such as but not limited to semi-trailers and shipping containers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts.
 - a. The applicant shall provide a plot plan showing the location of structure(s). Plot plans for such temporary structures require review and approval by the Zoning Administrator.
 - b. Such structures shall be placed only in the rear yard and shall be placed as far out of the line of sight of the right-of-way as possible.
 - c. Stacking of structures may be allowed on a case-by-case basis.
 - d. The structure shall not be modified in any way that renders it un-movable or permanent.
 - e. The Zoning Administrator may require screening on a case-by-case basis.
 - f. A time limit for temporary use of the structure shall be indicated on the zoning permit. In no instance shall the temporary use of such a structure exceed six (6) months.

F. Accessory Building as a Dwelling.

Accessory buildings may be used as a dwelling if permitted in [§5.21](#) and [§7.27](#).

G. Architecture.

Accessory buildings shall be architecturally consistent with the principal building on the lot.

H. Accessory Buildings on Lot Without a Principal Building.

1. In the case of two (2) adjacent lots under the same ownership, a zoning permit application for an accessory building shall not be approved on the lot that does not contain the principal building until the two (2) lots have been legally combined.
2. If the two (2) lots cannot be legally combined, then a zoning permit for an accessory building on an adjacent lot without a principal building shall be issued upon the following conditions:
 - a. The accessory building shall be sited on the lot so that a principal building which conforms to the minimum dwelling unit size and setbacks of the Ordinance may be constructed in the future.
 - b. The City shall file a deed restriction with the Register of Deeds which states that the lot with the accessory structure may be sold separately in the future, however, if sold separately, the new owners are required to construct a principal building within two (2) years of the date of the sale. If a principal building is not constructed within said time period, the accessory building shall be

removed within three (3) months after the two (2) year period expires. If the accessory building is not removed within said time period, it shall be considered a violation of this Ordinance pursuant to [§9.7](#).

Section 3.12 Accessory Uses

A. Recreational Equipment including Recreational Vehicles.

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 driveway and in no instance shall such recreational equipment be parked or stored beyond 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.** See [Chapter 46](#) of the City of Alpena Municipal Code.

B. Sale/Storage of Vehicles.

1. A resident of a dwelling unit shall not have more than two (2) motorized vehicles for sale on-site at any time and in no instance shall vacant residential lots be utilized for the sale of vehicles.
2. 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.
3. In no instance shall vehicles for sale be displayed in a front yard other than in the driveway.
4. 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 shall be properly covered with a car cover which is manufactured for that purpose.
5. Vehicles utilized for demolition derbies, bump and runs, or similar events:
 - a. Shall not be stored or repaired in a front or side yard.

- b. Shall only be stored or repaired in a rear yard.
- c. Shall be screened from view of neighboring property or rights-of-way or shall be kept in an accessory building or attached garage.
- d. Shall only be stored/repaired on a solid foundation made of concrete or a similar impermeable material (not soil or grass).

C. Solar Energy Panels - Accessory.

1. Freestanding solar energy 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. All accessory solar energy panels require a building permit. The following applies to zoning permits:

- a. Accessory solar energy panels on residential lots do not require a zoning permit.
- b. Accessory solar energy panels on non-residential lots and which do not fall under subsection c below require a zoning permit. A plot plan shall be submitted to the Zoning Administrator.
- c. Accessory solar energy panels which occupy a total area of twenty (20) or more acres or produce two (2) MW of power are a Special Land Use and are regulated by the standards in [§7.35](#).

2. General Standards.

- a. **Roof-Mounted Accessory Solar Energy Panels.** Roof-mounted accessory solar energy panels shall not exceed four (4) feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening requirements.
- b. **Wall-Mounted Accessory Solar Energy 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.

c. Ground-Mounted Panels.

- (1) Ground-mounted accessory solar energy panels shall adhere to setbacks and location established for detached accessory buildings pursuant to [§3.11.C](#). Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt. If no solar access is available in the location required, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.
- (2) Ground-mounted accessory solar energy panels shall not exceed twenty (20) feet in height when oriented at maximum tilt measured from the ground to the top of the system.

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

(4) **Lot Coverage.** Ground-mounted accessory solar energy panels shall not count toward the lot coverage limits in [Article 5](#).

d. Nonconformities.

a. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.

b. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

D. Private Pools.

Private pools and spas shall be permitted as an accessory use within the rear and side yard only. Pools and spas with a capacity of twenty-four (24) inches or greater in depth shall meet the following requirements:

1. Accessory structure setbacks shall be met as required in [§3.11.C](#).
2. For the protection of the general public, the following pools and spas shall be completely enclosed by a fence not less than four feet in height; any gates accessing the pool or spa area shall be of a self-latching type and capable of being securely locked:
 - a. All in-ground pools or spas.
 - b. All aboveground or partially aboveground pools or spas which have an exterior wall height of less than four feet above the grade of the yard in which the pool is located.
3. All aboveground or partially aboveground pools or spas which have an exterior wall height of four feet or greater and are accessible from the ground by means of a ladder, steps or similar device, shall be completely enclosed by a fence or have a self-latching gate capable of being locked to prevent access to the pool via the ladder, steps or similar device.
4. Any pool or spa accessed directly from a living space must have an audible alarm on the door.
5. Any spa not intended and/or used for swimming purposes shall be exempt from the fencing requirements above if it is equipped with a lid or cover capable of being locked when not in use.
6. Temporary pools which are removed annually require a zoning permit and annual safety inspection by the building inspector; there shall be no cost for the zoning permit or annual safety inspection.

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7. Permanent pools not removed annually require a building permit and safety inspection by the building inspector at the time of installation.

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.
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 PA 300, as amended.

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.

G. Electric Vehicle Charging Stations.

1. General.

- a. **Accessory Use.** Electric vehicle charging stations are permitted by right in all zoning districts. Freestanding electric vehicle charging stations are accessory structures. Electric vehicle charging stations which are available for use by the public or customers of an establishment, when not the primary use of the lot, require Zoning Administrator approval via a zoning permit. An electrical permit is also required for all charging stations.
- b. **Principal Use.** If the principal use of a lot is the retail charging of electric vehicle batteries, then the use shall be considered a fueling station for zoning purposes. Installation of charging stations as a principal use shall be subject to Special Land Use approval and located in zoning districts which permit fueling stations.
- c. All electric vehicle charging stations available to the public must be operable and kept in good repair.

- d. Electric vehicle charging stations located on a residential lot shall not be open to the public or used for commercial activity.
- e. Sites with four (4) or more electric vehicle charging stations shall provide at least one (1) barrier-free electric vehicle charging space.
- f. The property owner may determine if non-electric vehicles will be permitted or barred from parking spaces dedicated to electric vehicle charging stations.

2. Locational Standards for Electric Vehicle Charging Stations.

- a. Where possible, electric vehicle charging stations should be located adjacent to each other to reduce the amount of electrical infrastructure necessary to serve them. In non-residential districts, electrical infrastructure shall be located underground.
- b. In non-residential districts where electric vehicle charging stations are installed, adequate site lighting shall be provided.
- c. Adequate charging station equipment protection, such as bollards, shall be used in accordance with requirements in the National Electric Code.

3. Usage Fees. An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations. Fees shall be prominently displayed on the charging station.

4. Signage.

- a. Electric vehicle charging station voltage and amperage levels, fees, and safety information shall be displayed on charging station equipment.
- b. Signs may be free-standing or placed on accessory structures pursuant to [Article 4](#).

H. Small On-Site Wind Energy Systems.

A wind energy 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. **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 Zoning Administrator may approve wind energy

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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.

2. **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.
3. **Design and 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 the manufacturer’s specifications.
4. **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.
5. **Ground Mounted Horizontal Axis Wind Turbines.**
 - a. **CBD, CCD, P-1, or CR Districts:** Not permitted.
 - b. **WD District:** Requires a Special Land Use Permit.
 - c. **PUD:** Only if permitted in the approved PUD.
 - d. **R-2 and R-T Districts.**
 - (1) Rotor Diameter of eight (8) feet or less: Average minimum lot width shall be one hundred (100) feet.
 - (2) Rotor Diameter in excess of eight (8) feet: Average minimum lot width shall be one hundred fifty (150) feet and at least one (1) acre in area

- e. **All Other Districts:** Average minimum lot width shall be one hundred fifty (150) feet and at least three-fourths (3/4) acre in area.
- . **Height.** The maximum height above ground for both the Horizontal and Vertical Axis Wind Turbines shall be determined based on the requirement that the setback shall allow the turbine to fall totally within the lot. The Zoning Administrator may approve a departure of up to five (5) feet in height provided the applicant provides sufficient justification for the height increase.
- . **Multiple Wind Energy Turbines.**
 - a. **Horizontal Axis Wind Turbine.**
 - (1) **Ground-Mounted.** No more than one (1) 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 requirements 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 Zoning Administrator or Building Official. For more than two (2) units, a site plan and elevation drawings must be approved by the Planning Commission without a public hearing. Multiple rooftop units shall be incorporated into the architectural design of the building. The turbine must comply with the size and design requirements as specified for ground-mounted units on lots less than one (1) acre in subsection 7.a.1 above
 - b. **Vertical Axis Wind Turbine.** For both ground-mounted and roof-mounted turbines, a maximum of two (2) may be placed on a lot following review and approval by the Zoning Administrator. For more than two (2) units, a site plan and elevation drawings must be approved by the Planning Commission without a public hearing. Multiple rooftop 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.
- . **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.
- . **Guy Wires.** The use of guy wires shall be prohibited.
- 10. **Placement on Lot.** Each small on-site wind energy system shall be placed within the rear yard only. Roof-mounted units shall comply with [subsection 21](#) below. The wind energy system shall be located as close as possible to the center of the rear yard. Turbines shall be placed so that they fall completely on the lot.

11. **Noise.** Small on-site 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 lot line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
12. **Vibration.** Small on-site wind energy systems shall not cause vibrations through the ground which are perceptible beyond the lot line of the lot on which it is located.
13. **Spacing.** Minimum spacing between wind energy systems shall be per the manufacturers' specifications.
- 1 . **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 manufacturer's 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.
15. **Reception Interference.** Small wind energy systems shall not cause interference with wireless, television, microwave, navigational, or radio reception to neighboring areas.
 - 1 . **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
 - 1 . **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine shall not cross the lot lines of the site nor impinge on any right-of-way or overhead utility line.
 - 1 . **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.
 - 1 . **Safety.** A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.
20. **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 Act \(1959 PA 259](#), as amended), and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.
21. **Roof-Mounted Wind Energy Systems.** Small roof-mounted wind energy systems are exempt only from the [subsection 10](#) 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.

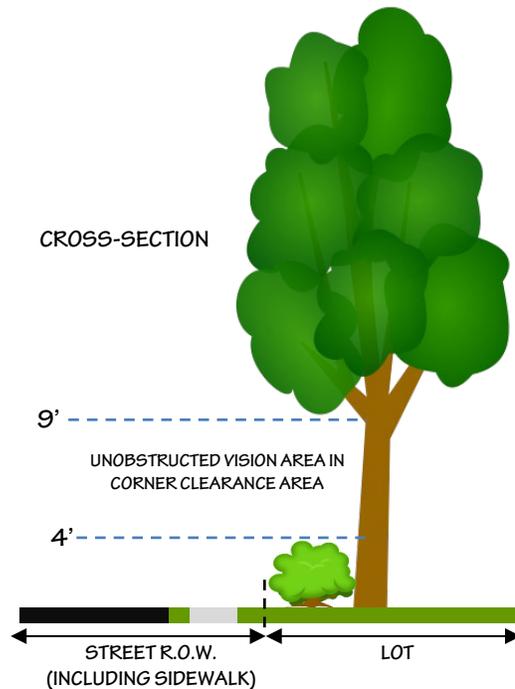
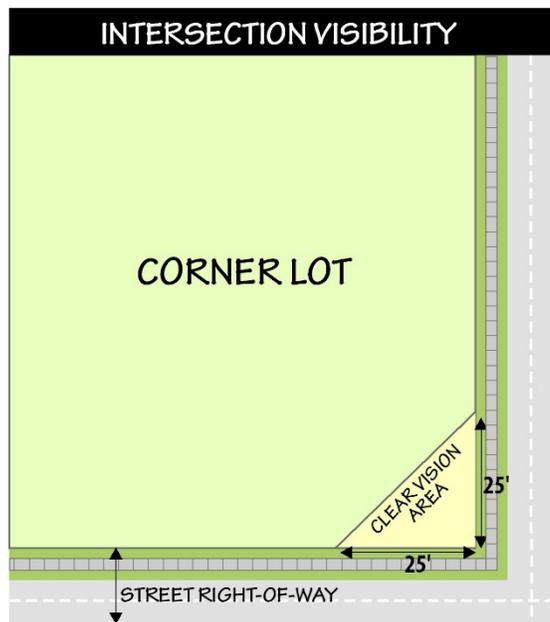
Section 3.13 Access to Public Street

In every Zoning District, every use, building, or structure established after the effective date of this Ordinance shall be located on a lot 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 fifteen (15) feet in width, unless a lesser width was duly established of record prior to the effective date of this Ordinance.

Section 3.14 Intersection & Driveway Visibility

A. Intersection Visibility Triangle.

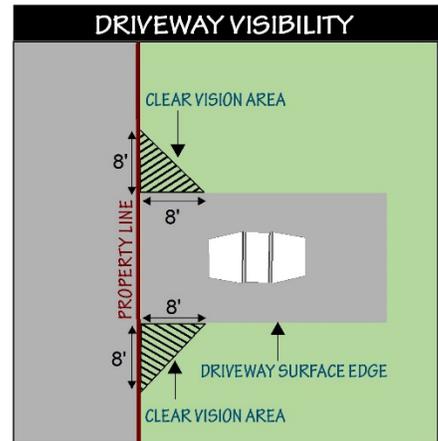
A clear vision area shall be kept in the triangle formed by the intersecting street right-of-way lines where the two (2) sides of the triangle are formed by measuring twenty-five (25) feet along the street right-of-way line from their points of intersection, and the third side is a diagonal line connecting the points. No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct vision in this clear vision area between the heights of four (4) and nine (9) feet. This subsection does not apply in districts with allow a zero front setback.



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B. Driveway and Alley Visibility Triangle.

A clear vision area shall be kept in the triangle formed by the intersection of a driveway and a street or alley where the two (2) sides of the triangle are formed by measuring eight (8) feet in length along the surface edge of the driveway and along the lot line abutting the street or alley, and the third side is a diagonal line connecting the points. Nothing shall impede vision within this clear vision area between a height of four (4) and nine (9) feet.



Section 3.15 Residential Entranceway

In all districts, entranceway structures, including but not limited to, walls, columns, and gates marking entrances to single-family subdivisions, planned unit developments, site condominium developments multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a front or side setback, 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

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Ordinance. Utility facilities, including transformers, pump stations, substations, and buildings necessary to house utility equipment ("Utility Improvements"), shall be a permitted use in any district when the locating of such Utility Improvements are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. When this is the case, this Section shall supersede the [Tables of Permitted and Special Land Uses in Article 5](#). Utility Improvements shall undergo site plan review pursuant to [Article 6](#) and shall adhere to setback requirements of the district in which they are proposed to be located. Screening may be required pursuant to [§3.28](#). This Section shall not apply to storage yards and office buildings which shall follow the procedure in this Ordinance to approval of office buildings and storage facilities.

Wireless facilities, alternative tower structures, antennas, solar facilities, wind turbines, battery energy storage systems, 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.

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Section 3.17 Sidewalks

See §3.31.B – Sidewalks and Pedestrian Walkways.

Section 3.18 Manufactured Homes on Individual Lots

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, setbacks, 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 storage buildings.

Section 3.19 Required Water Supply & 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**.

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Section 3.20 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 **US EPA** and/or **State of Michigan** 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 (5) year intervals.

Section 3.21 On-Site Drainage & Runoff

- A. 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 in excess of natural conditions or in an unnatural, concentrated manner that will cause damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.
- B. **Uses Other Than Single-Family and Two-Family Dwellings.**
 1. The property owner or developer is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All

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- stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten-year design storm).
2. Stormwater management conveyance, storage and infiltration measures, and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
 3. The use of swales, rain gardens, and vegetated buffer strips is encouraged in cases where the Planning Commission deems it to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants. Such systems shall be permitted within required setbacks.
 4. Green roofs and rainwater collection systems on roofs may be utilized to fulfill some stormwater management requirements.
 5. Permeable parking lots may be utilized to fulfill some stormwater management requirements. A gravel parking lot is not permitted to be used to fulfill stormwater management requirements.

Section 3.22 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 3.23 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 buildings shall observe a minimum setback of thirty-five (35) feet from the documented Ordinary High Water Mark in all Districts.
2. Accessory structures, parking lots, and other impervious surfaces, except boat docks, boat houses, boat slips, ramps, 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 than eight (8) months.
3. Decks and patios shall not extend beyond the Ordinary High Water Mark.
4. Docks, boat slips, ramps, and other water-dependent structures shall observe the side setback applicable to accessory structures. These types of structures do NOT need a zoning permit.
5. **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 accordance 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.

Section 3.24 Reserved

This Section is reserved for future use.

Section 3.25 Removal & Dumping of Materials

A. Soil, Sand, Clay, Gravel, or Similar Materials; Removal; Filling (Not Including Mining as a Special Land 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 a zoning permit from the Zoning Administrator.

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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 zoning permit shall be required for each separate site. Each application for a zoning permit shall be made in writing to the Zoning Administrator 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 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 ensure 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 lot, 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 3.26 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 rights-of-way by minimizing brightly lighted surfaces and lighting glare; conserve energy and resources; to preserve the restful quality of nighttime by eliminating

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intrusive, artificial light and lighting that unnecessarily contributes to “sky glow” to facilitate the preservation of a dark sky environment; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. More light does not result in better safety or security; the right amount of light, in the right place, at the right time, is most effective. 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, are 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. To minimize the harmful effects of light pollution, lighting should:
 - (1) Only be on when needed.
 - (2) Only light the area that needs it.
 - (3) Be no brighter than necessary.
 - (4) Minimize blue light emissions.
 - (5) Eliminate upward-directed light.

- b. 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 with the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height. Discreet lighting recessed within eaves is preferred.
- c. Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property.
- d. Except for diffused globe-style walkway lights, lighting for sporting events, and upward directional lighting addressed in [subsection B.3.e](#), 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 (examples: wall packs, recessed lights, and pole lights). Exterior lighting shall have a cutoff feature and shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the lot 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. See [Figure 3.26](#).
- e. 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.
- f. For exterior recreational facilities, sufficient information must be submitted that demonstrates that the location, selection, and aiming of all lighting fixtures will focus light on the playing areas, minimize glare and visibility from adjacent and nearby properties and roadways, and minimize sky glow. A written explanation and statements shall be supplied explaining why locations, fixture types, intensities, orientation of fixtures, and other decisions were made.
- 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 Zoning Administrator or 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 the height and bulk of nearby buildings and other fixtures. The Zoning Administrator or 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 searchlights are not permitted.
- j. No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.

- k. Ceiling lights in gas pump island canopies shall be recessed.
- l. Security lighting shall, to the extent practical, use sensors and dim or turn off when there is no activity on site.

Visit www.darksky.org for more information.

Figure 3.26: Lighting Direction

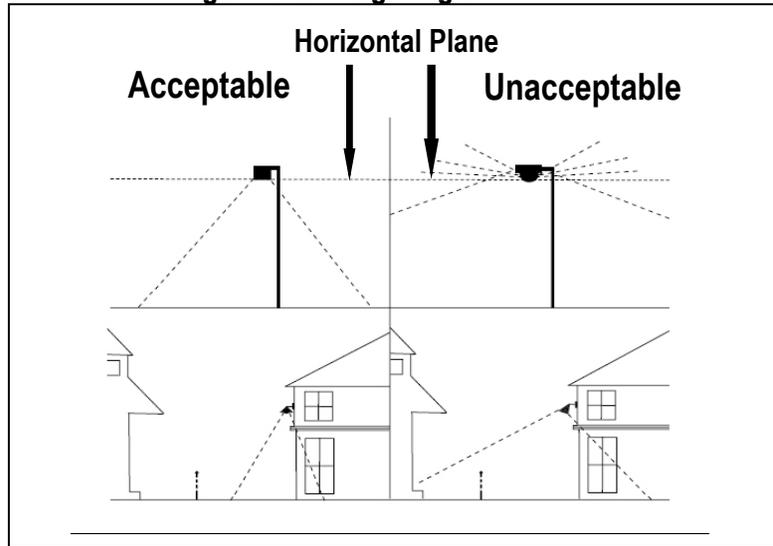


Table 3.26 (C) Administrative Departures	
Administrative Departures	<ol style="list-style-type: none"> 1. Lighting which does not meet the standards of this Section may be allowed where additional security may be needed. 2. Higher fixtures may be permitted for pole lighting if the fixture is located at least two hundred (200) feet from a Residential District or use.
Planning Commission Departures	<ol style="list-style-type: none"> 1. Lighting which does not meet the standards of this Section may be allowed where additional security may be needed. 2. 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.

Section 3.27 Fences

For the purposes of this Section, when a solid wall is used as a fence, it shall be considered a fence.

A. General Standards: All Districts.

1. A fence requires a zoning permit. Fences which are part of an approved site plan do not require a separate zoning permit.
2. Fence 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, chicken wire, sheet metal, plastic, or fiberglass sheets are specifically prohibited.
3. **Front Yard Fences.** 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 or wire fences shall be permitted in front yards. Fences greater than twenty-four (24) inches in height shall contain openings in the slats totaling no less than fifty (50) percent.
 - . Fences on residential or commercial lots shall not contain barbed wire, electric current, or charge of electricity.
5. Fences located in the side or rear yard of industrial lots may contain barbed wire, razor wire, electric current, or charge of electricity at the discretion of the Zoning Administrator under special circumstances due to necessary security or safety.
 - . 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.
 - . 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.
 - . **Visibility Triangle.** Fences or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in §3.14. Fences within the intersection and driveway visibility triangle shall have a maximum height of four () feet and shall have a surface area which is fifty (50) percent or more open.
 - . **Fences Located Directly on the Lot Line.** In all districts, fences may be located directly on the lot line in the interior side and/or rear yards. The City recommends that the applicant contact owners of abutting lots to ensure they are in agreement with the fence location and construction. The City does not arbitrate disputes between property owners regarding fences. The City recommends the property owner(s) have a survey completed prior to erecting the fence. It is not the responsibility of the City to locate the correct lot lines.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

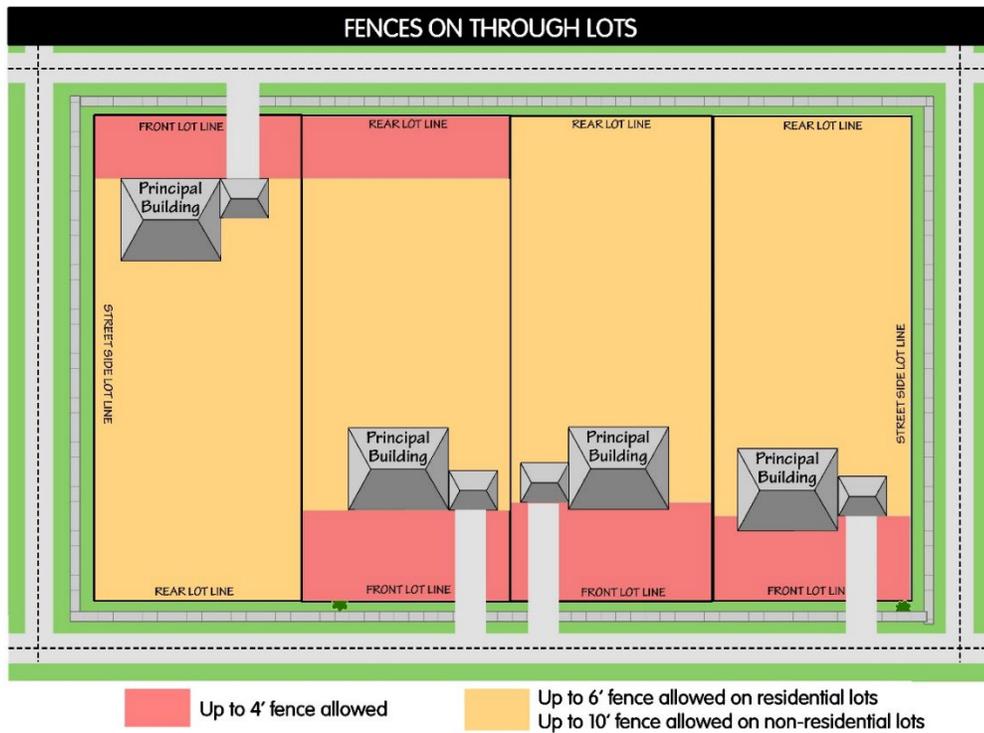
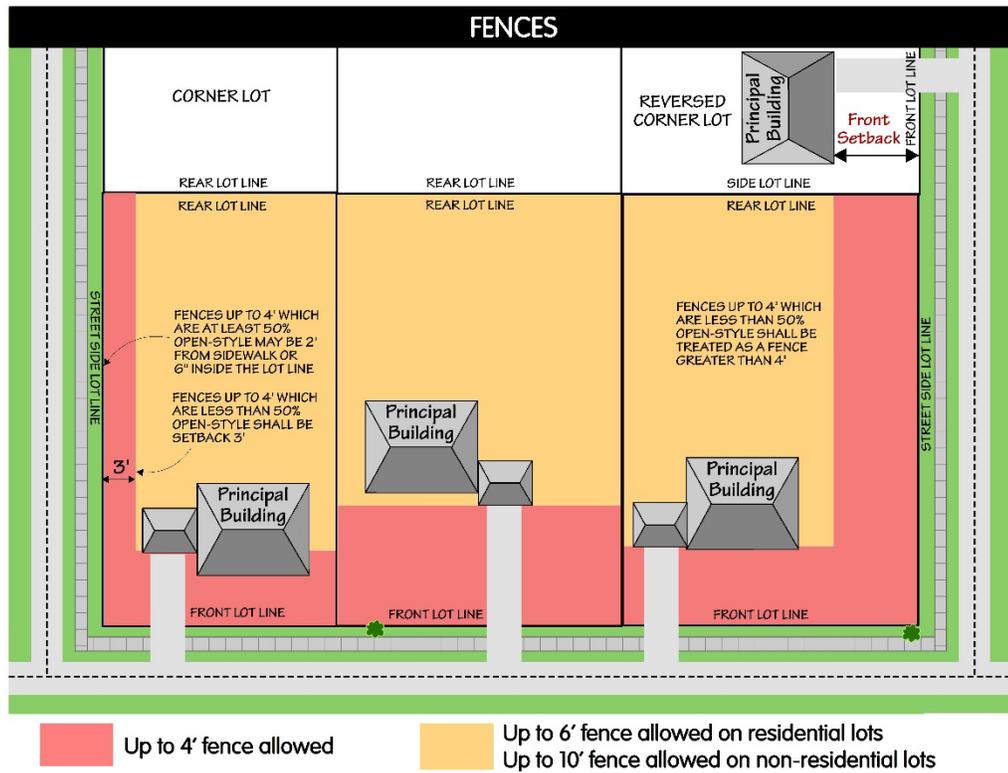
10. A fence shall not be placed on a berm or any area of ground built up for the purpose of gaining fence height.

B. **Residential Fences.** Fences shall comply with the following regulations and requirements:

TABLE 3.27 (A) RESIDENTIAL FENCES		
Yard	Maximum Height	Minimum Setback
1. Front Yard	4' See §A.3	2' from the sidewalk or 6" inside the lot line, whichever is greater
2. Interior Side Yard	6'	Outer face may abut lot line §A.9
3. Street Side Yard		
a. Reversed Corner Lot (rear lot line abuts side lot line of lot to the rear)	Up to 4'	Fences which are at least 50% open-style: At least 2' from the sidewalk or 6" inside the lot line, whichever is greater Fences which are less than 50% open-style: Set back a distance at least equal to the front setback of the lot to the rear or the setback of the principal building of the lot to the rear, whichever is less
	Over 4' up to 6'	Set back a distance at least equal to the front setback of the lot to the rear or the setback of the principal building of the lot to the rear, whichever is less
b. Not on Reversed Corner Lot	Up to 4'	Fences which are at least 50% open-style: 2' from the sidewalk or 6" inside the lot line, whichever is greater Fences which are less than 50% open-style: 3' from lot line
	Over 4' up to 6'	3' from the lot line
4. Rear Yard	6'	Outer face may abut lot line §A.9
5. Waterfront Yard	6'	15' from Ordinary High Water Mark
6. Through Lots	Fence requirements for through lots are the same as above. Front yard is determined by the direction the principal building faces.	
	If a rear lot line is next to a front lot line of the abutting lot along the same street, then a fence between 4' and 6' along the rear lot line facing that street shall be setback equal to the front setback of the abutting lot along that street. Fences up to 4' shall adhere to the front yard standards above.	
<ul style="list-style-type: none"> 6" additional is allowed for fence posts and raising fence off the ground for maintenance purposes. Swimming Pools: Fence requirements for swimming pools are contained in §3.12.D. 		

C. **Non-Residential Fences.** All fences and walls shall comply with the following regulations and requirements:

TABLE 3.27 (B) NON-RESIDENTIAL FENCES		
Yard	Maximum Height	Minimum Setback
1. Front Yard	4' See §A.3	2' from the sidewalk or 6" inside the lot line, whichever is greater Front yard fence setbacks do not apply to the Central Business District (CBD)
2. Interior Side Yard	10'	Outer face may abut lot line §A.9
3. Street Side Yard		
a. Reversed Corner Lot (rear lot line abuts side lot line of lot to the rear)	Up to 4'	Fences which are at least 50% open-style: At least 2' from the sidewalk or 6" inside the lot line, whichever is greater
	Over 4' up to 10'	Fences which are less than 50% open-style: Set back a distance at least equal to the front setback of the lot to the rear or the setback of the principal building of the lot to the rear, whichever is less
b. Not on Reversed Corner Lot	Up to 4'	Fences which are at least 50% open-style: 2' from the sidewalk or 6" inside the lot line, whichever is greater Fences which are less than 50% open-style: 3' from lot line
	Over 4' up to 10'	3' from the lot line
4. Rear Yard	10'	Outer face may abut lot line §A.9
5. Waterfront Yard	6'	15' from Ordinary High Water Mark
6. Through Lots	Fence requirements for through lots are the same as above. Front yard is determined by the direction the principal building faces.	
	If a rear lot line is next to a front lot line of the abutting lot along the same street, then a fence between 4' and 6' along the rear lot line facing that street shall be setback equal to the front setback of the abutting lot along that street. Fences up to 4' shall adhere to the front yard standards above.	
<ul style="list-style-type: none"> • Zoning Administrator is authorized to allow fences greater than the heights above under special circumstances due to necessary security or safety. • 6" additional is allowed for fence posts and raising fence off the ground for maintenance purposes. • Swimming Pools: Fence requirements for swimming pools are contained in §3.12.D. • Fences over 6' in height require a building permit. • Non-Residential Uses Adjacent to Residential Uses: See §3.28 Required Buffering & Screening 		



1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Section 3.28 Required Buffering & Screening

A. General.

1. **Screening Required.** There shall be provided and maintained, between any non-residential and residential use, between any multiple-family and single-family uses, and between certain uses listed herein, an obscuring fence, wall, vegetative buffer, landscaped earth berm, or combination thereof as below set forth subject to materials and design approved by the Planning Commission or Zoning Administrator (dependent upon the body with the approving authority for the site plan). The screening shall be required along the entire length of the lot abutting lot line.
2. Screening 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.
3. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.
4. 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.

B. Height of Screening.

The required height of the screening shall be as stated in [Table 3.28](#) below (except otherwise regulated by [§3.14 Intersection and Driveway Visibility](#)):

TABLE 3.28 HEIGHTS OF SCREENING

Use	Required Screening Height
Side & Rear Yard Screening Requirements	
All districts except I-1, and I-2	4' 6" high fence or wall CBD and CCD: Only a decorative masonry/brick wall or wrought iron fence shall be erected. Vinyl shall be permitted in the CCD. Minimal landscaping (shrubs, groundcover, flowers) may be installed to provide visual variety.
I-1 and I-2 Districts	8' high (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)

C. Fences and Walls Used as Screening.

1. **Screening Materials.** Solid fences or walls may be used for screening. Chain link or other wire fence utilizing metal, plastic, or wood slats shall not be considered a screening fence or wall for the purpose of this Ordinance. 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 on top 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 setback lines on abutting residential lots. Upon review of the site plan, the Planning Commission or Zoning Administrator 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. Wall Construction for Screening Purposes.

- a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, and 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 that 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. 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.

D. Greenbelts.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

The Planning Commission or Zoning Administrator may, in review of site plans for specific uses, allow or require the provision of a vegetative buffer strip or greenbelt consisting of trees and shrubs alone or in addition to a fence, wall, or berm 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.

1. The selection, spacing, and size of plant material shall be such as to create, within a two (2) year period from the date of planting, a horizontal obscuring effect for the entire length of the required screening area, and a vertical obscuring effect of such height as is determined adequate by the Planning Commission or Zoning Administrator for proper screening between land uses.
2. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

E. Screening of Specific Uses.

1. **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.

The construction of the fence/wall shall be architecturally consistent with the principal building 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.

2. **Retention Ponds.** Every retention pond required by the City for water runoff storage and in which the deepest point is more than two (2) 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 six (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.

3. **Junkyards, Motor Vehicle Impoundment Yards, Scrap Yards, Recycling Facilities, Motor Vehicle Wrecking Yards.**

- a. A wall or opaque fence, a minimum of eight (8) feet in height, constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set fifteen (15) feet or more inside the lot lines, shall be maintained in good repair around junkyards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards, or similar establishments. Fences around these facilities may be higher than the maximum fence height in [§3.27](#). Stored materials shall not be piled higher than the fence height.
- b. Entryways to junkyards, 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.
- c. A landscaped strip shall be maintained between the fence and lot line in the following yards:

- (1) All front and corner side yards.
- (2) The front 1/3 of any side yard.
- (3) Any yard abutting a residential zoning district or use.

The fence location shall allow for the installation and maintenance of this landscaped strip.

Section 3.29 Reserved

This Section is reserved for future use.

Section 3.30 Landscaping

The requirements in this Section apply to all new development of a principal use which requires site plan review, Special Land Use review, or additions to existing development which increases the floor area twenty-five (25) percent or greater (or four hundred (400) square feet, whichever is less) in any district. When an existing use removes more than fifty (50) percent of the existing landscaping, then this Section shall be complied with. This Section does not apply to single-family and two-family residential uses.

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 replenishing, the promotion of green infrastructure, 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 for the preservation of native trees and vegetation.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

B. Flexible Design Standards.

1. It is recognized that alternative design concepts exist which, if adopted, could fulfill or exceed the results envisioned using these development standards. It is intended that the requirements of this Section 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 equal to or better than that achievable using the minimum standards of this Section.
2. The Zoning Administrator or Planning Commission 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.
 - f. Where existing landscaping is adequate in fulfilling 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. The 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 Zoning Administrator 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. Identification of existing trees and vegetative cover to be preserved.
 - g. Identification of grass and other ground cover and method of planting.
2. **Industrial Uses.** 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. 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 which shall be called the Landscape Area. 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](#). There is no minimum percentage of a lot required to be included in the Landscape Area.
- 2. If a Landscape Area exists or is proposed, 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, mulches, 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 eighty (80) percent.
- 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. 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. The

Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.

7. **Invasive Plant Species.** Plants listed on the State of Michigan’s Invasive and Restricted plant list are prohibited. Native plants to Michigan are encouraged; please see the following websites for native plant ideas:

www.nativeplants.msu.edu; www.wildflower.org/collections/Michigan and **Table 3.30** below.

8. **Minimum Landscape Material Standards.**

- a. All plant material shall remain in a healthy and vigorous growing condition, free of disease and insects, compatible with local climate, site soils, and drainage, have an available water supply (in-ground sprinklers are not required), and meet the current **American Association of Nurserymen Standards**.

- a. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on-site or on adjacent properties or obstruct vision for reasons of safety, ingress, or egress.

- b. 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 and not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties. Landscape materials shall be planted pursuant to **§3.14 (Intersection and Driveway Visibility)**.

- c. **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

- d. Existing plant material, which complies with the standards and intent of the Ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.

- e. The overall landscape plan shall not contain more than thirty-three (33) percent of any one plant species.

9. **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.

10. Minimum Standard for Berms.

- a. Berms shall be constructed so as to maintain a maximum slope ratio of one (1) to three (3) (one (1) foot of vertical height for each three (3) feet of horizontal plane).
- b. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition to prevent erosion.
- 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.
- d. Berms shall be constructed of landscaping material acceptable to the City. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.
- e. Berms shall have a minimum of two (2) inches of topsoil.
- f. The Zoning Administrator may approve berms which do not exceed six (6) feet in height. Berms shall not exceed six (6) feet in height unless a higher berm is approved by the Planning Commission on non-residential or multiple-family property. The height of a berm shall be measured from the preconstruction grade of the land immediately surrounding the berm. If a berm is proposed to be higher than six (6) feet, then the applicant shall submit a stamped, engineered site plan showing the specifications of the berm.
- g. The berm shall be natural in appearance. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan.
- h. Trees shall be allowed to be placed on berms.
- i. No buildings or any structures shall be permitted upon or within any berm.

E. Landscape Requirements Along Streets (in Tree Lawn).

- a. **Existing Development.** 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 [Chapter 102, Article II of the Municipal Code](#); however, at a minimum, trees shall be planted per [subsection b](#) below.

- b. All tree lawns shall be planted with shrubbery, trees, and groundcover. There shall be one (1) tree for every forty (40) feet of tree lawn. A minimum of five (5) feet of width (from the pavement to the sidewalk) is required to plant street trees. The Zoning Administrator or Planning Commission (whichever has approving authority in each case) may waive the tree requirement when trees are being provided per subsection F below.

F. Landscape Requirements Along Streets (Not Within Tree Lawn). The following landscape requirements shall apply:

- 1. A strip of land with a minimum depth of five (5) feet within the front yard setback shall be landscaped (Landscape Area) with a minimum of one (1) tree for each forty (40) lineal feet of frontage abutting said right-of-way. The remainder shall be landscaped in grass, ground cover, shrubs, and/or other natural, landscape material. Only the lineal feet of Landscape Area counts when determining the number of trees required. This subsection does not apply to lots which allow zero front setback. The Zoning Administrator or Planning Commission (whichever has approving authority in each case) may waive the tree requirement when trees are being provided per subsection E above.
- 2. Access ways from public rights-of-way through required landscape strips shall be permitted.

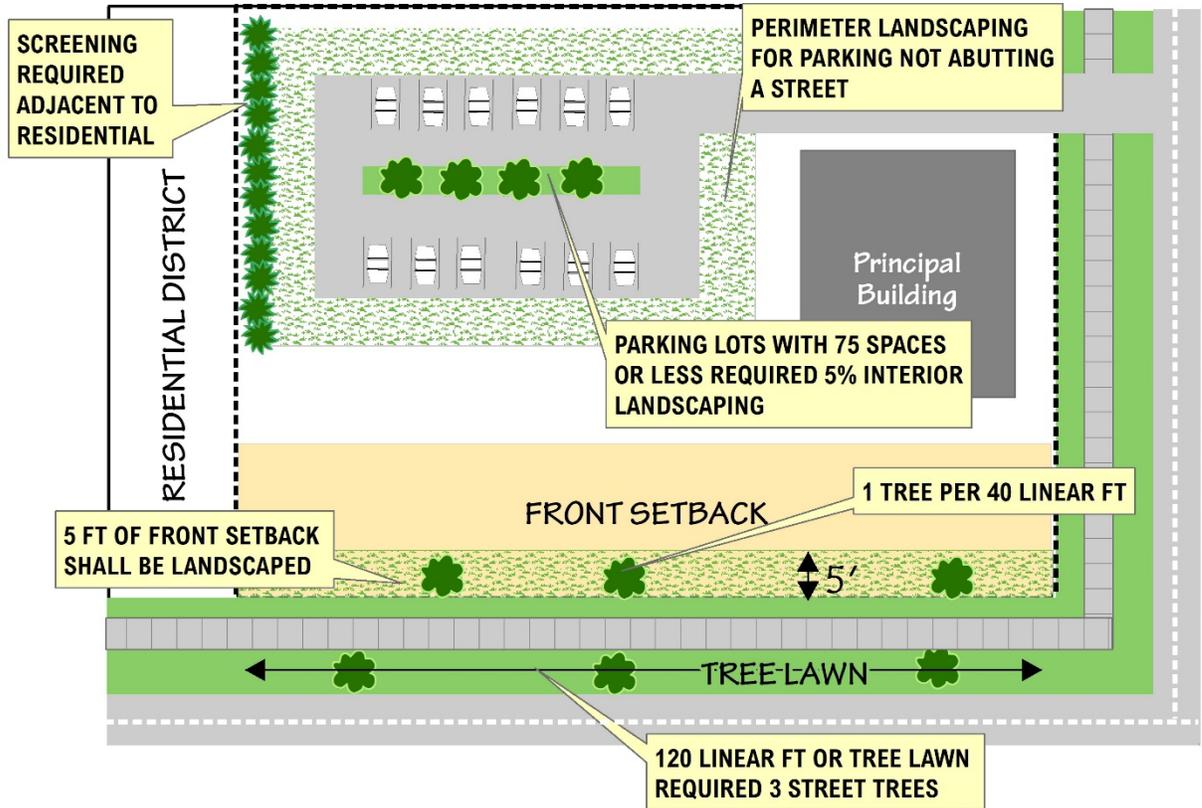
G. Landscape Requirements in Parking Lots.

Parking lot landscape requirements shall be applicable to all parking areas in all districts, and a parking lot landscape plan shall be provided.

- 1. **Parking Lot Perimeter Landscaping.** A landscape strip shall be provided around the perimeter of the parking lot, as defined below:
 - a. **Parking Lots that Do Not Abut a Right-of-Way.** The landscape strip shall be five (5) feet wide.
 - b. **Parking Lots that Abut a Right-of-Way.** See [subsection F](#) above.
 - c. **Parking Lots Abutting a Residential Zone or Residential Use.** When a parking lot abuts a residentially-zoned or residentially-used property, a landscape area shall be provided as prescribed in the individual zoning district and shall have a screen as prescribed in [§3.28](#).
 - d. **Utilities.** Piped utilities, such as water, sewer, and gas, may cross through, run parallel and adjoining to, or within the outer two (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 twenty-four (24) inches below grade.
- 2. **Landscaping of Interior Parking Areas.**
 - a. Parking areas totaling seventy (76) or more spaces shall provide a minimum of ten (10) percent of the area of the parking lot as interior landscaping.

- b. Parking areas totaling seventy (75) or less spaces shall provide a minimum of five (5) percent of the area of the parking lot as interior landscaping.
- c. Interior landscaping shall occur in any combination of planting islands, planting peninsulas, and entranceways.

Landscaping Along Streets, Front Setbacks & Parking Lots



H. Plant Materials.

The following table addressing trees and shrubs shows plant material that are suggested and prohibited in the City of Alpena. See [Chapter 102, Article II of the Municipal Code](#) for street trees.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE 3.30 SUGGESTED AND PROHIBITED PLANT MATERIALS

	Suggested Plant Material		Prohibited Plant Material
Trees - Evergreen	Medium - Large	Narrow	Prohibited
	Douglas Fir	Aborvitae	
	Fir	Cedar	
	Hemlock	Junipers	
	Pine: Red and White		
	Spruce		
Trees - Deciduous	Large	Small	Prohibited
	Basswood	Flowering Cherry (non-fruit bearing)	Amur Cork Tree
	Beech	Flowering Crabapple (disease resistant, non-fruit bearing)*	Amur Maple
	Birch	Flowering Dogwood	Black Locust
	Black Cherry	Hawthorn (thornless)	Callery Pear (e.g., Bradford)
	Ginko (male only)	Ironwood (hophornbeam or musclewood)	Catalpa
	Honey Locusts (seedless & thornless)	Kwansan Cherry	Elms (unless disease resistant)
	Kentucky Coffee Tree	Magnolia	European Alder
	Linden: Little Leaf, Greenspire, Redmond	Redbud	Ginko (female)
	Maples: Red, Sugar, Black	River Birch	Norway Maple
	Oaks: Pin, Red, English	Serviceberry	Poplars (examples: Cottonwoods,
	Purple Leaf Plum	Sweet Birch	Quaking & Big Toothed Aspen,
	Sycamore		Balsam Poplar, White Poplar, etc.)
			Siberian Elms
			Soft Maples: Silver and Box Elder (only along river's edge or in naturally wooded areas)
		Tree of Heaven	
		Willows (only along river's edge or in naturally wooded areas)	

TABLE 3.30 SUGGESTED AND PROHIBITED PLANT MATERIALS

	Suggested Plant Material		Prohibited Plant Material
	Large	Small	Prohibited
Shrubs - Evergreen	Irish Yew	Spreading Yews (Dense, Brown's Ward, etc.)	Scots/Scotch Pine
	Hicks Yew	Low Spreading Junipers (Andora, Hughes, Tamarack, etc.)	
	Mugo Pine	Dwarf Mugo Pine	
	Pfitzer Juniper	Big Leaf Wintercreeper (Euonymus)	
	Savin Juniper	Bird's Nest Spruce	
	Shrubs - Deciduous	Lilac	Regal Privet
Yellow Osier		Potentilla	Buckthorn: Common and Glossy
Viburnum		Japanese Quince	Burning Bush (all varieties)
Spirea			Butterfly Bush
Barberry			Cotoneaster (all varieties)
Forsythia			Multiflora Rose
Sargent Crabapple			Privet: Common and Border
Dogwood (Red Osier, Grey)			Japanese Barberry
Ninebark			
Hydrangea			
American Elderberry			
Other			
			Knotweed: Giant and Japanese
			Oriental Bittersweet vine
			Purple Loosestrife

Administrative Approval	
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 (3.30.B)
Planning Commission Departures	Flexible Design Standards based on site conditions (3.30.B)

Section 3.31 Circulation & Parking

A. Purpose.

The purpose of parking regulations is to make Alpena safe for and accessible for 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. Sidewalks and Pedestrian Walkways.

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.

1. **Requirements.** All developments except for single-family and two-family dwellings shall provide clearly defined pedestrian walkways 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. Walkways shall be designed to be recognizable to both pedestrians and drivers.
2. **No Existing Public Sidewalk.** See the [City of Alpena Municipal Code Chapter 82, Article II](#).

C. Bicycle Parking.

1. **Compliance Required.** Whenever full off-street parking compliance is required, a minimum of one (1) bicycle rack which can accommodate four (4) bicycles total is required. The Zoning Administrator may reduce or eliminate this requirement based on the physical layout of the lot, the use of the lot, or the location of the lot.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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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.

D. **Motor Vehicle Parking: Single-Family and Two-Family Residential Uses.** See [Table 3.31.C](#) and [Article 5](#).

E. **Motor Vehicle Parking: Multi-Family and Non-Residential Uses.**

1. **Compliance Required.** Off-street parking and loading provisions of this Section shall apply to the following:

- a. **New Construction.** For all principal buildings and principal structures erected and all uses of land established after the effective date of this Ordinance.
- b. **Enlargement.** Whenever a principal 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 nonconforming 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 Ordinance, be considered a new parking area.

Exception: Regulations pertaining to off-street parking shall not apply to 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 zoning permit 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. The Zoning Administrator has the authority to review and approve parking lots.

3. **Site Plan Review.** Any off-street parking lots, parking structures, or loading areas required under this Section 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 lot lines and structures shall be noted. The plan shall show the following:

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- a. Total number of parking spaces provided (existing and proposed) and the 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. Stormwater retention areas.
 - j. Proposed and existing grades.
 - k. Landscaping islands.
 - l. Landscape and buffer areas.
 - m. Parking details and any other information deemed necessary by the Zoning Administrator or City Engineer.
4. **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.
 5. **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 by 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 Zoning Administrator.
 6. **Collective Parking.** The Zoning Administrator or Planning Commission may allow shared off-street parking arrangements between two (2) or more buildings or uses. This may occur if the buildings do or do not overlap in hours. If approved by the Zoning Administrator or Planning Commission, the owners of the lots shall file a signed agreement with the City which describes their agreed-upon parking arrangement.
 7. **Land Banking.** The Zoning Administrator or Planning Commission may require that an area be reserved, either on-site or off-site, to provide additional parking should it become apparent that additional parking is needed for the use. This designated area shall contain no structure or permanent feature. 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 four (4) months thereafter.
 8. **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 districts. 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 one hundred (100) feet or more wide, the parking lot entrance shall be a minimum of fifty (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 to 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.
9. **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.

10. **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.

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

- (a) All off-street parking areas shall be located on the immediate premises or within three hundred (300) feet for commercial uses and five hundred (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 Zoning Administrator, if a public parking area or sufficient on-street parking is located within five hundred (500) feet of the building to be served.

b. **Surface.**

- (1) 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. This surface shall be striped and maintained in good condition and free of weeds, dirt, trash, and debris.

- (2) The use of pervious concrete, grasscrete, and other pervious surfaces may be permitted for specific uses as approved by the Planning Commission or the Zoning Administrator.
- (3) 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 ensure 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 [§3.28 Required Buffering and Screening](#).
- d. **Design Standards.**
 - (1) **Parking Space Design.**

TABLE 3.31 (A) PARKING SPACE DESIGN			
Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space	
		Width	Length
0 degrees (parallel parking)	12'	8'	22'
45 degrees	14'	9'	18'
60 degrees	18'	9'	18'
90 degrees	22'	10'	19'

A one (1) foot deviation from the measurements in this table may be approved by the Zoning Administrator.

- (2) **Parking Lot Design.**
 - (a) All parking lots shall be designed to provide adequate stormwater drainage including on-site detention capabilities.
 - (b) All curbing shall conform to City standards unless approved otherwise by the Planning Commission or the Zoning Administrator.
- (3) **Drainage.** Except for single-family 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 [Section 3.21](#). 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.

Stormwater retention or detention facilities on site shall be provided to ensure stormwater runoff at a rate of flow in keeping with City standards and with the capacity of existing public stormwater drainageways.

- (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 ninety (90) degree pattern may permit two-way movement.

11. Parking Spaces Required.

- a. Applicants shall submit plans for parking showing the number of spaces needed. With the exception of uses listed in the residential table below, the applicant shall present evidence or data showing that their proposed number of parking spaces is sufficient. In reviewing and approving parking plans, the City shall take the following into consideration:
 - (1) The number of customers expected.
 - (2) The number of staff required to operate the use.
 - (3) Shared parking arrangements.
 - (4) Space for snow removal.
 - (5) Loading/unloading space.
 - (6) Available on-street parking.
 - (7) Any other information the applicant provides which supports the number of spaces needed for the use.
- b. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accordance with the provisions of [1972 PA 230](#), as amended. The following table shall govern unless a greater number of spaces is required by the [State of Michigan](#) or the [Americans with Disabilities Act](#).

TABLE 3.31 (B) PARKING FOR HANDICAPPED (ALL DISTRICTS)

Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total Spaces
1,001 and Over	20 Plus 1 for Each 100 Over 1,000 Spaces

¹ For every 8 accessible spaces, at least 1 must be a van-accessible space.

TABLE 3.31 (C) RESIDENTIAL PARKING REQUIREMENTS

Use	Requirements
Single-family dwelling	2 for each dwelling unit
Two-family dwelling, multiple family dwelling and Accessory Dwelling Unit	1.5 per dwelling unit
Manufactured Homes located in a Manufactured Housing Community	2 for each manufactured home site
Housing for the elderly	Required parking shall be based on needs of the applicant
Rooming houses	1 for each bed and 2 for the owner/resident manager
Group day care homes	Required parking shall be based on needs of the applicant
State-Licensed Residential Facilities (Adult Foster Care Homes)	3 for each establishment

F. Off-Street Loading and Unloading.

Uses which require loading and unloading of materials shall provide loading space on the same zoning lot as the principal use. Loading and unloading space shall be designed to avoid undue interference with public use of the road right-of-way. Such space shall be provided as follows:

1. At least one (1) loading space shall be provided. 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, CCD, WD, and DOD districts. The number and dimension of all proposed loading spaces shall be shown on the site plan.
2. Within an Industrial District, 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.
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. Corner side yards may be used for loading and unloading if the lot across the street is zoned industrial.
4. Loading areas shall be designed to provide internal site 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 in the RM-1, RM-2, B-1, B-2, OS-1, CCD, WD, I-1, I-2, and P-1 Districts.

Snow storage areas shall be provided for all sites as an unobstructed area of not less than ten (10) percent 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, or tree planting areas in parking lots provided plantings are adequately protected. Snow storage areas shall not include public street rights of way.

H. Flexibility in Application.

The City recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to prevent traffic congestion, unauthorized parking on adjacent streets or neighboring sites, excessive paving and stormwater runoff, and misuse of space which could otherwise be left as open space.

1. The Planning Commission or the Zoning Administrator may permit departures from the requirements of this Section.
2. The Planning Commission or the Zoning Administrator may attach conditions to the approval of a departure from the requirement of this Section that bind such approval to the specific use in question.

Section 3.32 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.

Section 3.33 Nonconformities

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 Land Uses and Variances.

If a Special Land 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, nonconforming buildings or structures, or nonconforming lots which does not alter the nonconforming status.

D. Nonconforming Buildings and Structures.

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

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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 or destroyed to the extent of fifty (50) percent or less of the replacement cost of the structure, exclusive of the 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. If one (1) year or more has elapsed since the damage or destruction, then the rebuilt structure shall conform to current district regulations. If the structure is damaged or destroyed to an extent of more than fifty (50) percent of the replacement cost of the structure, exclusive of the foundation, then the rebuilt structure shall conform to the current district regulations. 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.** Nonconforming uses 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, maintained, 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 are 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.

If the nonconformity use is within a structure which is also nonconforming, then the structure shall not be altered to extend the structural nonconformity unless issued a variance by the Zoning Board of Appeals.

- 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 nonconforming 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. Damaged or Total Destruction of Nonconforming Uses. In the event that a nonconforming use is damaged or destroyed, the use may be reestablished in the same configuration as existed prior to the damage or destruction. If changes to the original configuration are desired, then [subsection E.1](#) shall apply.

4. 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.

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. The Zoning Administrator may approve an administrative departure to reduce the required setback by twenty-five (25) percent.

Section 3.34 Performance Standards

All development within the City of Alpena shall comply with the following performance standards (The City of Alpena does not enforce regulations under the jurisdiction of another local, state, or federal agency):

A. Sound.

The emission of measurable noise in decibels (dB) from the premises shall not exceed the sound levels specified in [Chapter 54](#) 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.

1. 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.
2. 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 [State of Michigan](#) 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.
3. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by the [USEPA](#) and/or [State of Michigan](#) 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

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such odors and to comply with any new standards required as part of a renewed or new USEPA and/or State of Michigan environmental permit.

D. Toxic Gases.

The escape or emission of any gas, which is in violation of a USEPA and/or State of Michigan 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 State of Michigan 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 forty-eight (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.

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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, and/or other electronic means to the State of Michigan, City of Alpena, adjacent governmental entities, local schools, district health department, and local media (TV, radio, newspaper, etc.).

Section 3.35 Access Management

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 the Charter 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 the Charter Township of Alpena fronting on US 23 North between Long Rapids Road/Johnson Street and Hamilton Road.

C. Access Management.

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These access management requirements pertain to properties fronting on US 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.

4. **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 fifty (50) feet at all street intersections and twenty-five (25) feet at all driveway intersections shall be maintained.
- b. **Other Setbacks.** There shall be a minimum fifteen (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 Ordinance shall have a minimum lot width of two hundred (200) feet for Office Service, Business, and Industrial Districts.

5. **Driveway Standards.**

- a. **Compliance Required.** 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. **Compliance Required as Nearly as Possible.** 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.

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- c. **Traffic Impact Studies.** 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. **Driveway Radii Construction.** All driveway radii shall be constructed with concrete curbs to define access.
- e. **Turn-Around Required.** Driveways more than three hundred (300) feet in length shall have a turn-around large enough to accommodate emergency vehicles.
- f. **Driveway Width.** Driveways for office/business use shall have a width, hard surface, and construction design to meet MDOT or City Engineering Standards.
- g. **Snow Storage.** 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. **Maintenance.** 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. **Stacking Space.** 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. **Cross Connections.** 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. **Corner Clearance at Signalized Intersections.** 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 shown 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

- l. Corner Clearance at Stop Sign Intersections.** Recommended corner clearances at stop sign-controlled intersections are shown 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

- m.** All land in a parcel having a single tax code number or contiguous parcels owned by a single individual, or related individuals, or other entity or related entities, as of the effective date of this Ordinance, 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 [1967 PA 288 of 1967 \(Land Division Act\)](#), as amended, or as a site condominium in accordance with [1978 PA 59 \(Condominium Act\)](#), 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)
25 mph	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.

- n. Aligned and Staggered Driveways.** 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:

Recommended Staggered Distances for Driveways	
Posted Speed	Desirable Offset Distance Between Access Points on the Opposite Side of the Roadway Center-Center of Proposed Access
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

- o. **Planning Commission Review.** 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.
- 6. **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.
- 7. **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 by the Planning Commission. 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.

D. 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 shall be 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 1994 PA 451**, and applicable permits from the State of Michigan.
6. The greenbelt shall be shown on the site plan filed with the City, including the type and size of additional plantings.

E. Administrative Procedures	
Administrative Approval (Zoning Administrator may request Planning Commission review)	Uses Permitted by Right
Planning Commission Approval	Special Land Uses
Administrative Departures	Zoning Administrator 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	N/A



Article 4 Signs

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4.3	District Regulations for Signs	4-10
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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 communications needs of both businesses and other parties and creating a more attractive business environment and attractive residential neighborhoods. 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; promote pedestrian and traffic safety; and promote pleasing community aesthetics.

Section 4.1 Sign Permit Procedure & Enforcement

A. Approval.

No sign shall be erected, altered, replaced, or relocated until approved by the Zoning Administrator and a Sign Permit issued unless noted in **subsection A.6**.

1. When a Sign Permit is Required.

- a. A sign permit is required when the sign structure is being removed and replaced or if any structural change is being made to the sign (including a change to a sign’s size). A sign permit is not required if a sign’s message is being changed by re-painting, changing lettering, or changing the sign’s “skin” (non-rigid covering).
 - b. A property owner may maintain an existing sign without a sign permit provided the type, size, shape, and height do not change and the use remains the same.
2. **Application for Sign Permit.** Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have the following information attached:
 - 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/she may require the approval of the structural design by a registered architect or engineer.
 - f. Name of person, firm, corporation, or association erecting the 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. Such other information as the Zoning Administrator shall require to show full compliance with this and all other Ordinances of the City.
3. **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 shall also be issued. The Building Official shall be responsible for issuing building permits for signs that require a building permit.

4. **Sign Permit Fee.** Prior to the issuance of a sign permit, a sign permit fee shall be paid to the City according to the schedule as shall be established from time to time by resolution of the City Council.
5. **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 a sign permit has not been completed within four (4) months after date of issuance, the said permit shall become null and void. The Zoning Administrator may grant an extension if weather or other unforeseen circumstances impact the construction of the sign.
6. **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:

Signs Excluded from Permits

- a. Wall signs (whether on buildings or accessory structures) not exceeding two (2) square feet in area. Freestanding signs that do not exceed four (4) square feet each. (Example: signs located at entrances and exits)
- b. Plaques or letters 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. Flags which are on a flagpole are not considered signs. Refer to U.S. Flag Code for Federal Guidelines. Flags which are not on flagpoles shall be considered a Temporary Sign.
- e. Integral decorative or architectural features of buildings or works of art as long as such features or works do not contain moving parts or lights.
- f. Signs that hang below an awning or marquee which do not exceed ten (10) square feet in area or extend below a minimum height of eight (8) feet from ground level.
- g. Banners across public rights-of-way subject to any terms or conditions City Council or its designee deems appropriate.
- h. Temporary signs, A-frame signs, feather banners, sail-type signs, air dancers, and other attention-getting devices.
- i. Signs erected by the City of Alpena, State of Michigan, or Downtown Development Authority as part of a community wayfinding program.
- j. Signs not visible by motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots.
- k. Legal postings as required by law.
- l. Murals

7. Prohibited Signs.

Prohibited Signs and Devices

The following are prohibited within the City:

- a. Signs which incorporate in any manner any flashing or moving lights with the exception of approved electronic message boards.
- b. Rotating and moving signs, except as otherwise regulated in this Ordinance.
- c. Any sign unlawfully installed, erected, or maintained.
- d. Signs on park-type benches.
- e. Roof signs.
- f. Devices such as pennants, pinwheels, streamers, searchlights, or other devices with similar characteristics.

B. Enforcement.

See [§9.0 \(Enforcement\)](#) and [§9.7 \(Violations\)](#).

Section 4.2 General Sign Standards

A. Wind Pressure and Dead Load Requirements.

Freestanding, 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.

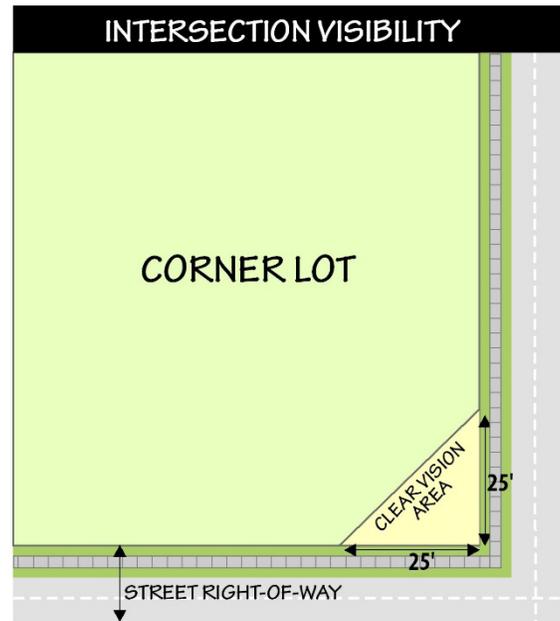
- 1. Any sign except those established and maintained by city, county, state, or federal governments shall not be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance. The owner of any sign which has been removed by the City from the right-of-way because it is in violation of this provision may recover the sign at no cost. If any sign is not claimed within fourteen (14) days, it shall be destroyed.
- 2. No sign or banner shall be placed across any public right-of-way except by permission of the City.
- 3. The right-of-way includes the [TREE LAWN](#).

C. Signs Not To Constitute a Traffic Hazard.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

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 lot 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 four (4) feet and nine (9) 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 lot line.

Figure 4.2A: Sign Visibility Triangle



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 or become a nuisance to 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. Solar-powered signs are permitted. Any lighting used to illuminate signs shall be directed away from and shall be shielded from any adjacent residential zoning districts.

F. 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 standpipe or fire escape.

G. Obscene Material.

No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

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.

H. Sign Construction.

1. No nails, tacks, or wires shall be permitted to protrude from the front of any sign.
2. Signs shall be comparable to a professionally designed and constructed sign.
3. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, 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.

I. Sign Area Limitations.

Size limitations apply to the area of the sign face only, not the support structure. See **SIGN AREA** definition.

J. 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 has been abandoned, then **subsection K** shall apply.

7. **Subsection 6** above shall not apply to signs contained on lots with seasonal businesses.

K. Abandoned Signs.

- 1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned for a continuous period of one (1) year. When determining the intent of the property owner to abandon a use, the Zoning Administrator 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 equipment or fixtures necessary for the operation of the use have been removed.
 - (4) Other information or actions that evidence an intention on the part of the property owner to abandon the use.

If the sign is located on property that is actively for sale, the property owner may request an extension of this time period and the Zoning Administrator may grant this extension.

- b. The sign has remained blank over a continuous period of one hundred (180) days.
 - c. The sign’s message becomes illegible in whole or substantial part.
 - d. The sign has fallen into disrepair.
- 2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have thirty (30) days to remove said sign and any remaining sign structure. Upon the expiration of thirty (30) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign and structure have not been removed upon the expiration of thirty (30) days from the date of the second notice, the Zoning Administrator is authorized to cause removal of such sign and structure 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.

L. Unsafe, Damaged, and Illegal Signs.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

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.

M. Sign Maintenance.

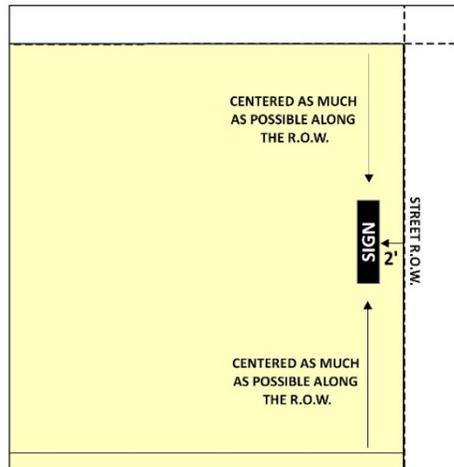
1. All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be maintained in good working order and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, 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. The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

N. Sign Setbacks.

Freestanding signs shall be set back at least two (2) feet from the lot line and shall be centered as much as possible along the street frontage.

Figure 4.2.B Sign Setbacks

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments



O. Allowable Sign Size Increase.

The Zoning Administrator may increase the allowable sign sizes and heights listed in this Section by up to fifteen (15) percent. The following factors shall be considered by the Zoning Administrator when determining allowable increases:

1. Relationship of the sign to surrounding properties and rights-of-way.
 - a. Compatibility with adjacent land uses and signs.
 - b. Visibility of neighboring signs or buildings.
 - c. Visibility and legibility of the sign for pedestrian and vehicular traffic.
 - d. Lighting trespass impacts.
2. Relationship of the sign to features on the site of the sign installation.
 - a. Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.
 - b. Compatibility of the sign with the size, location, and character of the principal building(s) on-site.
 - c. Impact of the sign upon on-site vehicular and pedestrian circulation.
3. Impact of the sign upon parks and historic properties.
 - a. Impact of the sign upon views of prominent natural features.

- b. Impact of the sign upon parks and public spaces.
- c. Impact of the sign upon historic buildings or properties.
- 4. Impacts of the sign upon public safety.
 - a. Visibility of traffic safety devices.
 - b. Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.
 - c. Impacts of sign lighting upon vehicular traffic.
 - d. The safety of the placement of the sign.

If the applicant is denied a sign size increase by the Zoning Administrator or if the requested size increase exceeds fifteen (15) percent, the applicant may appeal to the Zoning Board of Appeals using the standards listed above.

Section 4.3 District Regulations for Signs

The use of signs in each district shall be limited to the following tables. Lots may contain any of the sign types listed in the table. A lot which contains a sign of one (1) type (i.e., freestanding signs) may also contain signs of any other type (i.e., wall signs).

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Table 4A: Residential District Sign Requirements

	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 2px; background-color: yellow;">R-2</div> <div style="border: 1px solid black; padding: 2px; background-color: green; color: white;">TBO</div> <div style="border: 1px solid black; padding: 2px; background-color: lightblue;">R-T</div> <div style="border: 1px solid black; padding: 2px; background-color: pink;">RM-1</div> <div style="border: 1px solid black; padding: 2px; background-color: blue; color: white;">RM-2</div> </div>			
	Single & Two-Family Uses	Multiple Family, Subdivisions, Manufactured Housing Dev.	Lots that contain a Home Occupation (additional signage allowed)	Non-Residential
Free-Standing Signs <i>(permanent primary sign)</i>	Number: 1 per street frontage Size: 4 sq ft Height: 4 ft	Number: 1 double-sided or 2 single-sided per entrance. Size: 24 sq ft Height: 6 ft	Number: 1 Size: 8 sq ft Height: 4 ft Allowed <u>either</u> an additional freestanding sign or an additional wall sign	Number: 1 Size: 30 sq ft If sign is located more than 50 ft behind the lot line, may be increased by 5 additional sq ft for each additional 10 ft of setback. Shall not exceed 50 sq ft Height: 6 ft
Wall Signs <i>(permanent primary sign)</i>	Number: 1 Size: 2 sq ft per dwelling unit	No sign shall exceed 25% of each wall area to a maximum of forty (40) sq ft. Wall sign increases may be permitted as per §4.5.B	Number: 1 Size: 4 sq ft Allowed <u>either</u> an additional freestanding sign or an additional wall sign	No sign shall exceed 25% of each wall area to a maximum of forty (40) sq ft. Wall sign increases may be permitted as per §4.5.B See §4.5
Projecting Signs	Not Allowed			See §4.6
Marquee or Awning Signs	Not Allowed			There shall be no limit to sign size when located on an awning or marquee. See §4.7
Temporary Signs	See §4.4 .			
Message Boards	Not Allowed			See §4.8
Off-Premise Signs	Not Allowed			Not Allowed
Roof Signs	Not Allowed			Not Allowed
Illumination	Not Allowed	External & internal illumination*	Not Allowed	External & internal illumination*
<ul style="list-style-type: none"> • Sign numbers, sizes and heights are listed as the maximum allowed. • Window signs (temporary or permanent) are regulated as wall signs in these districts. • Unless otherwise indicated, lots may contain the maximum listed for each type of sign. * Illuminated signs shall not glare onto or cross the property line onto residential lots. When adjacent to residential uses, illuminated signs shall contain a mechanism to automatically adjust the intensity of the light according to natural ambient light conditions.				

Table 4B: Business & Industrial District Sign Requirements

	OS-1	B-1	B-2	WD	CBD	DOD	CCD	I-1	I-2	P-1
Free-Standing Signs	<p>Number: 1 Lots with at least 100 feet of frontage on each of 2 streets may have 2 signs. If a sign is at the intersection of 2 streets, only 1 sign is permitted.</p> <p>Size: 64 sq ft</p> <p>Pylon Sign Height Limit: 13 ft</p> <p>Monument Sign Height Limit: 6 ft</p> <p>Height shall not extend above the highest point of the principal building.</p>									
Wall Signs	<p>25% of each wall area</p> <p>See §4.5 for "Wall Sign Increase"</p>									
Projecting Signs	<p>1 at 40 sq ft</p> <p>Bottom of the signs shall be at least 8 ft from the ground.</p> <p>See §4.6</p>									
Marquee or Awning Signs	<p>There shall be no limit to sign size when located on an awning or marquee. See §4.7</p>									
Roof Signs	<p>Not Allowed (signs are allowed below the deck line of a mansard roof and a gambrel roof)</p>									
Message Boards	<p>See §4.8. Not allowed in DOD.</p>									
Temporary Signs	<p>See §4.4</p>									
Off-Premise Signs	<p>See §4.10</p>									
Cluster Signs	<p>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 above, regardless of the number of buildings, separate parties, tenants, or uses contained therein.</p>									
Window Signs	<p>DOD (between 2 ft and 10 ft 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. Zoning Administrator may grant an exception if the applicant can demonstrate a unique business reason for the treatment and that it will not be a source of blight.</p>									
<ul style="list-style-type: none"> • Sign numbers, sizes and heights are listed as the maximum allowed. • Unless otherwise indicated, lots may contain the maximum listed for each type of sign. • Illuminated signs shall not glare onto or cross the lot line onto residential lots. When adjacent to residential uses, illuminated signs shall contain a mechanism to automatically adjust the intensity of the light according to natural ambient light conditions. 										

Section 4.4 Temporary Signs

A. Residential.

1. Single-Family and Two-Family Dwellings and Vacant Lots in Residential Districts.

- a. **Ground Signs.** No more than twelve (12) square feet, in sum, of temporary signage shall be allowed per zoning lot. No individual temporary sign shall exceed four (4) square feet.
- b. **Window Signs.** No more than one (1) window sign at three (3) square feet shall be allowed per dwelling unit.
- c. From sixty (60) days prior until five (5) days after a national, state, or local election, the total square footage limit shall be increased to forty (40) square feet. However, no individual sign shall exceed four (4) square feet.

2. **Individual Dwellings Units within Multiple-Family Dwellings.** No more than one (1) window sign at three (3) square feet shall be allowed per each dwelling unit within a multiple-family establishment. From sixty (60) days prior until five (5) days after a national, state, or local election, the total number limit shall be increased to nine (9) square feet. However, no individual sign shall exceed three (3) square feet.

3. **Multiple-Family Establishments as a Whole.** No more than two (2) temporary signs, erected by the owner or manager of the establishment shall be allowed per multiple-family dwelling establishment as a whole 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. From sixty (60) days prior until five (5) days after a national, state, or local election, the total square footage limit shall be increased to forty (40) square feet. However, no individual sign shall exceed twenty (20) square feet.

B. Non-Residential.

1. **Number and Limit.** No more than two (2) temporary signs shall be allowed per 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. From sixty (60) days prior until five (5) days after a national, state, or local election, the limit of two (2) signs and the total square footage limit shall be increased to sixty-four (64) square feet. However, no individual sign shall exceed thirty-two (32) square feet.

- a. **A-Frame Signs (count toward the temporary sign limits in subsection B.1).**

(1) Sign shall be removed when facility is closed.

(2) Sign shall be located on or adjacent to the lot in which the business facility is located. Exception: If a building has no front yard, the sign may be located on the sidewalk. Signs located on the sidewalk shall provide at least three (3) feet of continuous pedestrian clearance.

2. **Other Types of Temporary Signs (do not count toward the temporary sign limits in subsection B.1).**

a. **Portable Signs (Non-Residential and Multiple-Family Establishments).** One (1) portable sign shall be no greater than thirty (30) square feet. The portable signs shall be permitted for a period not to exceed fourteen (14) days in a one (1) year period. A no-fee permit is required. 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. Portable signs do not count against the total allowable temporary sign limits of the zoning lot.

b. **Attention-Getting Devices.** Attention-getting devices such as but not limited to feather banners, sail signs, and air dancers shall be allowed for a maximum period of fourteen (14) consecutive days as follows:

(1) One (1) shall be allowed per lot. For lots with more than one hundred (100) feet of lineal street frontage, one (1) attention-getting device shall be allowed per one hundred (100) feet of lineal street frontage.

(2) Attention-getting devices do not count against the total allowable temporary sign limits of the zoning lot.

(3) One zoning lot shall not contain both sail signs/feather banners and air dancer(s).

(4) Attention-getting devices shall remain in good condition, as determined by the Zoning Administrator.

c. **Temporary Sign Covers.** 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. Fabric signs which are stretched across a sign frame and do not cover another existing sign do not fall under this subsection C.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Section 4.5 Wall Signs - Supplemental Regulations

A. Wall Sign Increase.

The maximum size of a wall sign may be increased as follows:

Wall Signs	
Distance of Wall Sign from Road	% of Building Face Permitted for Sign Area
0-100 ft.	25%
101-300 ft.	35%
Over 300 ft.	45%

B. Limitation on Placement.

No wall sign shall cover wholly or partially any wall opening nor project beyond the ends of the wall to which it is attached. No more than three (3) feet of a wall sign may project above the top of the highest wall of the building to which it is attached. Wall signs should not block architectural details. In the DOD, wall signs should match the character of the DOD, as determined by the Zoning Administrator with input from the DDA.

C. 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.

Section 4.6 Projecting Signs - Supplemental Regulations

The Zoning Administrator 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 forty (40) 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. In the case of a “zero lot line” establishment, a projecting sign may extend into the public right-of-way from the front lot line to the edge of the street curb, unless otherwise restricted by Ordinance. The Zoning Administrator has the discretion to limit the distance of the projection in the right-of-way.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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- D. Any movable part of a projecting sign shall be securely fastened by chains or hinges.

Section 4.7 Marquee or Awning Signs - Supplemental Regulations

- A. There is no limit to the size of the signage located on a marquee or awning. If an awning is a rigid awning (non-fabric) and is essentially part of the building structure, then the wall sign size limits shall apply.
- B. Signage shall be attached directly to the marquee or awning.
- C. Letters shall not project above, below, or beyond the physical dimensions of the awning.
- D. A marquee may extend above the building to which it is attached.
- E. 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.
- F. Awnings and marquees may project into the public right-of-way subject to the following conditions:
 - 1. The awning or marquee is located on a building wall that is set back no more than two (2) feet from the lot line.
 - 2. The setback requirement for the yard in which the awning or marquee is located is zero (0) feet.
 - 3. The awning or marquee may extend into the public right-of-way from the front property line to the edge of the street curb, unless otherwise restricted by ordinance. The Zoning Administrator has the discretion to limit the distance of the projection in the right-of-way.
 - 4. Awnings shall be constructed so as not to interfere with street trees or pedestrian movement.

Section 4.8 Message Boards – Supplemental Regulations

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, CBD, CCD, I-1, and I-2 Districts and for non-residential uses in all districts.

- 1. Message boards shall count toward the total available sign square footage allowed on the property.
- 2. Static message boards shall be an integral part of the primary sign.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

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, I-1, and I-2 Districts and for churches and schools in all districts.

1. Message boards shall count toward the total available sign square footage allowed on the property.
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 messages, 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 the 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.

C. Number Allowed.

Only one (1) static or one (1) electronic message board shall be permitted per property.

Section 4.9 Off-Premise Signs

A. Large Off-Premise Signs (Billboards).

The regulation of billboards 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 billboard 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) feet above the ground. Double-faced billboard structures (i.e., structures having back-to-back faces) and V-type structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one (1) billboard.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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2. **Location.** Static and digital billboards may be erected only in an Industrial District along a State trunkline. No billboard 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 lot line of twenty-five (25) feet. No billboard shall be installed or placed on top of, cantilevered, or otherwise suspended above the roof of any building.
3. **Spacing.** Billboards shall be located no closer to one another than two thousand (2000) feet.
4. **Material Required.** All billboards shall have a surface or facing of non-combustible material.
5. **Illumination.** A billboard 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 billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
6. **Digital Billboards.**
 - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be completed in one (1) second or less.
 - b. **Luminance.** The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of one hundred (150) feet for those sign faces less than or equal to three hundred (300) square feet.
 - c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.
7. A billboard 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. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
8. A billboard 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. Small Off-Premise Signs on Private Property (Permanent or Temporary).

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

1. Small off-premise signs shall be no greater than six (6) square feet in area.
2. Small off-premise signs shall be no greater than four (4) feet in height.
3. Small off-premise signs must be located at intersections.
4. Small off-premise signs shall only be located on commercial or industrial property.
5. One (1) small off-premise sign is permitted per commercial or industrial zoning lot.
6. Small off-premise signs on occupied lots shall NOT count toward that lot's sign size limitations.
7. A zoning permit is required if the sign is permanent.

Section 4.10 Murals

Murals are not considered wall signs and are not required to adhere to the sign size limitations in this Section and do not require a zoning permit. Murals shall not be located on the front façade of a building unless approved by the Zoning Administrator.

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 Section 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 Section to a particular lot, lot use, building, or structure, such ruling shall not affect the application of said provision to any other lot, lot use, building, or structure not specifically included in said ruling.

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Article 5

District Regulations

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Section 5.0 Districts Established

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

City of Alpena Zoning Districts

R-2	Single-Family Residential District	PUD	Planned Unit Development District
R-T	Two-Family Residential District	OS-1	Office & Service District
RM-1	Multiple-Family Residential District	B-1	Local Business District
RM-2	Multiple-Family Residential District	B-2	General Business District
WD	Waterfront Development District	I-1	Light Industrial District
CBD	Central Business District	I-2	General Industrial District
DOD	Downtown Overlay District	CR	Conservation & Recreation District
CCD	Commercial Corridor District	P-1	Parking District

Section 5.1 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 shorelines 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.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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- 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 5.2 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 5.3 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 5.4 Zoning of Annexed Areas

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

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 the same by resolution.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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Section 5.5 General (All Districts)

A. Permitted Uses.

Permitted uses in all districts shall be limited to the uses listed in [Table 5.21: 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 5.21: Use Matrix](#) and shall be subject to the provisions of [Article 6: Plot Plans, Site Plan and Special Land Use Review](#) and the applicable portions of [Article 7: Supplemental Regulations](#).

C. Conflict.

In the event of a conflict between the Use Matrix in [§5.21](#) and the individual district tables in [§5.6](#) through [§5.19](#), the Use Matrix shall supersede.

D. Area and Height Regulations.

No building or structure shall be erected, altered, or enlarged unless the standards in [§§5.6–5.20](#) are provided and maintained in connection with such building, erection, alteration, or enlargement.

E. Approvals	
Administrative Approvals	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 the Zoning Administrator.
Administrative Departures	An Administrative Departure is a permitted deviation from the requirements of the Zoning District which are approved by the Zoning Administrator. Only those Administrative Departures that are listed within each Zoning District may be considered.
Planning Commission Approval	The development is subject to site plan review by the Planning Commission in accordance with the applicable provisions of Article 7 .
Planning Commission Departure	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.
Zoning Administrator	Any member or designee of the City of Alpena Zoning Administrator with the authority to administer the Zoning Ordinance.
Special Land Uses	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.
Variances (Dimensional & Use Variances)	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. Any modification not considered an Administrative or Planning Commission Departure is considered a variance.

Section 5.6 R-2 Single-Family Residential District

A. Intent.

The R-2 Single-Family Residential District is designed to provide for an environment of predominantly low density, single-family detached dwellings along with other related facilities which serve the residents in the district.

R-2

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES		R-2
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>		
Arts, Entertainment & Recreation		
Botanical Gardens		S
Campgrounds/RV Parks (public or private) §7.7		S
Docks/Launch Ramps/Assoc Parking (public)		S
Golf Courses §7.12		S
Parks, Playgrounds, Recreation Areas, Nature Parks - Managed by a Public or Non-Profit Entity (Passive Recreation)		R
Commercial		
Neighborhood Businesses §7.9		S
Lodging		
Bed & Breakfasts/Tourist Homes §7.6		S
Hospital Hospitality House		S
Rooming Houses §7.26		RS
Communications		
Amateur Radio Antennae (roof or ground-mounted) §7.2		R
Educational Services; Religion; Cemeteries		
Cemeteries		R
Public or private schools		R
Religious Institutions		S
Human Care & Social Assistance		
Adult Day Care Facilities (in private home)		S
Adult Day Care Facilities (not in private home)		S
Adult Foster Care Homes, Assisted Living Facilities §7.4 , Nursing Homes, & Convalescent Homes (see following):		
6 or less adults		R
7-12 adults		S

TABLE OF PERMITTED USES & SPECIAL LAND USES		R-2
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>		
Human Care & Social Assistance (cont.)		
Child Day Care Services (see following):		
Family Child Care Home §7.8		R
Group Child Care Home §7.8		R
Child Care Center §7.8		S
Nursery Schools §7.8		S
State-Licensed Residential Facilities (6 or less)		R
Miscellaneous		
Accessory Buildings/Structures §3.11		R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40		S
Public Facilities		
Community Centers (public)		S
Libraries		S
Police/Fire Stations		S
Residential		
Accessory Dwelling Units §7.27		R
Home Occupations & Home Offices §7.38		R
Single-Family Dwelling		R
Quadplex & Triplex (Shall be in new construction only and shall have the appearance of a dwelling. No conversion of existing homes to multiple-family shall occur in R-2.)		R
Utilities & Energy		
Public Utility Facilities (without storage yards)		S
Solar Energy Panels – Accessory §3.12.C		R
Wind Energy Systems (small on-site) §3.12.H		R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

C. Development Standards for R-2 District.

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

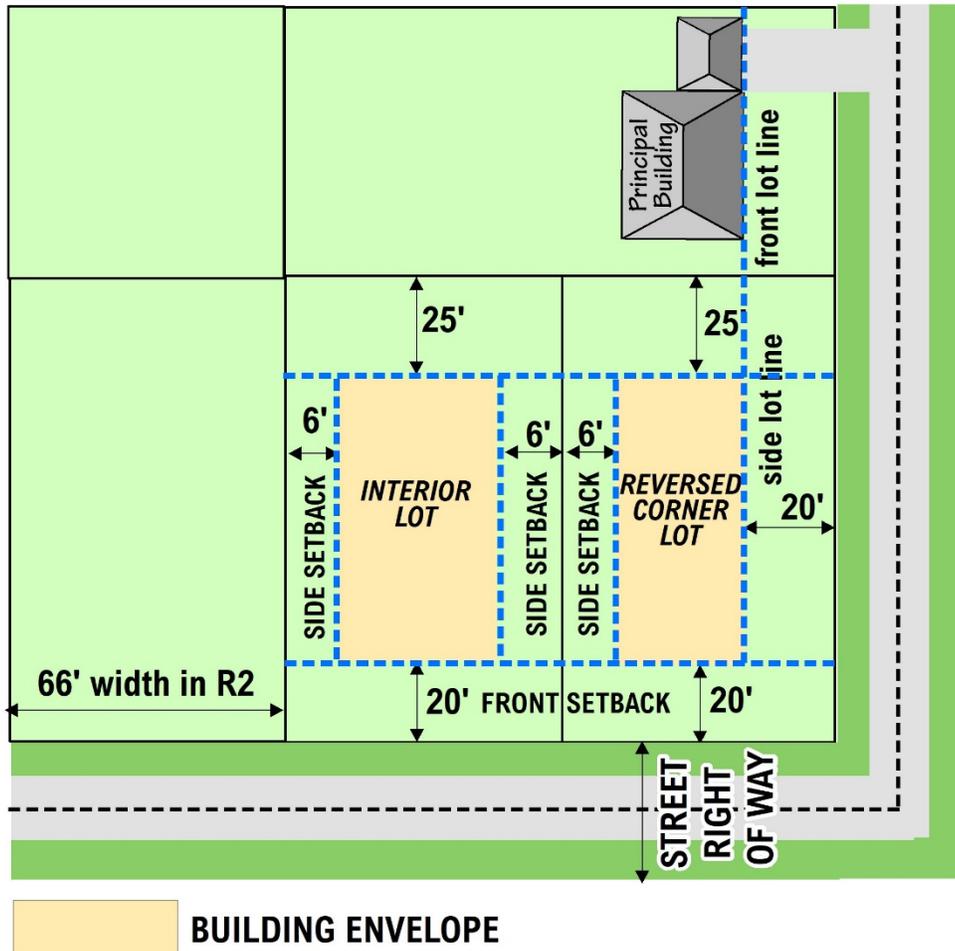
R-2

1. Lot & Structure Standards	
R-2	
a. Lot Area (min.)	7,920 sq ft
b. Lot Width (min.)	66 ft New lots with a width of less than 66 ft but no less than 33 ft are permitted if the applicant can show the following: (1) Compliance with on-site parking requirements. (2) Ability to meet required setbacks without a variance. (3) Access to the lot via an alley if the lot cannot be accessed from the front.
c. Building Height (max.)	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, and wireless support structures which are regulated by Article 7: Supplemental Regulations .
d. Dwelling Unit Size (min.)	Single story structure: 960 sq ft Multi-story structure: 960 sq ft total with 480 sq ft on the ground floor (Does not apply to accessory dwelling units)
e. Lot Coverage (max.)	35% Lot coverage does not apply to decks, paved driveways/walkways, patios, fences, solar panels, or swimming pools.
2. Setbacks (see Figure 5.6)	
a. Front (min.)	20 ft In established neighborhoods, the required front yard setback may equal the least front setback of the nearest principal building on the same block on the same side of the street.
b. Side (min.)	Interior side: 6 ft Corner side: 20 ft In the case of a reversed corner lot, the side setback for a principal structure shall be equal to setback of the principal building of the adjoining lot or the front yard setback of the district, whichever is less.
c. Rear (min.)	25 ft - In the case of a corner lot which is addressed along the longest street frontage, the rear setback shall be 20 ft
d. Waterfront	35 feet from the Ordinary High Water Mark

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Figure 5.6

R-2 DISTRICT SETBACKS



1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

3. Additional Development Standards	
a. One Family Dwellings	<p>Single-family detached dwellings, site-built or built off-site, are subject to the following conditions:</p> <p>(1) Shall comply with applicable Building Codes and Ordinances unless exempt totally or partly under State or Federal Regulations</p> <p>(2) The average width-to-depth or depth-to-width ratio of the dwelling, as measured along the outside of the perimeter walls, shall not exceed 2.5 to 1</p>
b. Accessory Buildings	See §3.11
c. Accessory Uses	See §3.12
d. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28
e. Fences	See §3.27
f. Intersection & Driveways	See §3.14
g. Porches, Decks & Patios	<p>(1) Enclosed Porch. A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet. Side setbacks shall be maintained.</p> <p>(2) Open Porches and Decks. An open, unenclosed (roofed or unroofed) porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding 10 feet (but no closer than 2 feet from the sidewalk), but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained.</p> <p>(3) Patios and Grade-Level Decks. A patio or grade-level deck shall maintain a 2 foot setback from all lot lines.</p> <p>(4) In established neighborhoods, the required front yard setback for porches, decks, and patios may equal the least front setback of a porch, deck, or patio of the nearest principal building on the same block on the same side of the street.</p> <p>(5) The Zoning Administrator may make exceptions in required setbacks of structures related to ADA-accessibility (such as but not limited to ramps).</p>
h. Architectural Features & Projections	<p>(1) For properties with a minimum 6 foot side yard, chimneys, flues, cornices, eaves, gutters, and similar features may project into any required setback a maximum of 24 inches.</p> <p>(2) Unenclosed and unroofed fire escapes, outside stairways, and balconies may project into a required setback to within 5 feet of the lot line.</p>
i. Signs	See Article 4
j. Access Management	See §3.35

k. Parking	<p>(1) Number of Parking Spaces Required: 2 for each dwelling unit.</p> <p>(2) 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.</p> <p>(3) New Development Only: 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 50 percent of any front yard. The Zoning Administrator may make an exception to this requirement where the criteria cannot be met based on the physical layout of the lot.</p>
l. Storage in Front Yards	See §3.22
m. Exterior Site Lighting	See §3.26

D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right
2. Planning Commission Approval	Special Land Uses.
3. Administrative Departures	Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot. See also subsection C.2.a and C.3.g for departures to front setbacks.
4. Planning Commission Departures	The Planning Commission may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height yard and/or height where no alternative plan can be suitably developed for a lot.
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

Section 5.7 R-T Two-Family Residential Districts

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.

R-T

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES		
<i>R = Permitted by right</i>		R-T
<i>S = Permitted with a Special Land Use Permit</i>		
<i>§ indicates supplemental regulations apply</i>		
Arts, Entertainment & Recreation		
Parks, Playgrounds, Recreation Areas, Nature Parks -Managed by a Public or Non- profit ntity (Passive Recreation)		R
Commercial		
Neighborhood Businesses §7.39		S
Lodging		
Bed & Breakfasts/Tourist Homes §7.6		S
Hospital Hospitality House		S
Rooming Houses §7.26		RS
Communications		
Amateur Radio Antennae (roof or ground-mounted) §7.2		R
Educational Services; Religion; Cemeteries		
Cemeteries		S
Public or private schools		R
Religious Institutions		S
Human Care & Social Assistance		
Adult Day Care Facilities (in private home)		S
Adult Day Care Facilities (not in private home)		S
Adult Foster Care Homes, Assisted Living Facilities §7.4 , Nursing Homes, & Convalescent Homes:		
6 or less adults		R
7-12 adults		S

TABLE OF PERMITTED USES & SPECIAL LAND USES		
<i>R = Permitted by right</i>		R-T
<i>S = Permitted with a Special Land Use Permit</i>		
<i>§ indicates supplemental regulations apply</i>		
Human Care & Social Assistance (cont.)		
Child Day Care Services (see following):		
Family Child Care Home §7.8		R
Group Child Care Home §7.8		S
Child Care Center §7.8		S
Nursery Schools §7.8		S
State-Licensed Residential Facilities (6 or less adults)		R
Miscellaneous		
Accessory Buildings/Structures §3.11		R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40		S
Public Facilities		
Community Centers (public)		S
Libraries		S
Police/Fire Stations		S
Residential		
Home Occupations & Home Offices §7.38		R
Single-Family Dwelling		R
Townhouses (not permitted on Chisholm between 1 st & 3 rd Avenues and on 2 nd Avenue between Lockwood and the Thunder Bay River)		R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	R-T
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Residential (continued)	
Two-Family Dwelling (duplex)	R
Utilities & Energy	
Public Utility Facilities (without storage yards)	S
Solar Energy Panels – Accessory §3.12.C	R
Wind Energy Systems (small on-site) §3.12.H	R

C. Development Standards for R-T Districts

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

R-T

1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	50 ft
c. Building Height (max.)	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, and wireless support structures which are regulated by Article 7: Supplemental Regulations .
d. Dwelling Unit Size (min.)	350 sq ft
e. Lot Coverage (max.)	N/A
2. Setbacks (see Figure 5.7 A)	
a. Front (min.)	20 ft
	In established neighborhoods, the required front yard setback may equal the least front setback of the nearest principal building on the same block on the same side of the street.
b. Side (min.)	Interior side: 6 ft
	Corner side: 20 ft In the case of a reversed corner lot, the side setback for a principal structure shall be equal to setback of the principal building of the adjoining lot or the front yard setback of the district, whichever is less
c. Rear (min.)	25 ft
d. Waterfront	35 feet from the Ordinary High Water Mark

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

R-T DISTRICT SETBACKS

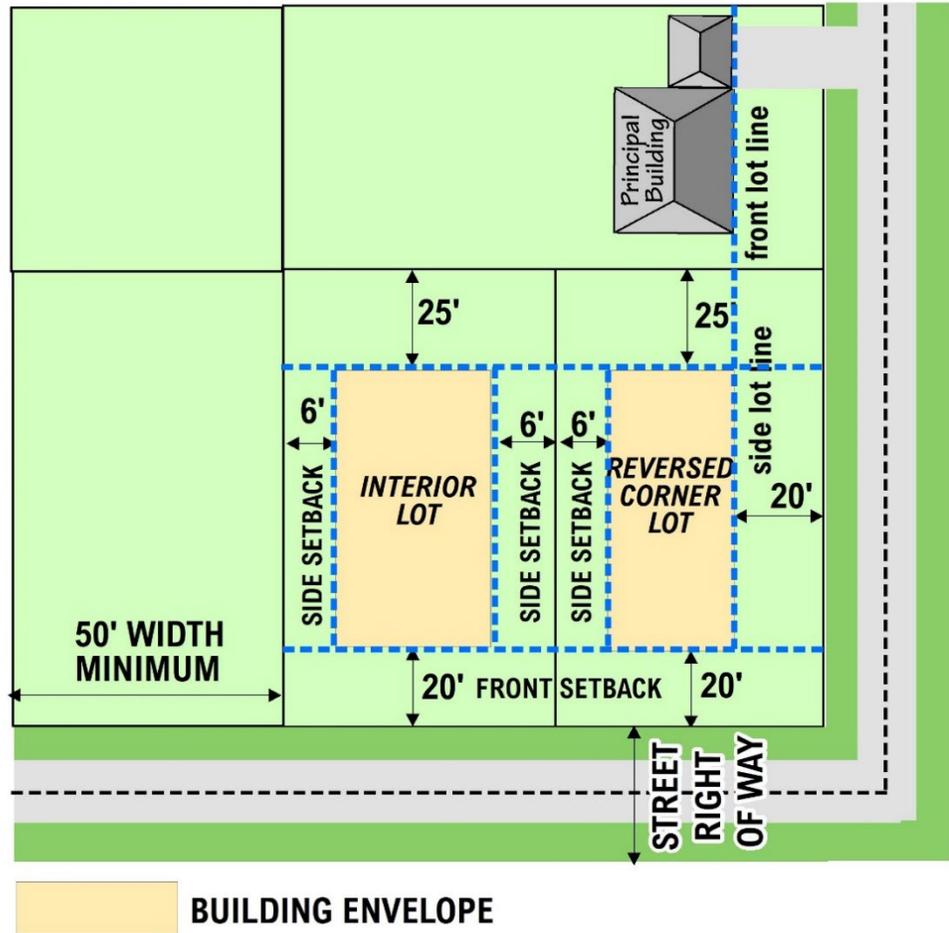


Figure 5.7

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

3. Additional Development Standards	
a. Accessory Buildings	See §3.11
b. Accessory Uses	See §3.12
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28
d. Fences	See §3.27
e. Intersection & Driveway	See §3.14
f. Porches, Decks & Patios	<p>(1) Enclosed Porch. A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet. Side setbacks shall be maintained.</p> <p>(2) Open Porches and Decks. An open, unenclosed (roofed or unroofed) porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding 10 feet (but no closer than 2 feet from the sidewalk), but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained.</p> <p>(3) Patios and Grade-Level Decks. A patio or grade-level deck shall maintain a 2 foot setback from all lot lines.</p> <p>(4) In established neighborhoods, the required front yard setback for porches, decks, and patios may equal the least front setback of a porch, deck, or patio of the nearest principal building on the same block on the same side of the street.</p> <p>(5) The Zoning Administrator may make exceptions in required setbacks of structures related to ADA-accessibility (such as but not limited to ramps).</p>
g. Architectural Features & Projections	<p>(1) For properties with a minimum 6 foot side yard, chimneys, flues, cornices, eaves, gutters, and similar features may project into any required setback a maximum of 24 inches.</p> <p>(2) Unenclosed and unroofed fire escapes, outside stairways, and balconies may project into a required setback to within 5 feet of the lot line.</p>
h. Signs	See Article 4
i. Parking	<p>(1) Number of Parking Spaces Required: 1.5 for each dwelling unit.</p> <p>(2) 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.</p> <p>(3) New Development Only: 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 50 percent of any front yard. Such parking area shall provide 2 parking spaces per dwelling unit where no garage is provided. The Zoning Administrator may make an exception to this requirement where both criteria cannot be met based on the physical layout of the lot. The conversion of a single-family dwelling into a two-family dwelling shall not require an unpaved driveway to be paved, however the correct number of parking spaces shall be present.</p>

j. Storage in Front Yards	See §3.22
k. Exterior Site Lighting	See §3.26

D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses. See §6.0 for full list.
3. Administrative Departures	Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot. See also subsection C.2.a and C.3.f for departures to front setbacks.
4. Planning Commission Departures	The Planning Commission may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height yard and/or height where no alternative plan can be suitably developed for a lot.
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

Section 5.8 RM-1 and RM-2 Multiple-Family Residential Districts

A. Intent.

The Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures and related uses.

RM-1

B. Uses Permitted by Right & Special Land Uses.

RM-2

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES		
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	RM-1	RM-2
Arts, Entertainment & Recreation		
Botanical Gardens	S	S
Campgrounds/RV Parks (public or private) §7.7	S	S
Docks/Launch Ramps/Assoc Parking (public)	S	S
Fitness & Recreational Sports Centers (ex: health spas, health clubs, racquetball)	S	S
Parks, Playgrounds, Recreation Areas, Nature Parks - Managed by a Public or Non-Profit Entity (Passive Recreation)	R	R
Commercial		
Neighborhood Businesses §7.39	S	S
Lodging		
Bed & Breakfasts/Tourist Homes §7.6	S	S
Hospital Hospitality House	R	R
Residential Human Care Facility §7.24	S	S
Rooming Houses §7.26	RS	RS
Communications		
Amateur Radio Antennae (roof or ground-mounted) §7.2	R	R
Educational Services; Religion; Cemeteries		
Cemeteries	R	R
Public or private schools	R	R
Religious Institutions	S	S
Human Care & Social Assistance		
Adult Day Care Facilities (in private home)	S	S
Adult Day Care Facilities (not in private home)	S	S

TABLE OF PERMITTED USES & SPECIAL LAND USES		
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	RM-1	RM-2
Human Care & Social Assistance		
Adult Foster Care Homes, Assisted Living Facilities §7.4 , Nursing Homes, & Convalescent Homes (see following):		
6 or less adults	R	R
7-12 adults	S	S
13-20 adults	S	S
Over 20 adults	S	S
Child Day Care Services (see following):		
Family Child Care Home §7.8	R	R
Group Child Care Home §7.8	S	S
Child Care Center §7.8	S	S
Nursery Schools §7.8	S	S
State-Licensed Residential Facilities (6 or less adults)	R	R
Miscellaneous		
Accessory Buildings/Structures §3.11	R	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S	S
Public Facilities		
Community Centers (public)	S	S
Libraries	S	S
Police/Fire Stations	S	S

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES		
<i>R = Permitted by right</i>	RM-1	RM-2
<i>S = Permitted with a Special Land Use Permit</i>		
<i>§ indicates supplemental regulations apply</i>		
Residential		
Home Occupations & Home Offices §7.38	R	R
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.18		S
Multiple-Family Dwelling	R	R
Single-Family Dwelling	R	R
Townhouses (not permitted on Chisholm between 1 st & 3 rd Avenues and on 2 nd Avenue between Lockwood and the Thunder Bay River)	R	R
Two-Family Dwelling (duplex)	R	R
Quadplex or Triplex	R	R
Utilities & Energy		
Public Utility Facilities (without storage yards)	S	S
Solar Energy Panels – Accessory §3.12.C	R	R
Wind Energy Systems (small on-site) §3.12.H	R	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

C. Development Standards for RM-1 & RM-2 Districts.

Single-family detached dwellings: standards of **R-2 District** apply.

RM-1

RM-2

Two-family dwellings: standards of the **R-T District** apply

Multiple-family dwellings: Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards

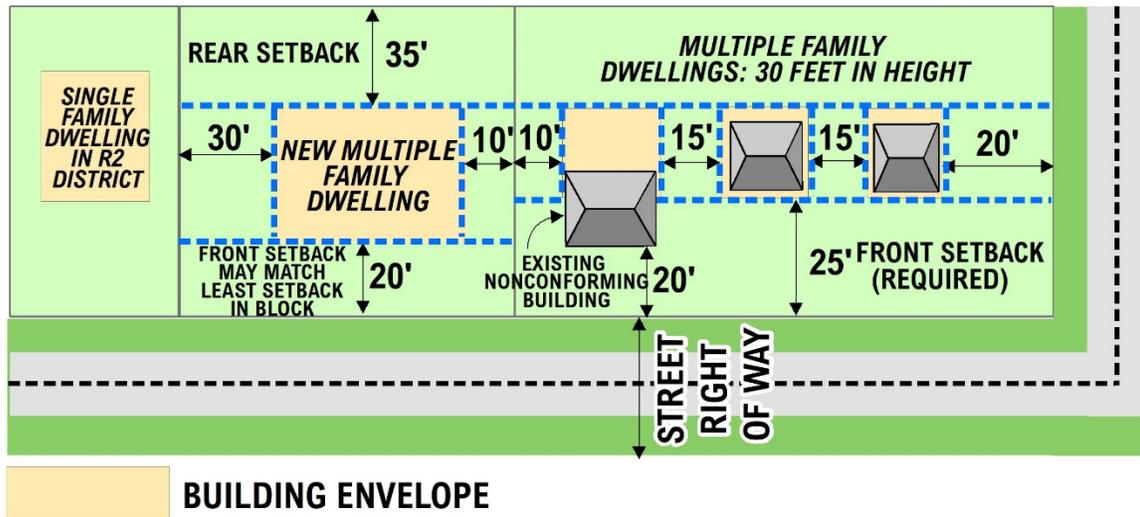
	RM-1	RM-2
a. Lot Area (min.)	N/A	N/A
b. Lot Width (min.)	N/A	N/A
c. Building Height (max.)	36 ft	48 ft
	Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, and wireless support structures which are regulated by Article 7: Supplemental Regulations .	
d. Dwelling Unit Size (min.)	350 sq ft	
e. Density	Up to six (6) units per lot	Greater than six (6) units per lot

2. Setbacks (see Figure 5.8)

a. Front (min.)	25 ft
	In established neighborhoods, the required front yard setback may equal the least front setback of the nearest principal building on the same block on the same side of the street.
b. Side (min.)	10 ft on each side
	20 ft on the corner side yard The side yards of a multiple-family dwelling building or development shall provide side yards of not less than 30 ft on those sides which border on districts other than a multiple-family district
c. Rear (min.)	35 ft
d. Waterfront	35 feet from the Ordinary High Water Mark
e. Distance Between Buildings	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 (see Figure 5.8). The Zoning Administrator or Planning Commission may approve a lesser distance where it can be shown that such lesser distance does not result in a reduction of light, air, and privacy for residents.

Figure 5.8

R-M DISTRICT SETBACKS



3. Additional Development Standards	
a. Accessory Buildings	See §3.11
b. Accessory Uses	See §3.12
c. Screening	When a non-residential use abuts a residential use or district or when a multiple-family use abuts a single-family use or an R-2 or R-T District, screening is required per §3.28. Screening shall be provided around dumpsters and trash containers for multiple-family buildings.
d. Fences	See §3.27
e. Intersection & Driveways	See §3.14
f. Signs	See Article 4
g. Parking	See §3.31
h. Storage in Front Yards	See §3.22
i. Exterior Site Lighting	See §3.26
j. Porches, Decks & Patios	(1) Enclosed Porch. A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet. Side setbacks shall be maintained. (2) Open Porches and Decks. An open, unenclosed (roofed or unroofed) porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding 10 feet (but no closer than 2 feet from the sidewalk),

	<p>but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained.</p> <p>(3) Patios and Grade-Level Decks. A patio or grade-level deck shall maintain a two (2) foot setback from all lot lines.</p> <p>(4) In established neighborhoods, the required front yard setback for porches, decks, and patios may equal the least front setback of a porch, deck, or patio of the nearest principal building on the same block on the same side of the street.</p> <p>The Zoning Administrator may make exceptions in required setbacks of structures related to ADA-accessibility (such as but not limited to ramps).</p>
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D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses; Multiple Family Developments. See §6.0 for full list.
3. Administrative Departures	Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot. See also subsection C.2.a and C.2.e for departures to setbacks.
4. Planning Commission Departures	N/A
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

Section 5.9 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 & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	WD
Arts, Entertainment & Recreation	
Amusement Arcades	R
Art Studios	R
Boat Tours	R
Dive Shops/Dive Tours	R
Docks/Launch Ramps/Assoc Parking (public)	R
Fishing Boat Docks, tourist/community	R
Indoor Commercial Recreation Facility	R
Maritime Vessels - Public Agencies, Educational, or Foundations	R
Marinas (including boat fuel sales, boat supplies, & accessories) §7.20	R
Museums & Galleries	R
Outdoor Performance Facilities	S
Parks, Playgrounds, Recreation Areas, Nature Parks -Managed by a Public or Non-Profit Entity (Passive Recreation)	R
Performing Arts Facilities/ Theaters	R
Commercial	
Bakeries (goods produced & sold on-site)	R
Coffee Shops	R
Commercial Docks & Assoc. Facilities	R
Commercial Event Facility; Convention Centers; Conference Centers; Banquet Halls	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	WD
Commercial (cont.)	
Drinking Establishments	R
Drive-Throughs for Permitted & Special Land Uses §7.10	S
Dry Cleaning & Laundry Services (dealing directly w/customers)	R
Electronic & Precision Equipment Repair & Maintenance	R
Financial Institution with drive through §7.10	S
Financial Institution without drive through	R
Food Trucks §7.39	R
Food Truck Parks §7.39	S
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
Restaurants without Drive-Through	R
Restaurants with Outdoor Dining (Dining on private property) §7.25	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	WD
Commercial (cont.)	
Restaurants with Outdoor Dining (Dining public right-of-way) §7.25	R
Retail:	
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Fish (fresh) processing and sales	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores	R
General Merchandise Stores	R
Health & Personal Care Stores	R
Office Supply Stores	R
Pawn Shops/Resale Shops/Antique Shops	R
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
Seasonal Use Sales (no permit needed)	R
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Tattoo/Piercing Studio	R
Wineries, Breweries & Distilleries with Food or Drink Service	R
Lodging	
Bed & Breakfasts/Tourist Homes §7.6	S
Hotels & Motels & Resorts (attached or detached units) §7.15	R
Communications	
Amateur Radio Antennae (roof or ground-mounted) §7.2	R
Wireless communication & supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure §7.30	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	WD
Educational Services; Religion; Cemeteries	
Colleges/Universities/ Institutions of Higher/Specialized Learning (public and private)	R
Public or Private Schools	R
Religious Institutions	R
Manufacturing; Industrial; Mining; Waste Management	
Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers) Example: coffee roasting facility which ships product to retailers and also sells directly to customers	S
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S
Parking Lots	
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves)	S
Parking Structures §7.23	S
Public Facilities	
Community Centers (public)	R
Government Offices	R
Libraries	R
Post Office	R
Residential	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) §7.1 Ground-floor residential is not permitted.	R
Home Occupations & Home Offices §7.38	R
Multiple-Family Dwelling	R
Single-Family Dwelling (River Street between 7 th & 9 th Ave)	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	WD
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Residential (continued)	
Townhouses (not permitted on Chisholm between 1 st & 3 rd Avenues and on 2 nd Avenue between Lockwood and the Thunder Bay River)	R
Quadplex and Triplex	R
Transportation Services; Warehousing; Wholesale Trade; Storage	
Transit Center & Ground Passenger Transportation (only depot/station)	R
Wholesale Trade of Fresh Fish	R
Utilities & Energy	
Solar Energy Panels – Accessory §3.12.C	R
Wind Energy Systems (small on-site) §3.12.H	RS

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

C. Development Standards for WD District

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:



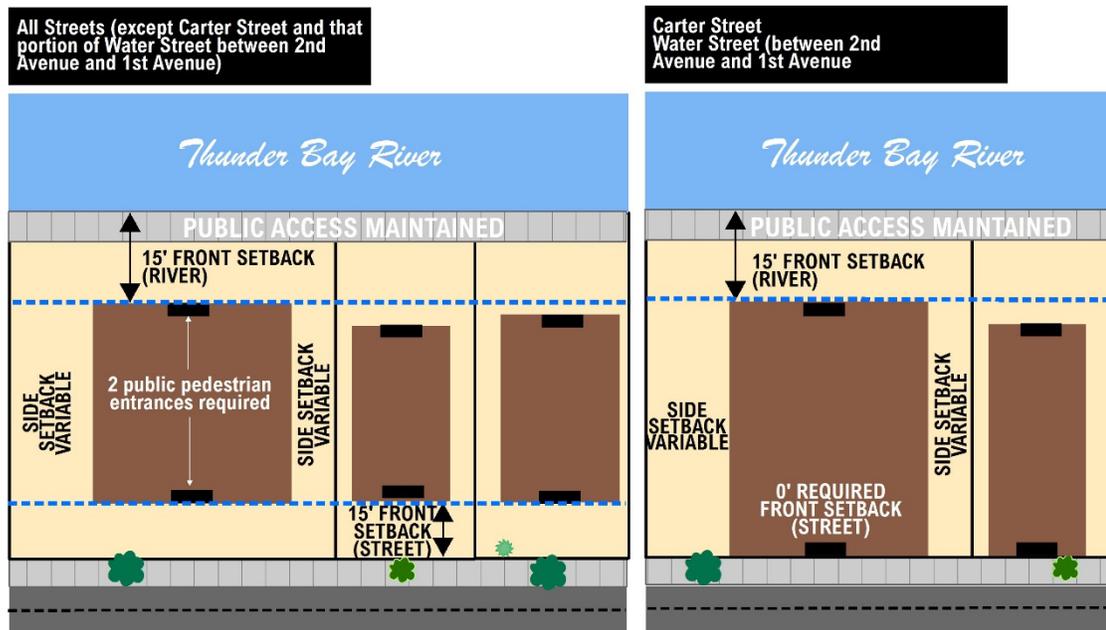
1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	36 ft
	Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, and wireless support structures which are regulated by Article 7: Supplemental Regulations .
d. Dwelling Unit Size (min.)	350 sq ft
2. Setbacks (see Figure 5.9)	
a. Front	(1) Street Side Along Carter St and that portion of Water St between 2nd Ave and 1 ST Avenue: 0 ft REQUIRED (shown at right)
	(2) Street Side on All Other Parcels except (1) above: 15 ft MINIMUM
	(3) Along Waterfront: 15 ft MINIMUM from the top of the bank (sufficient to include minimum 8-foot riverwalk)
b. Side	Variable per approved site plan
Single-Family Residential: Setbacks shall be in accordance with the R-2 District.	
3. Additional Development Standards	
a. Public Entrances	All buildings shall provide at least 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. For mixed-use buildings, the two public entrances shall be located in the non-residential portion of the building. This requirement shall not apply to single-family dwellings.
b. 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.
c. Parking	(1) 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 §3.28 .



1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

	(2) Waterfront Side Parking Lots: Off-street parking located along the waterfront shall be located at least 5 feet from the public walkway along the waterfront.
d. Accessory Buildings	See §3.11
e. Accessory Uses	See §3.12
f. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28
g. Signs	See Article 4
h. Exterior Site Lighting	See §3.26
i. Existing One- & Two-Family Residential	Existing single-family 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 single- 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.
j. Balconies	Balconies may project into the public right-of-way. Such balconies shall have a clear height above the sidewalk of at least 8 feet and shall have a clear height above the alley right-of-way of at least 14 feet.
k. Porches, Decks & Patios	(1) A closed, roofed porch may project into a front setback for a distance not exceeding 5 feet. (2) A open, unenclosed (roofed or unroofed) deck or patio shall be no closer than 2 feet from the front lot line.

Figure 5.9



D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses. See §6.0 for full list.
3. Administrative Departures	<p>(1) Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot.</p> <p>(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.</p>
4. Planning Commission Departures	The Planning Commission may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height yard and/or height where no alternative plan can be suitably developed for a lot.
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Section 5.10 CBD: Central Business District

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.



B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CBD
Arts, Entertainment & Recreation	
Amusement Arcades	R
Art Studios	R
Boat Tours	R
Dive Shops/Dive Tours	R
Fitness & Recreational Sports Centers (ex: health spas, health clubs, racquetball)	R
Indoor Commercial Recreation Facility	R
Museums & Galleries	R
Parks, Playgrounds, Recreation Areas, Nature Parks -Managed by a Public or Non-Profit Entity (Passive Recreation)	R
Performing Arts Facilities/Theaters	R
Private Clubs; Lodges	S
Commercial	
Bakeries (goods produced & sold on-site)	R
Caterers/Food Service Contractors (In CBD, shall have a restaurant or retail component)	R
Coffee Shops	R
Commercial Event Facility; Convention Centers; Conference Centers; Banquet Halls	R
Drinking Establishments	R
Drive-Throughs §7.10	S
Dry Cleaning & Laundry Services (dealing directly w/customers)	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CBD
Commercial (cont.)	
Electronic & Precision Equipment Repair & Maintenance	R
Financial Institutions with drive through §7.10	S
Financial Institutions without drive-through	R
Food Trucks §7.39	R
Food Truck Parks §7.39	S
Funeral Homes or Mortuaries §7.11	R
Interior Designers/Showrooms	R
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Pet Care (except Veterinary & Animal Shelters)	R
Photofinishing/Photographers	R
Printing/Binding/Publishing of Printed Materials	R
Professional Offices	R
Restaurants without Drive-Through	R
Restaurants with Drive-Through/Drive-Up Window §7.10	R
Restaurants with Outdoor Dining (Dining on private property) §7.25	R
Restaurants with Outdoor Dining (Dining public right-of-way) §7.25	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CBD
Commercial (cont.)	
Retail:	
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Electronics & Appliance Stores	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores	R
General Merchandise Stores	R
Hardware Stores	R
Health & Personal Care Stores	R
Office Supply Stores	R
Pawn Shops/Resale Shops/Antique Shops	R
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
Seasonal Use Sales (no permit needed)	R
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Tattoo/Piercing Studio	R
Wineries, Breweries & Distilleries with Food or Drink Service	R
Communications	
Amateur Radio Antennae (roof or ground-mounted) §7.2	R
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R
Wireless communication & supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure §7.30	R
Wireless communications facilities attached to monopole 75' or less in height §7.30	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CBD
Educational Services; Religion; Cemeteries	
Colleges/Universities/ Institutions of Higher/Specialized Learning (public and private)	R
Public or private schools	R
Religious Institutions	R
Trade/Industrial Schools	R
Human Care & Social Assistance	
Child Day Care Services (see following):	
Child Care Center §7.8	R
Nursery Schools §7.8	R
Community/Emergency & Other Relief Services	R
Health Care/Dental/Optical Clinics	R
Individual & Family Services	R
Vocational Rehabilitation Services	R
Lodging	
Bed & Breakfasts/Tourist Homes §7.6	S
Hotels & Motels & Resorts (attached or detached units) §7.15	R
Manufacturing; Industrial; Mining; Waste Management	
Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers) Example: coffee roasting facility which ships product to retailers and also sells directly to customers	S
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S
Parking Lots	
Parking Structures §7.23	S
Public Facilities	
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CBD
Residential	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) §7.1 CBD: Housing shall be permitted on the ground floor but not on the street-facing side of the building	R
Home Occupations & Home Offices §7.38	R
Multiple-Family Dwelling	S
Townhouses (not permitted on Chisholm between 1 st & 3 rd Avenues and on 2 nd Avenue between Lockwood and the Thunder Bay River)	R
Quadplex or Triplex	S
Transportation Services; Warehousing; Wholesale Trade; Storage	
Transit Center & Ground Passenger Transportation (only depot/station)	R
Utilities & Energy	
Public Utility Facilities (without storage yards)	S
Solar Energy Panels – Accessory §3.12.C	R
Wind Energy Systems §3.12.H	R

C. Development Standards for CBD District

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

CBD

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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Section 5.11 DOD: Downtown Overlay District

A. Intent.

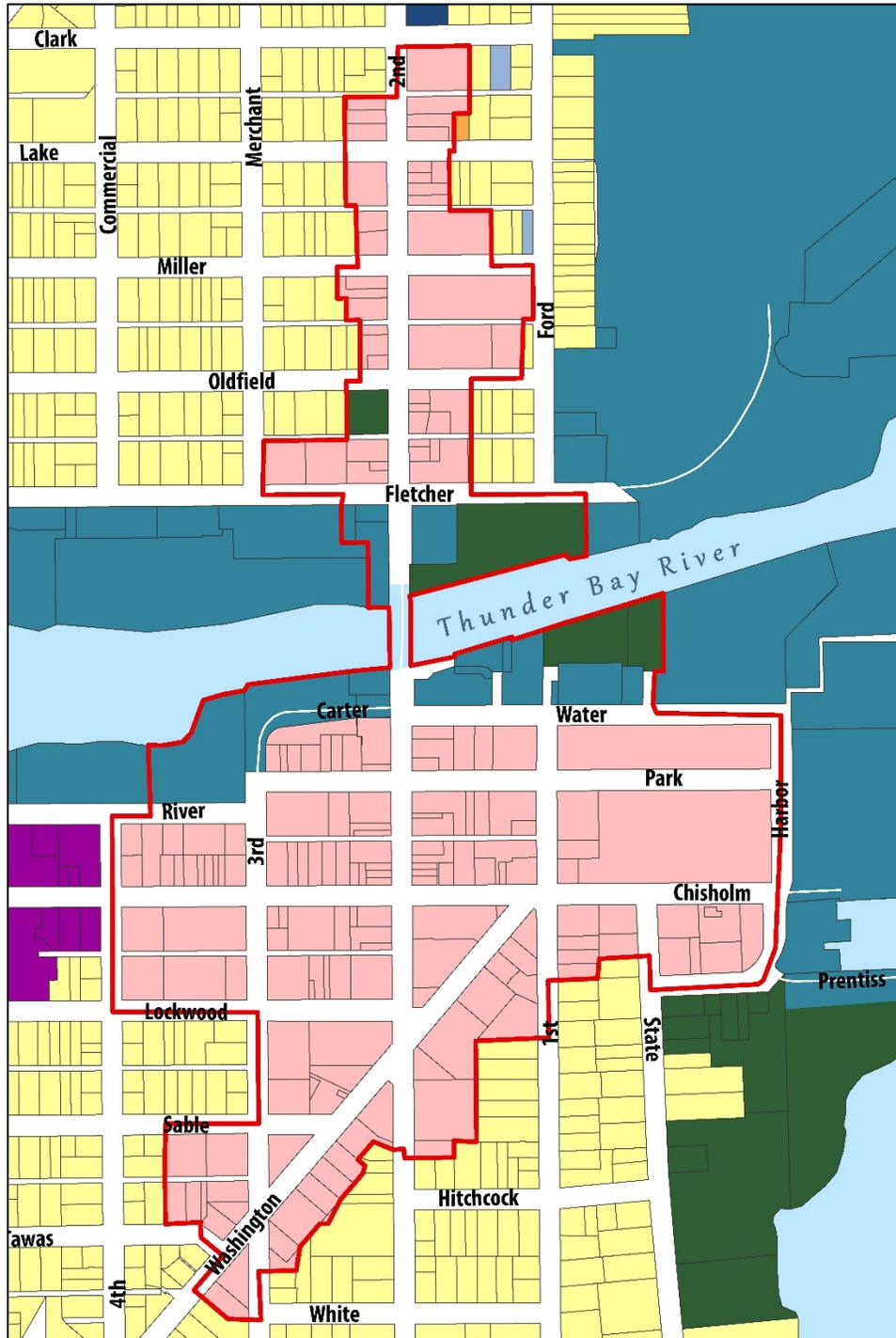
The intent of the Downtown Overlay District (shown in [Figure 5.11 A](#)) is:

1. To encourage and direct development within the CBD and portions of the Waterfront District.
2. To encourage development with the physical qualities necessary to maintain the character and enhance the economic vitality of downtown Alpena.
3. To encourage the renovation of traditional historic buildings while maintaining the historic character of the buildings and to encourage the development of new buildings which are compatible and consistent with nearby structures and the character of a traditional, historic 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.

Lots which are zoned WD or CR but which fall within the DOD shall be subject to the DOD standards, but uses are regulated by the underlying district.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Figure 5.11 A



1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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B. Design Standards.

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.

The design requirements relating to **subsections 3, 4, 5, and 6** (roofs, building materials, primary façades, and windows/doors) shall be adhered to for new construction and for buildings which undergo a major rehabilitation of more than fifty (50) percent of the area of the primary façade.

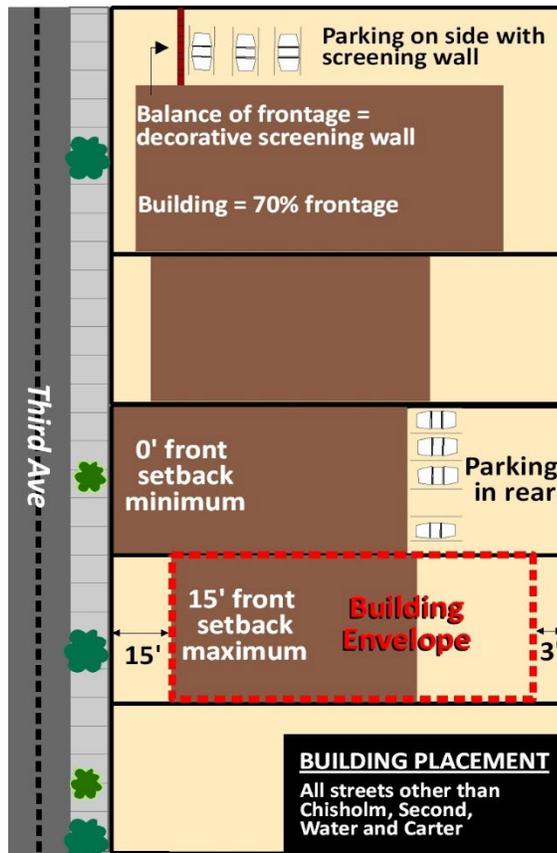
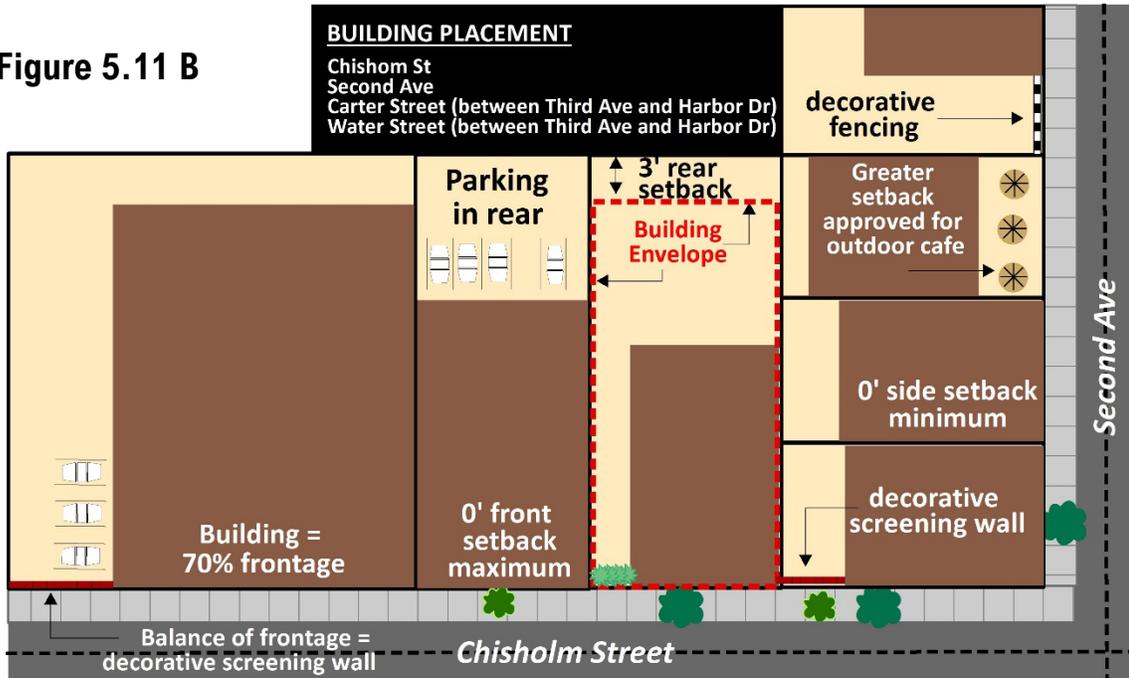
1. Lot, Dwelling Size & Building Height	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Dwelling Unit Size (min.)	<p>(1) Within a Mixed Use Building: No minimum square footage except as required by the Michigan Residential Code, as amended</p> <p>(2) Not within a Mixed Use Building: 350 sq ft</p>
d. Building Height (max.)	<p>(1) 24 ft Minimum; maximum 48 ft</p> <p>(2) Adjoining Buildings: Building height shall not vary from the height of adjoining buildings by more than 20 ft.</p> <p>(3) 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.</p> <p>(4) 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 2 stories.</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 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, and wireless support structures which are regulated by Article 7: Supplemental Regulations.</p>

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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2. Setbacks (see Figure 5.11 B)	
a. Front	(1) Second Avenue, Chisholm Street, and Water Street and Carter Street (between Third Avenue and Harbor Drive): Maximum: 0 ft 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.
	(2) All other streets within the DOD: Minimum: 0 ft setback –The building setback shall be consistent with the established dimension of existing buildings within 200 ft of the lot (on the same side of the street, in the same zoning district). Maximum: 15 ft 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.
b. Side	CBD: None required WD: Variable as per approved site plan
c. Rear	CBD Abutting a commercial district: 3 ft CBD Abutting a residential district: 10 ft WD: See §5.9.C.2
d. Lot Line Requirements	Along the 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.

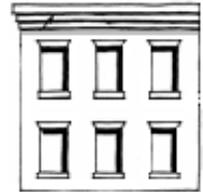
1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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Figure 5.11 B



- | | | | | |
|----------------------|-----------------------------------|----------------------------------|-------------------------|---------------------------------|
| 1 Purpose | 2 Definitions | 3 General Provisions | 4 Signs | 5 District Regulations |
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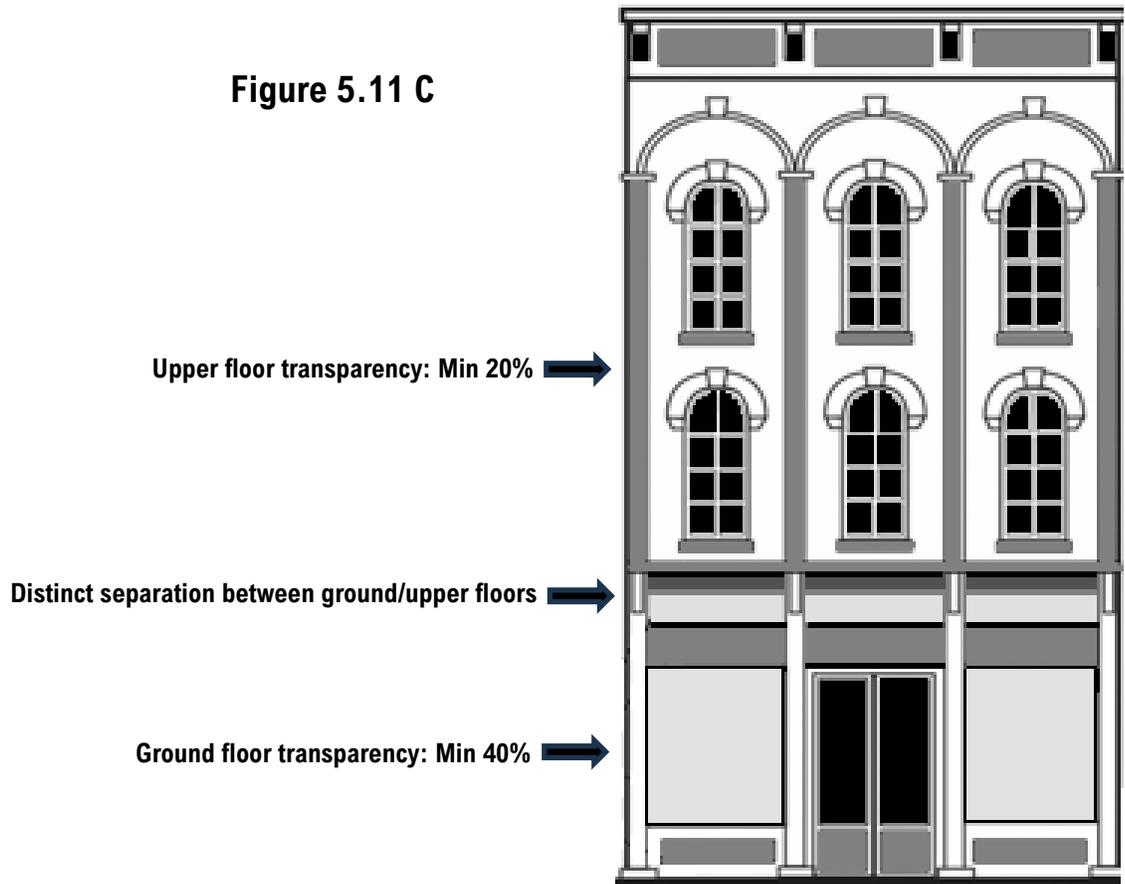
3. Roof	
a. Infill development	Roof structure shall be in scale with the building and complement the character of adjacent buildings
b. Rooftop Screening	Rooftop mechanical and other equipment shall be screened from view from adjacent properties and public rights-of-way. Parapets and other screening treatments shall blend in with the design of the building in terms of color, materials, height, and scale.
c. Flat Roofs	Flat roofs shall be enclosed by parapets and must have three-dimensional cornice treatment which is at least 12 inches in height and contains at least 3 reliefs. The approving authority may allow no cornice treatment or other configurations around flat roofs (i.e. roof treatment appropriate to the time period, etc.).

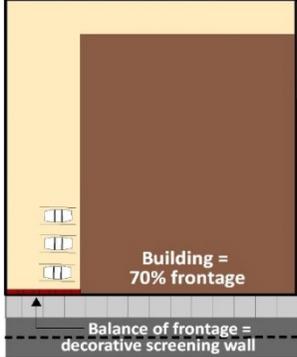


5. Primary Façade	
a. Principal Pedestrian Entrance	All buildings shall have their principal pedestrian entrance on a front lot line directly accessible from a public sidewalk. Principal entrances shall have design details that enhance the appearance and prominence of the entrance. In the Waterfront District of the DOD, §5.9.C.3.a and b 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. Buildings on corner lots shall be considered to have 2 primary façades. Rear entrances accessed from an alley or parking lot are not considered Primary Façades. Buildings along the waterfront in the Waterfront District shall have 2 primary façades.
b. Garage Doors	The location of garage doors shall be reviewed and approved during site plan approval.
c. 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.

6. Windows & Doors: Transparency (Figure 5.11 C)	
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, lobbies, pedestrian entrances, or display windows set into the wall.
b. Transparency	<p>Ground floor transparency requirements shall apply to the area of the façade between 2 feet and 10 feet 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.</p> <p>Required Window and door openings:</p> <p>Ground floor: minimum 40% Upper floor: minimum 20%</p>
c. 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.

Figure 5.11 C



7. Parking & Loading	
a. CBD	<p>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.</p> 
b. WD	<p>(1) 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 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 §3.28.</p> <p>(2) Waterfront Side Parking Lots: Off-street parking located along the waterfront shall be located at least 5 feet from the public walkway along the waterfront.</p>
c. Residential Uses	See §5.6 and §5.7
8. Outdoor Display	
a. Outdoor Display	Outdoor temporary display areas are permitted. If located at the rear or side yard, it shall be contained within the same lot. A minimum of 3 feet of passable 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 are not impaired. No barrier or street trees shall obstruct this area.
9. Sidewalk Encroachment	
a. Outdoor Seating	See §7.25 .
b. Awnings	<p>Awnings may project into the public-right-of-way subject to the following:</p> <ol style="list-style-type: none"> (1) The awning shall be located on a building wall that is set back no more than 2 feet from the lot line. (2) The awning may extend into the public right-of-way from the front lot line to the edge of the street curb unless otherwise restricted by ordinance. (3) The Zoning Administrator has the discretion to limit the distance of the projection in the right-of-way. (4) Awnings shall be constructed so as not to interfere with street trees or pedestrian movement.
c. Street Furniture	Benches and trash receptacles are permitted in areas where feasible.
d. Balconies	Balconies may project into the public right-of-way. Such balconies shall have a clear height above the sidewalk of at least 8 feet shall have a clear height above an alley right-of-way of at least 14 feet.

10. Additional Development Standards	
a. Signs	See Article 4
b. Lighting	See §3.26
c. Screening	See §3.28

C. Administrative Procedures.

1. Administrative Approval <small>(Staff may request Planning Commission Review)</small>	Uses permitted by right: (no new construction). See §6.0 for full list.
2. Planning Commission Approval	(1) Uses Permitted by Right (new construction projects). See §6.0 for full list. (2) Special Land Uses
3. Administrative Departures	(1) Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot (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 15 feet for outdoor vehicle sales as part of the Special Land Use approval.
4. Planning Commission Departures	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. [§5.11.B]

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Section 5.12 CCD: Commercial Corridor District

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 are strongly encouraged. The district represents 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 a 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 & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CCD
Agriculture/Forest Products/Animal Services	
Veterinary Services/Animal Clinics/Animal Hospitals	S
Arts, Entertainment & Recreation	
Amusement Arcades	R
Art Studios	R
Boat Tours	R
Dive Shops/Dive Tours	R
Fitness & Recreational Sports Centers (ex: health spas, health clubs, racquetball)	R
Indoor Commercial Recreation Facility	R
Museums & Galleries	R
Outdoor Commercial Recreation Facilities (private) (ZA may request PC review if use could result in excess noise, odor, or other possible nuisance conditions) §7.21	R
Outdoor Performance Facilities	S
Parks, Playgrounds, Recreation Areas, Nature Parks - Managed by a Public or Non-Profit Entity (Passive Recreation)	R
Performing Arts Facilities/ Theaters	R
Private Clubs; Lodges	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CCD
Spectator Sports Arenas	R
Commercial	
Automotive Mechanical & Electrical Repair & Maintenance §7.5	S
Automotive Oil Change & Lubrication Shops §7.5	S
Bakeries (goods produced & sold on-site)	R
Car Washes §7.32	S
Caterers/Food Service Contractors (In CBD, shall have a restaurant or retail component)	R
Coffee Shops	R
Commercial Event Facility; Convention Centers; Conference Centers; Banquet Halls	R
Drinking Establishments	R
Drive-Throughs for Permitted & Special Land Uses §7.10	R
Dry Cleaning & Laundry Services (dealing directly with customers)	R
Electronic & Precision Equipment Repair & Maintenance	R
Financial Institutions with drive through §7.10	R
Financial Institutions without drive-through	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CCD
Commercial (cont.)	
Food Trucks §7.39	R
Food Truck Parks §7.39	S
Fueling Station (gas station, electric vehicle charging facility)	S
Funeral Homes or Mortuaries §7.11	R
Interior Designers/Showrooms	R
Laboratory, Support	R
Marihuana Facilities & Establishments (Medical & Adult Use):	
Provisioning Centers/Retailers §7.34	S
Safety Compliance Facilities §7.34	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 Offices	R
Restaurants without Drive-Through	R
Restaurants with Drive-Through/Drive-Up Window §7.10	R
Restaurants with Drive-In (eat in car) §7.10	R
Restaurants with Outdoor Dining (Dining on private property) §7.25	R
Restaurants with Outdoor Dining (Dining public right-of-way) §7.25	R
Retail:	
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Electronics & Appliance Stores	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores	R
General Merchandise Stores	R
Hardware Stores	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	CCD
Commercial (cont.)	
Health & Personal Care Stores	R
Office Supply Stores	R
Outdoor Vehicle Sales & Rental §7.31	S
Pawn Shops/Resale Shops/Antique Shops	R
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
Seasonal Use Sales (no permit needed)	R
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Tattoo/Piercing Studio	R
Wineries, Breweries & Distilleries with Food or Drink Service	R
Communications	
Amateur Radio Antennae (roof or ground-mounted) §7.2	R
Small Cell Wireless Facilities §7.30	S
Telecommunications Businesses (w/vehicle storage)	R
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R
Wireless communication & supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure §7.30	R
Educational Services; Religion; Cemeteries	
Colleges/Universities/ Institutions of Higher/Specialized Learning (public and private)	R
Public or private schools	R
Religious Institutions	R
Trade/Industrial Schools	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	CCD
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Human Care & Social Assistance	
Adult Foster Care Homes, Assisted Living Facilities §7.4, Nursing Homes, & Convalescent Homes (see following):	
7-12 adults	R
13-20 adults	R
Over 20 adults	R
Child Day Care Services (see following):	
Child Care Center §7.8	R
Nursery Schools §7.8	R
Community/Emergency & Other Relief Services	R
Health Care/Dental/Optical Clinics	R
Individual & Family Services	R
Vocational Rehabilitation Services	R
Lodging	
Bed & Breakfasts/Tourist Homes §7.6	S
Hospital Hospitality House	S
Hotels & Motels & Resorts (attached or detached units) §7.15	R
Residential Human Care Facility §7.24	S
Manufacturing; Industrial; Mining; Waste Management	
Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers) <i>Example: coffee roasting facility which ships product to retailers and also sells directly to customers</i>	S
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S
Parking Lots	
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves)	S
Parking Structures §7.23	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	CCD
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Public Facilities	
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R
Residential	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) §7.1	R
Home Occupations & Home Offices §7.38	R
Multiple-Family Dwelling	R
Townhouses (not permitted on Chisholm between 1 st & 3 rd Avenues and on 2 nd Avenue between Lockwood and the Thunder Bay River)	R
Quadplex or Triplex	R
Transportation Services; Warehousing; Wholesale Trade; Storage	
Transit Center & Ground Passenger Transportation (only depot/station)	R
Utilities & Energy	
Public Utility Facilities (without storage yards)	S
Solar Energy Panels – Accessory §3.12.C	R
Wind Energy Systems (small on-site) §3.12.H	R

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C. Development Standards for CCD District

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:



1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	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, and wireless support structures which are regulated by Article 7: Supplemental Regulations .
d. Dwelling Unit Size (min.)	No minimum square footage except as required by the Michigan Residential Code, as amended.

2. Setbacks (see Figure 5.12 A)			
	Washington Ave & Ripley Street Corridors	Chisholm Steet Corridor	State Avenue Corridor
a. Front	Minimum - 10 ft* *If any abutting lot has a setback of less than 10 ft, then setback may equal the abutting lot with the least setback.	Minimum - none	Minimum – 20 feet
	Maximum - 20 ft* *Planning Commission may approve greater front yard setback for specific Special Land Uses as part of the approval process.	Maximum - 20 feet	Maximum - none
b. Side	Minimum - none (10 ft if abutting residential district or use)	Minimum - none (10 ft if abutting residential district or use)	Minimum - none (10 ft if abutting residential district or use)
c. Rear	Minimum - none (10 ft if abutting residential district or use)	Minimum - none (10 ft if abutting residential district or use)	Minimum - none (10 ft if abutting residential district or use)
d. Porches, Decks & Patios	(1) A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet. (2) A open, unenclosed (roofed or unroofed) deck or patio shall be no closer than 2 feet from the front or rear lot line. Side setbacks shall be maintained.		

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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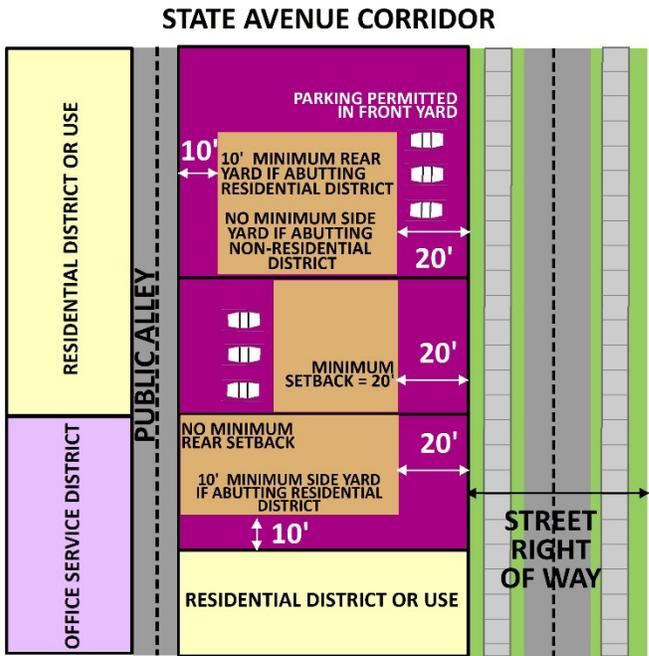
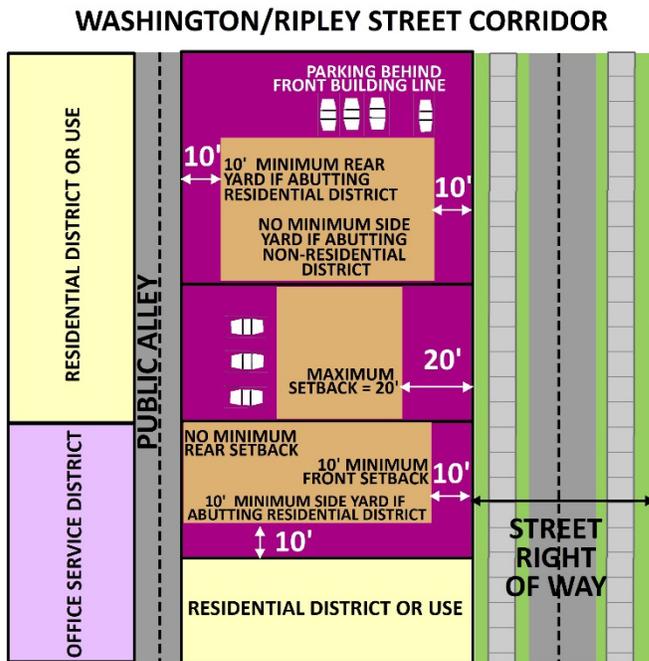
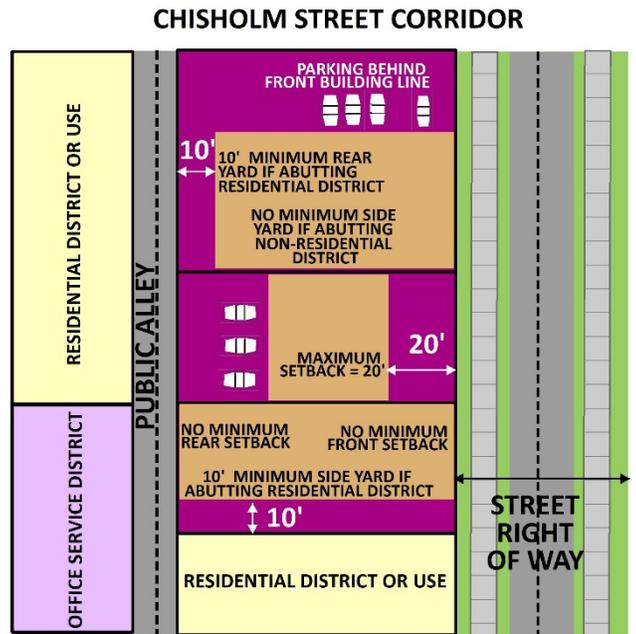


Figure 5.12 A

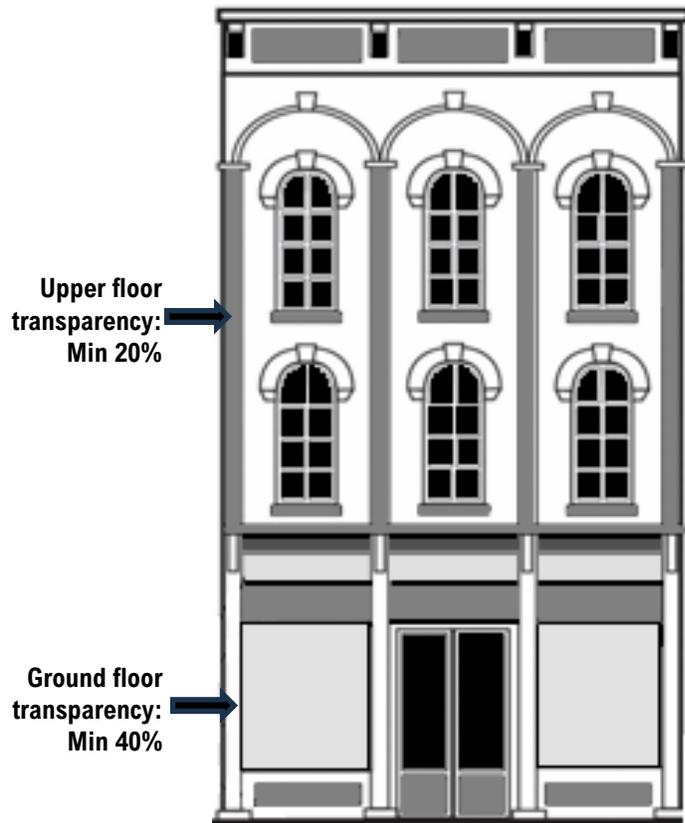


1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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3. Building Materials	
a. Prohibited Materials on Primary Façade	Flat surfaced concrete block and metal siding (unless historically appropriate) (which comprises more than 20% of the building walls). Metal trim is allowed. Besides in instances where it is historically appropriate, metal siding may be permitted by the Planning Commission.
4. Primary Façade	
a. Principal Pedestrian Entrance – new construction only	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.

5. Windows & Doors: Transparency (Figure 5.12 B)	
a. Storefront/Gr ound 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 - Chisholm Street corridor only	Ground floor transparency requirements shall apply to the area of the façade between 2 ft and 10 ft 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. Required Window and Door Openings: Ground Floor: minimum 40% Upper Floor: minimum 20%

Figure 5.12 B



6. Sidewalk Encroachment

a. Outdoor Seating	See §7.25 .
b. Awnings	Awnings may project into the public-right-of-way subject to the following: (1) The awning shall be located on a building wall that is set back no more than 2 feet from the lot line. (2) The awning may extend into the public right-of-way from the front lot line to the edge of the street curb, unless otherwise restricted by ordinance. (3) The Zoning Administrator has the discretion to limit the distance of the projection in the right-of-way. (4) Awnings shall be constructed so as not to interfere with street trees or pedestrian movement.
c. Street Furniture	Benches and trash receptacles are permitted in areas where feasible.
d. Balconies	Balconies may project into the public right-of-way. Such balconies shall have a clear height above the sidewalk of at least 8 feet shall have a clear height above an alley right-of-way of at least 20 feet.

7. Parking

a. Washington/Ripley & Chisholm Street Corridors	Parking shall not be located closer to the front property line than the front façade of the principal building.
b. State Avenue Corridor	Parking is permitted in the front yard.

8. Additional Development Standards

c. Signs	See Article 4
d. Lighting	See §3.26
e. Screening	See §3.28
f. Circulation & Parking	See §3.31

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

D. Administrative Procedures

1. Administrative Approval	Uses permitted by right. Staff may request Planning Commission Review. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses. See §6.0 for full list.
3. Administrative Departures	<p>(1) Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot</p> <p>(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.</p>
4. Planning Commission Departures	<p>(1) Washington/Ripley Corridor and Chisholm Street Corridor: Planning Commission may allow parking in the front yard if it is demonstrated that there is no other feasible location.</p> <p>(2) The Planning Commission may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height yard and/or height where no alternative plan can be suitably developed for a lot.</p> <p>(3) 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.</p>
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

Section 5.13 OS-1 Office & Service District

A. Intent.

The Office and Service (OS-1) District is designed to accommodate uses such as offices, banks, medical establishments, recreational facilities, human care facilities, 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.

OS-1

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES		TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	OS-1	<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	OS-1
Agriculture/Forest Products/Animal Services		Commercial	
Veterinary Services/Animal Clinics/Animal Hospitals	S	Interior Designers/Showrooms	R
Arts, Entertainment & Recreation		Laboratory, Support	R
Art Studios	R	Marihuana Facilities & Establishments (Medical & Adult Use):	
Fitness & Recreational Sports Centers (ex: health spas, health clubs, racquetball)	R	Provisioning Centers/Retailers §7.34	S
Indoor Commercial Recreation Facility	R	Safety Compliance Facilities §7.34	S
Museums & Galleries	R	Outdoor Vehicle Sales & Rental §7.31	S
Outdoor Commercial Recreation Facilities (private) (ZA may request PC review if use could result in excess noise, odor, or other possible nuisance conditions) §7.21	R	Personal & Household Goods Repair & Maint.	R
Outdoor Performance Facilities	S	Personal Services (barber/beauty shops, tailoring, massage)	R
Parks, Playgrounds, Recreation Areas, Nature Parks -Managed by a Public or Non-Profit Entity (Passive Recreation)	R	Photofinishing/Photographers	R
Spectator Sports Arenas	R	Printing/Binding/Publishing of Printed Materials	R
Commercial		Professional Offices	R
Bakeries (goods produced & sold on-site)	R	Restaurants without Drive-Through	R
Coffee Shops	R	Restaurants with Drive-Through/Drive-Up Window §7.10	R
Commercial Event Facility; Convention Centers; Conference Centers; Banquet Halls	R	Restaurants with Drive-In (eat in car) §7.10	R
Drive-Throughs for Permitted & Special Uses §7.10	R	Restaurants with Outdoor Dining (Dining on private property) §7.25	R
Financial Institutions with drive through §7.10	R	Retail:	
Financial Institutions without drive-through	R	Florists	R
Food Trucks §7.39	R	Food & Beverage Stores	R
Food Truck Parks §7.39	S	Office Supply Stores	R
Funeral Homes or Mortuaries §7.11	S	Outdoor Vehicle Sales & Rental §7.31	S
		Pharmacies/Medical & Optical Supplies	R
		Seasonal Use Sales	R
		Tattoo/Piercing Studio	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	OS-1
Communications	
Amateur Radio Antennae (roof or ground-mounted) §7.2	R
Small Cell Wireless Facilities §7.30	S
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R
Wireless communication & supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure §7.30	R
Wireless communications facilities attached to monopole 75' or less in height §7.30	R
Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) or any other type of wireless facility which does not fall under any other category of wireless facility §7.30	S
Educational Services; Religion	
Colleges/Universities/ Institutions of Higher/Specialized Learning (public and private)	R
Public or private schools	R
Religious Institutions	R
Trade/Industrial Schools	R
Human Care & Social Assistance	
Adult Day Care Facilities (not in private home)	R
Adult Foster Care Homes, Assisted Living Facilities §7.4, Nursing Homes, & Convalescent Homes (see following):	
7-12 adults	R
13-20 adults	R
Over 20 adults	R
Child Day Care Services (see following):	
Child Care Center §7.8	R
Nursery Schools §7.8	R
Community/Emergency & Other Relief Services	R
Health Care/Dental/Optical Clinics	R
Hospitals §7.14	S
Individual & Family Services	R
Vocational Rehabilitation Services	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	OS-1
Lodging	
Bed & Breakfasts/Tourist Homes §7.6	S
Hospital Hospitality House	S
Hotels & Motels & Resorts (attached or detached units) §7.15	R
Residential Human Care Facility §7.24	S
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S
Parking Lots	
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves)	S
Parking Structures §7.23	S
Public Facilities	
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R
Residential	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) §7.1	R
Home Occupations & Home Offices §7.38	R
Utilities & Energy	
Solar Energy Panels – Accessory §3.12C	R
Wind Energy Systems (small on-site) §3.12.H	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

C. Development Standards for OS-1 District

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

OS-1

1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	36 ft on Ripley Street; 48 ft in all areas except Ripley Street
	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, and wireless support structures which are regulated by Article 7: Supplemental Regulations .
d. Dwelling Unit Size (min.)	350 sq ft
e. Lot Coverage (max.)	N/A
2. Setbacks (see Figure 5.13)	
a. Front (min.)	20 ft
b. Side (min.)	10 ft
c. Rear (min.)	10 ft
d. Waterfront	35 feet from the Ordinary High Water Mark
3. Additional Development Standards	
a. Parking	Off-street parking shall be allowed in 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 §3.28 .
b. Accessory Buildings	See §3.11
c. Accessory Uses	See §3.12
d. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28
e. Fences	See §3.27
f. Porches, Decks & Patios	a. A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet.
	b. A open, unenclosed (roofed or unroofed) deck or patio shall be no closer than 2 feet from the front or rear lot line. Side setbacks shall be maintained.
g. Signs	See Article 4
h. Exterior Site Lighting	See §3.26
i. Access Management	See §3.35

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

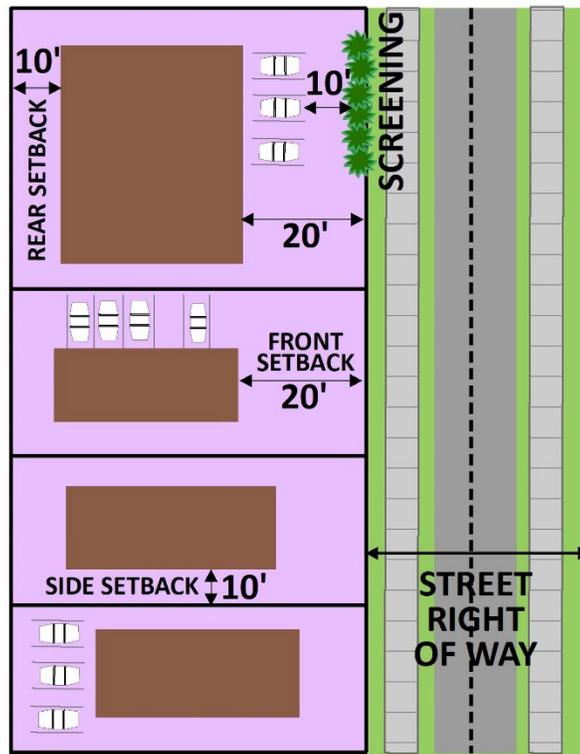


Figure 5.13

D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right (buildings up to 36 ft in height). See §6.0 for full list.
2. Planning Commission Approval	(a) Special Land Uses. (b) Buildings over 36 ft in height (c) See §6.0 for full list.
3. Administrative Departures	(a) Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot
	(b) 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.
4. Planning Commission Departures	(a) The Planning Commission may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height yard and/or height where no alternative plan can be suitably developed for a lot.
	(b) 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.
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

Section 5.14 B-1 Local Business District

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 & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	B-1
Arts, Entertainment & Recreation	
Art Studios	R
Parks, Playgrounds, Recreation Areas, Nature Parks -Managed by a Public or Non-Profit Entity (Passive Recreation)	R
Commercial	
Bakeries (goods produced & sold on-site)	R
Coffee Shops	R
Commercial Event Facility; Convention Centers; Conference Centers; Banquet Halls	S
Drinking Establishments	R
Dry Cleaning & Laundry Services (dealing directly with customers)	R
Food Trucks §7.39	R
Food Truck Parks §7.39	S
Fueling Station (gas station, electric vehicle charging facility)	S
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Photofinishing/Photographers	R
Restaurants without Drive-Through	R
Restaurants with Outdoor Dining (Dining on private property) §7.25	R
Restaurants with Outdoor Dining (Dining public right-of-way) §7.25	R
Retail:	
Clothing & Clothing Accessories Stores	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	B-1
Commercial (cont.)	
Convenience Stores	R
Florists	R
Food & Beverage Stores	R
General Merchandise Stores	R
Hardware Stores	R
Health & Personal Care Stores	R
Pawn Shops/Resale Shops/Antique Shops	R
Pharmacies/Medical & Optical Supplies	R
Seasonal Use Sales (no permit needed)	R
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Tattoo/Piercing Studio	R
Wineries, Breweries & Distilleries with Food or Drink Service	R
Communications	
Amateur Radio Antennae (roof or ground-mounted) §7.2	R
Educational Services; Religion	
Public or private schools	R
Religious Institutions	R S
Trade/Industrial Schools	R
Human Care & Social Assistance	
Adult Day Care Facilities (not in private home)	R
Child Day Care Services (see following):	
Child Care Center §7.8	R
Nursery Schools §7.8	R
Health Care/Dental/Optical Clinics	R

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	B-1
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S
Parking Lots	
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves)	S
Public Facilities	
Community Centers (public)	R
Libraries	R
Police/Fire Stations	R
Residential	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) §7.1	R
Home Occupations & Home Offices §7.38	R
Utilities; Energy	
Solar Energy Panels – Accessory §3.12.C	R
Wind Energy Systems (small on-site) §3.12.H	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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C. Development Standards for B-1 District

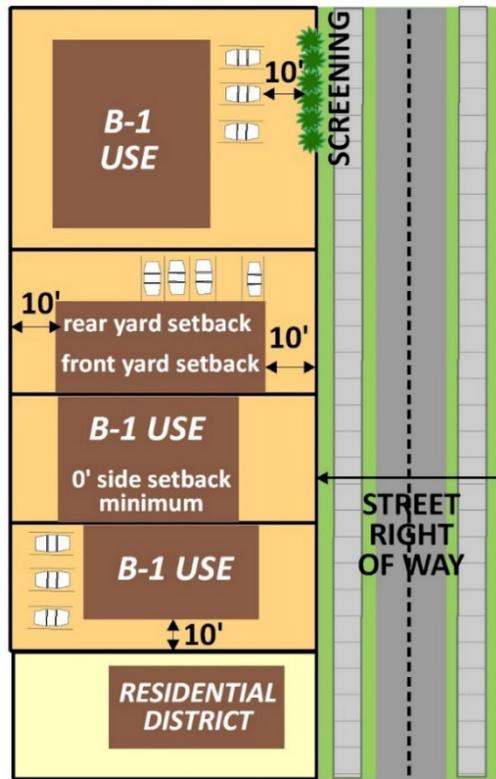
Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

B-1

1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	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, and wireless sport structures which are regulated by Article 7: Supplemental Regulations .
d. Dwelling Unit Size (min.)	No minimum square footage except as required by the Michigan Residential Code, as amended.
e. Lot Coverage (max.)	N/A
2. Setbacks (see Figure 5.14)	
e. Front (min.)	10 ft
f. Side (min.)	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 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 10 feet on the side bordering the residential district or street.
g. Rear (min.)	10 ft
3. Additional Development Standards	
a. Parking	Off-street parking shall be allowed in the front yard, exclusive of corner clearance areas, located at least 10 ft 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 §3.28 .
b. Accessory Buildings	See §3.11
c. Accessory Uses	See §3.12
d. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28
e. Fences	See §3.27
f. Porches, Decks & Patios	a. A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet.
	b. A open, unenclosed (roofed or unroofed) deck or patio shall be no closer than 2 feet from the front or rear lot line. Side setbacks shall be maintained.
g. Signs	See Article 4
h. Exterior Site Lighting	See §3.26

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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Figure 5.14



D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses. See §6.0 for full list.
3. Administrative Departures	<p>(a) Zoning Administrator may make modifications to minimum dimension requirements of not greater than one (1) foot for setback and five (5) feet for height where no alternative plan can be suitably developed for a lot</p> <p>(b) 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.</p>
4. Planning Commission Departures	<p>(a) The Planning Commission may make modifications to minimum dimension requirements of not greater than one (1) foot for setback and five (5) feet for height yard and/or height where no alternative plan can be suitably developed for a lot.</p> <p>(b) 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.</p>
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

Section 5.15 B-2 General Business District

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-2

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	B-2
Agriculture/Forest Products/Animal Services	
Agricultural Equipment Dealers	R
Greenhouses/Nurseries/ Landscaping Supply §7.13	S
Veterinary Services/Animal Clinics/Animal Hospitals	S
Arts, Entertainment & Recreation	
Amusement Arcades	R
Art Studios	R
Boat Tours	R
Bowling Centers	R
Dive Shops/Dive Tours	R
Docks/Launch Ramps/Assoc Parking (public)	S
Drive-In Theater	S
Fitness & Recreational Sports Centers (ex: health spas, health clubs, racquetball)	R
Indoor Commercial Recreation Facility	R
Marinas (including boat fuel sales, boat supplies, & accessories) §7.20	R
Museums & Galleries	R
Outdoor Commercial Recreation Facilities (private) (ZA may request PC review if use could result in excess noise, odor, or other possible nuisance conditions) §7.21	R
Parks, Playgrounds, Recreation Areas, Nature Parks -Managed by a Public or Non-Profit Entity (Passive Recreation)	R
Performing Arts Facilities/ Theaters	R
Private Clubs; Lodges	R
Spectator Sports Arenas	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	B-2
Commercial	
Automotive Body/Paint/Interior & Glass Repair §7.5	S
Automotive Equipment Rental & Leasing §7.5	S
Automotive Mechanical & Electrical Repair & Maintenance §7.5	S
Automotive Oil Change & Lubrication Shops §7.5	R
Bakeries (goods produced & sold on-site)	R
Car Washes §7.32	R
Caterers/Food Service Contractors (In CBD, shall have a restaurant or retail component)	R
Coffee Shops	R
Commercial Event Facility; Convention Centers; Conference Centers; Banquet Halls	R
Contractors (ex: electrical, plumbing, heating & similar)	S
Drinking Establishments	R
Drive-Throughs for Permitted & Special Land Uses §7.10	R
Dry Cleaning & Laundry Services (dealing directly with customers)	R
Electronic & Precision Equipment Repair & Maintenance	R
Financial Institution with drive through §7.10	R
Financial Institutions without drive-through	R
Food Trucks §7.39	R
Food Truck Parks §7.39	S
Fueling Station (gas station, electric vehicle charging facility)	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	B-2
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Commercial (cont)	
Funeral Homes or Mortuaries §7.11	R
General Rental Centers	R
Interior Designers/Showrooms	R
Laboratory, Support	R
Marihuana Facilities & Establishments (Medical & Adult Use):	
Provisioning Centers/Retailers §7.34	S
Safety Compliance Facilities §7.34	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
Restaurants without Drive-Through	R
Restaurants with Drive-Through/Drive-Up Window §7.10	R
Restaurants with Drive-In (eat in car) §7.10	R
Restaurants with Outdoor Dining (Dining on private property) §7.25	R
Restaurants with Outdoor Dining (Dining public right-of-way) §7.25	R
Retail:	
Building Material & Garden Equipment & Supplies Dealers	R
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Electronics & Appliance Stores	R
Fish (fresh) processing and sales	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores	R
General Merchandise Stores	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	B-2
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Commercial (cont)	
Hardware Stores	R
Health & Personal Care Stores	R
Home Improvement Centers (lumber stored in enclosed structure)	R
Office Supply Stores	R
Outdoor Sales & Rental of Large Items - Except Vehicles (ex: boats, RVs, trailers) §7.31	R
Outdoor Vehicle Sales & Rental §7.31	R
Pawn Shops/Resale Shops/Antique Shops	R
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
Seasonal Use Sales (no permit needed)	R
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Tattoo/Piercing Studio	R
Wineries, Breweries & Distilleries with Food or Drink Service	R
Communications	
Amateur Radio Antennae (roof or ground-mounted) §7.2	R
Small Cell Wireless Facilities §7.30	S
Telecommunications Businesses (w/vehicle storage)	R
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R
Wireless communication & supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure §7.30	R
Wireless communications facilities attached to monopole 75' or less in height §7.30	R
Educational Services; Religion; Cemeteries	
Colleges/Universities/ Institutions of Higher/Specialized Learning (public and private)	R
Public or private schools	R
Religious Institutions	R
Trade/Industrial Schools	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	B-2
Human Care & Social Assistance	
Adult Day Care Facilities (not in private home)	R
Child Day Care Services (see following):	
Child Care Center §7.8	R
Nursery Schools §7.8	R
Community/Emergency & Other Relief Services	R
Health Care/Dental/Optical Clinics	R
Hospitals §7.14	S
Individual & Family Services	R
Vocational Rehabilitation Services	R
Lodging	
Hotels & Motels & Resorts (attached or detached units) §7.15	R
Residential Human Care Facility §7.24	S
Manufacturing; Industrial; Mining; Waste Management	
Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers) <i>Example: coffee roasting facility which ships product to retailers and also sells directly to customers</i>	S
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S
Parking Lots	
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves)	S
Parking Structures §7.23	S
Public Facilities	
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	B-2
Residential	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) §7.1	R
Home Occupations & Home Offices §7.38	R
Transportation Services; Warehousing; Wholesale Trade; Storage	
Storage, Self Service – units accessed only from the inside §7.29	S
Transit Center & Ground Passenger Transportation (only depot/station)	R
Utilities & Energy	
Public Utility Facilities (without storage yards)	S
Solar Energy Panels – Accessory §3.12C	R
Wind Energy Systems (small on-site) §3.12.H	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

C. Development Standards for B-2 District

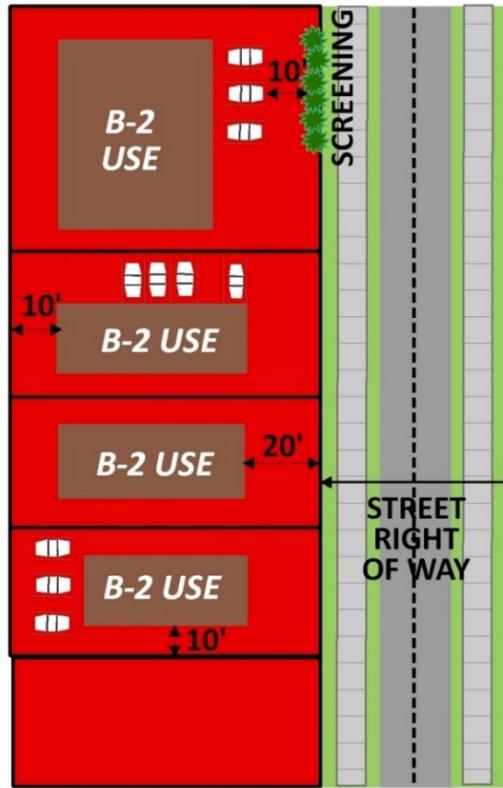
Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:



1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	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, and wireless support structures which are regulated by Article 7: Supplemental Regulations .
d. Dwelling Unit Size (min.)	No minimum square footage except as required by the Michigan Residential Code, as amended.
e. Principal Buildings	A lot in the B-2 District may have more than 1 principal building or use
f. Lot Coverage (max.)	N/A
2. Setbacks (Figure 5.15)	
a. Front (min.)	20 ft except for the following: B-2 adjacent to Chisholm Street CCD: no front setback required B-2 adjacent to Washington & Ripley Street CCD: 10 ft (if any abutting lot has a setback of less than 10 ft, then the setback may equal the abutting lot with the least setback.
b. Side (min.)	10 ft
c. Rear (min.)	10 ft
3. Additional Development Standards	
a. Parking	Off-street parking shall be allowed in the front yard, exclusive of corner clearance areas, located at least 10 ft 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 §3.28 .
b. Accessory Buildings	See §3.11
c. Accessory Uses	See §3.12
d. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28
e. Fences	See §3.27
f. Porches, Decks & Patios	a. A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet.
	b. A open, unenclosed (roofed or unroofed) deck or patio shall be no closer than 2 feet from the front or rear lot line. Side setbacks shall be maintained.
g. Signs	See Article 4
h. Exterior Site Lighting	See §3.26
i. Access Management	See §3.35

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Figure 5.15



D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right
2. Planning Commission Approval	Special Land Uses
3. Administrative Departures	The Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot
	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.
4. Planning Commission Departures	The Planning Commission may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height yard and/or height where no alternative plan can be suitably developed for a lot.
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

Section 5.16 I-1 Light Industrial District

A. Intent & Goals.

1. **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.
2. **Goals.** The general goals of this district include, among others, the following specific purposes:
- a. 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.
 - b. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. To promote the growth of existing industrial businesses and the development of “clean” light-industrial businesses which have minimal impact on air and water quality.
 - g. To minimize negative impacts on public health, safety, and welfare.

I-1

B. Uses Permitted by Right & Special Land Uses.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	I-1
Agriculture/Forest Products/Animal Services	
Agricultural Equipment Dealers	R
Agricultural products processing and storage	R
Animal Shelter/Kennels/Animal Day Care §7.3	S
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	R
Greenhouses/Nurseries/ Landscaping Supply §7.13	R
Lumber Yards	R
Horse Riding Arenas/Boarding Stables	S
Veterinary Services/Animal Clinics/Animal Hospitals	R
Wholesale Agriculture	R
Arts, Entertainment & Recreation	
Archery Range	R
Shooting Range - Indoor	R
Shooting Range - Outdoor	S
Zoos	S
Commercial	
Automotive Body/Paint/Interior & Glass Repair §7.5	R
Automotive Equipment Rental & Leasing §7.5	R
Automotive Mechanical & Electrical Repair & Maintenance §7.5	R
Automotive Oil Change & Lubrication Shops §7.5	R
Car Washes §7.32	R
Caterers/Food Service Contractors (In CBD, shall have a restaurant or retail component)	R
Commercial Docks & Assoc. Facilities	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Construction & Landscapers	
Building, Developing & General Contracting (no outside storage of materials)	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	I-1
Commercial (cont.)	
Building, Developing & General Contracting w/ Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) §7.22	S
Contractors (ex: electrical, plumbing, heating & similar)	R
Crematoriums	S
Electronic & Precision Equipment Repair & Maintenance	R
Extermination & Pest Control Services	R
Food Trucks §7.39	R
Food Truck Parks §7.39	S
Fueling Station (gas station, electric vehicle charging facility)	R
Funeral Homes or Mortuaries §7.11	
Funeral Home or Mortuaries with Crematorium §7.11	R
General Rental Centers	R
Laboratory, Support	R
Marihuana Facilities & Establishments (Medical & Adult Use):	
Provisioning Centers/Retailers §7.34	S
Safety Compliance Facilities §7.34	S
Secure Transport Facilities §7.34	S
Personal & Household Goods Repair & Maintenance	R
Printing/Binding/Publishing of Printed Materials	R
Professional Cleaning Services	R
Professional Offices	R
Restaurants without Drive-Through	R
Restaurants with Drive-Through/Drive-Up Window §7.10	R
Restaurants with Drive-In (eat in car) §7.10	R
Restaurants with Outdoor Dining (Dining on private property) §7.25	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	I-1
Commercial (cont.)	
Retail:	
Building Material & Garden Equipment & Supplies Dealers	R
Manufactured Home Dealers §7.17	R
Outdoor Sales & Rental of Large Items - Except Vehicles (ex: boats, RVs, trailers) §7.31	R
Outdoor Vehicle Sales & Rental §7.31	R
Retail Uses with Outdoor Storage	S
Truck and heavy equipment sales/service establishments	R
Sexually Oriented Businesses §7.28	S
Tattoo/Piercing Studio	R
Wineries, Breweries & Distilleries with Food or Drink Service	R
Wineries/Distilleries/Breweries without Food or Drink Service	R
Communications	
Amateur Radio Antennae (roof or ground-mounted) §7.2	R
Small Cell Wireless Facilities §7.30	S
Telecommunications Businesses (w/vehicle storage)	R
Television/Radio Broadcasting Stations	R
Video & Sound Recording Studios	R
Wireless communication & supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure §7.30	R
Wireless communications facilities attached to monopole 75' or less in height §7.30	R
Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) or any other type of wireless facility which does not fall under any other category of wireless facility §7.30	S
Wireless Communications Facility (ground mounted or not mounted to a support structure) §7.30	R
Educational Services; Religion	
Trade/Industrial Schools	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	I-1
Manufacturing; Industrial; Mining; Waste Management (cont.)	
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.	R
Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.	S
Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	
Central Dry Cleaning Plants (not dealing directly with customers)	R
Concrete, Cement, Gypsum, Plaster of Paris Manufacture	S
Laboratories, Research	R
Pressurized Gas Filling & Distribution (as a principal use)	R
Recycling facilities/Resource Recovery Facilities/Transfer Stations §7.16	R
Research/Design/Experimental Product Development (within a completely enclosed building)	R
Tool & Die Shops	R
Waste Collection Services	S
Wood Product Mfg	S

- | | | | | |
|----------------------|-----------------------------------|----------------------------------|-------------------------|---------------------------------|
| 1 Purpose | 2 Definitions | 3 General Provisions | 4 Signs | 5 District Regulations |
| 6 Plan Review | 7 Supplemental Regulations | 8 Zoning Board of Appeals | 9 Administration | 10 Adoption & Amendments |

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	I-1
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S
Parking Lots	
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves)	S
Parking Structures §7.23	S
Public Facilities	
Government Offices	R
Police/Fire Stations	R
Public Works Facilities with Outdoor Storage	R
Water & Wastewater Treatment Plants	S
Transportation Services; Warehousing; Wholesale Trade; Storage	
Airports, Landing Fields, and Heliports	S
Couriers/Parcel Packing/Delivery Establishments	R
Freight Terminals	R
Rail yards	R
Scenic & Sightseeing Transportation	R
Storage, Self Service – units accessed from the outside §7.29	R
Storage, Self Service – units accessed only from the inside §7.29	R
Storage Facility & Warehousing	R
Transit Center & Ground Passenger Transportation	R
Transit Center & Ground Passenger Transportation (only depot/station)	R
Truck Washes §7.32	R
Wholesale Trade	R
Utilities & Energy	
Public Utility Facilities (without storage yards)	R
Public Utility Facilities (with storage yards)	R
Solar Energy Panels – Accessory §3.12.C	R
Wind Energy Facilities and Anemometer Towers (Commercial) §7.33	S
Wind Energy Systems (small on-site) §3.12.H	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

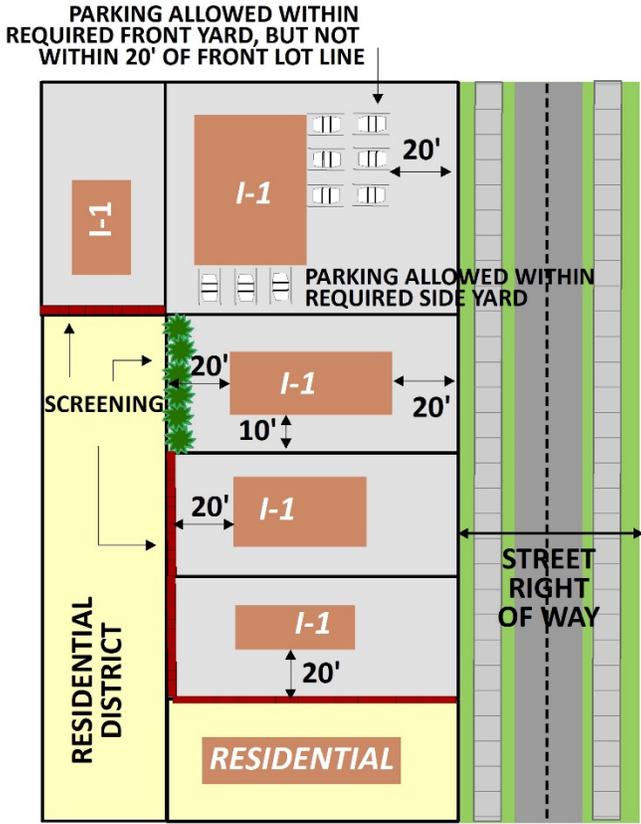
C. Development Standards for I-1 District

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:



1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	48 ft Planning Commission may allow an increase in the height of buildings using the Special Land Use process and standards in Article 6 .
	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, and wireless support structures which are regulated by Article 7: Supplemental Regulations .
d. Principal Buildings	A lot in the I-1 District may have more than 1 principal building or use
e. Lot Coverage (max.)	N/A
2. Setbacks (Figure 5.16)	
a. Front (min.)	20 feet
b. Side (min.)	10 ft A rear and side yard setback of not less than 20 feet shall be required where that side or rear yard abuts a residential district. For a use that the Zoning Administrator considers high impact, a setback greater than 20 feet may be required.
c. Rear (min.)	10 ft

Figure 5.16



3. Additional Development Standards	
a. Parking	<p>(1) Off-street parking shall be permitted in a side setback.</p> <p>(2) Off-street parking may be permitted within the front setback provided that such off-street parking is not located within 20 feet of the front lot line and is exclusive of corner clearance areas.</p> <p>(3) See §3.31 for full parking regulations.</p>
b. Combustion & Incineration	No combustion or incineration facilities are allowed other than heating plants which use natural gas or electricity as energy.
c. Odors	No odors, air emissions, or vibrations beyond the boundaries of the site shall be allowed.
d. Noise	Noise shall comply with sound level standards for industrially-zoned property as set forth in Section 54-1 of the Code of Ordinances of the City of Alpena.
e. Other Permits	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. Outdoor Storage	<p>No outdoor industrial operations shall be allowed except for outdoor storage per the following:</p> <p>(1) Storage shall be located in a rear or interior side yard.</p> <p>(2) Storage shall be at least 200 feet from any residential zoning district.</p> <p>(3) Storage shall be screened by a 6 foot high solid fence or wall with a solid gate (materials per §3.28). 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.</p> <p>(4) Stored material shall not be stacked higher than the screening fence, wall, or vegetation unless approved by the Planning Commission.</p> <p>(5) Existing industries with existing storage in the front yards shall be screened by a minimum 20 foot deep dense vegetative buffer.</p>
g. Accessory Buildings	See §3.11
h. Accessory Uses	See §3.12
i. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28
j. Fences	See §3.27
k. Porches, Decks & Patios	<p>(1) A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet.</p> <p>(2) A open, unenclosed (roofed or unroofed) deck or patio shall be no closer than 2 feet from the front or rear lot line. Side setbacks shall be maintained.</p>
l. Signs	See Article 4
m. Exterior Site Lighting	See §3.26
n. Access Management	See §3.35

D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses. See §6.0 for full list.
3. Administrative Departures	<p>Zoning Administrator may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height where no alternative plan can be suitably developed for a lot</p> <p>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.</p>
4. Planning Commission Departures	The Planning Commission may make modifications to minimum dimension requirements of not greater than 1 foot for setback and 5 feet for height yard and/or height where no alternative plan can be suitably developed for a lot.
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

Section 5.17 I-2 General Industrial District

A. Intent & Goals.

1. **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 materials. I-2

2. **Goals.** The general goals of this district include, among others, the following specific purposes:
 - a. 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.
 - b. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
 - c. 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.
 - d. 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.
 - e. To promote the growth of existing industrial businesses and the development of new general industrial businesses which utilize the most recent technology commercially available to minimize or abate impacts on air, land, and water quality.
 - f. To minimize negative impacts on public health, safety, and welfare.
 - g. 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 Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	I-2
Agriculture/Forest Products/Animal Service	
Agricultural Equipment Dealers	R
Agricultural products processing and storage	R
Animal Shelter/Kennels/Animal Day Care §7.3	S
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	R
Greenhouses/Nurseries/ Landscaping Supply §7.13	R
Lumber Mills	R
Wholesale Agriculture	R
Arts, Entertainment & Recreation	
Archery Range	R
Shooting Range - Indoor	R
Shooting Range - Outdoor	S
Zoos	S
Commercial	
Automotive Body/Paint/Interior & Glass Repair §7.5	R
Automotive Equipment Rental & Leasing §7.5	R
Automotive Mechanical & Electrical Repair & Maintenance §7.5	R
Automotive Oil Change & Lubrication Shops §7.5	R
Commercial Docks & Assoc. Facilities	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Construction & Landscapers	
Building, Developing & General Contracting (no outside storage of materials)	R
Building, Developing & General Contracting w/ Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) §7.22	S
Contractors (ex: electrical, plumbing, heating & similar)	R
Crematoriums	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>§ indicates supplemental regulations apply</i>	I-2
Commercial (cont.)	
Food Trucks §7.39	R
Food Truck Parks §7.39	S
Fueling Station (gas station, electric vehicle charging facility)	R
Funeral Homes or Mortuaries §7.11	
Funeral Home or Mortuaries with Crematorium §7.11	R
Laboratory, Support	R
Marihuana Facilities & Establishments (Medical & Adult Use):	
Provisioning Centers/Retailers §7.34	S
Safety Compliance Facilities §7.34	S
Secure Transport Facilities §7.34	S
Printing/Binding/Publishing of Printed Materials	R
Professional Offices	R
Restaurants without Drive-Through	R
Restaurants with Drive-Through/Drive-Up Window §7.10	R
Restaurants with Drive-In (eat in car) §7.10	R
Restaurants with Outdoor Dining (Dining on private property) §7.25	R
Retail:	
Truck and heavy equipment sales/service establishments	R
Sexually Oriented Businesses §7.28	S
Wineries/Distilleries/Breweries without Food or Drink Service	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	I-2
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Communications	
Amateur Radio Antennae (roof or ground-mounted) §7.2	R
Small Cell Wireless Facilities §7.30	S
Telecommunications Businesses (w/vehicle storage)	R
Wireless communication & supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure §7.30	R
Wireless communications facilities attached to monopole 75' or less in height §7.30	R
Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) or any other type of wireless facility which does not fall under any other category of wireless facility §7.30	S
Wireless Communications Facility (ground mounted or not mounted to a support structure) §7.30	R
Educational Services; Religion	
Trade/Industrial Schools	R
Manufacturing; Industrial; Mining; Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	R
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	I-2
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Manufacturing; Industrial; Mining; Waste Management (cont.)	
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S
Central Dry Cleaning Plants (not dealing directly with customers)	R
Concrete, Cement, Gypsum, Plaster of Paris Manufacture	R
Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant	S
Junkyards/Salvage Yards §7.16	S
Laboratories, Research	R
Mines, Quarries, & Gravel Pits	S
Oil and Gas Processing Facilities	S
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Pressurized Gas Filling & Distribution (as a principal use)	R
Recycling Facilities/Resource Recovery Facilities/Transfer Stations §7.16	R
Research/Design/Experimental Product Development (within a completely enclosed building)	R
Smelting Industries	S
Tool & Die Shops	R
Waste Collection Services	S
Wood Product Mfg	S
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	I-2
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Parking Lots	
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves)	S
Parking Structures §7.23	S
Public Facilities	
Government Offices	R
Police/Fire Stations	R
Public Works Facilities with Outdoor Storage	R
Water & Wastewater Treatment Plants	S
Transportation Services; Warehousing; Wholesale Trade; Storage	
Airports, Landing Fields, and Heliports	S
Couriers/Parcel Packing/Delivery Establishments	R
Freight Terminals	R
Rail yards	R
Scenic & Sightseeing Transportation	R
Storage, Self Service – units accessed from the outside §7.29	R
Storage, Self Service – units accessed only from the inside §7.29	R
Storage Facility & Warehousing	R
Transit Center & Ground Passenger Transportation	R
Transit Center & Ground Passenger Transportation (only depot/station)	R
Truck Washes §7.32	R
Utilities; Energy	
Battery Energy Storage Systems – Off-Site §7.36	S
Heating & Electric Power Generating Plants	S
Public Utility Facilities (without storage yards)	R
Public Utility Facilities (with storage yards)	R
Solar Energy Facility – Utility-Scale §7.35	S
Solar Energy Panels – Accessory §3.12.C	R
Wind Energy Facilities and Anemometer Towers (Commercial) §7.33	S
Wind Energy Systems (small on-site) §3.12.H	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

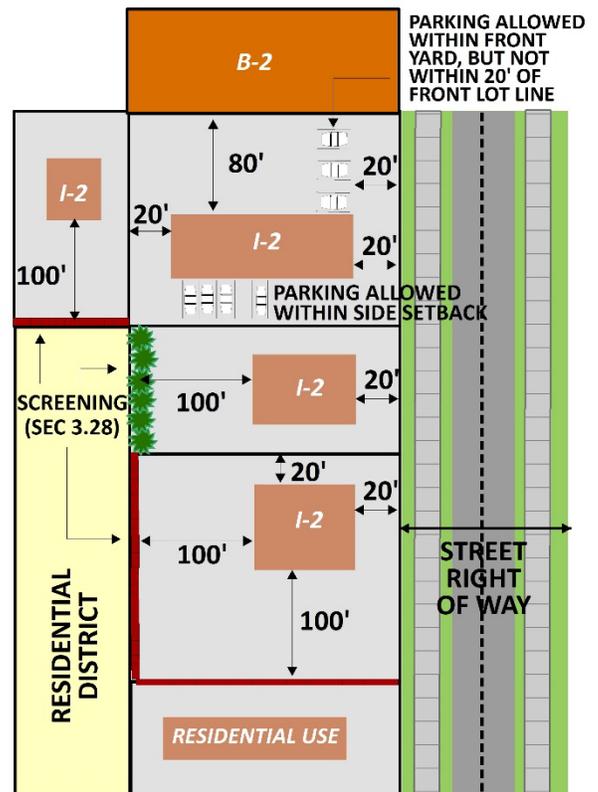
C. Development Standards for I-2 District

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

I-2

1. Lot & Structure Standards	
a. Lot Area (min.)	N/A
b. Lot Width (min.)	N/A
c. Building Height (max.)	36 ft if building is 50 or less feet from a sidewalk. No limit if building is greater than 50 ft from a sidewalk.
	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, and wireless support structures which are regulated by Article 7: Supplemental Regulations .
d. Principal Buildings	A lot in the I-2 District may have more than 1 principal building or use
e. Lot Coverage (max.)	N/A
2. Setbacks (Figure 5.17)	
a. Front (min.)	20 feet
b. Side (min.)	20 ft
c. Rear (min.)	20 ft
	A rear and side yard setback of not less than 80 ft shall be provided where that rear or side yard abuts a non-industrial district or use, except residential, in which case the setback from the side or rear is 100 ft.

Figure 5.17



3. Additional Development Standards	
a. Environmental Impacts	(1) Potential environmental impacts on air, surface and groundwater, soils, and natural features shall be minimized or fully mitigated. (2) Comply with all applicable environmental standards as established by the United States Environmental Protection Agency and/or the State of Michigan.
b. Other Impacts	(1) Potential impacts on nearby land uses, public infrastructure, and the economic vitality of the community shall be demonstrated to be neutral or positive. (2) 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.
c. Hazardous Substances	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 §3.20: Hazardous Substances/Groundwater Protection .
d. Other Permits	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. Outdoor Storage	The outside storage of raw materials or finished products 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 §3.28: Required Buffering & Screening . In some cases, the screening of materials may not be completely obscured from public view.
f. Truck Traffic	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.
g. Landscaping	Front yards shall be landscaped in accordance with §3.30 and properly maintained at all times.
h. Accessory Buildings	See §3.11
i. Accessory Uses	See §3.12
j. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28
k. Fences	See §3.27
l. Porches, Decks & Patios	(1) A closed, roofed porch may project into a front or rear setback for a distance not exceeding 5 feet. (2) A open, unenclosed (roofed or unroofed) deck or patio shall be no closer than 2 feet from the front or rear lot line. Side setbacks shall be maintained.
m. Signs	See Article 4
n. Exterior Site Lighting	See §3.26
o. Performance Standards	See §3.34
p. Parking	(1) Off street parking shall be permitted in a required side yard setback.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

	(2) Off street parking may be permitted within the 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.
Subsection 3.a, 3.b, 3.c, 3.d, 3.e, 3.f, and 3.g apply only to new construction and new uses.	

D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right except those requiring Planning Commission approval. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses.
	All Industrial Uses requiring State and/or Federal Environmental Permits, Outside Storage and/or containing Structures totaling 10,000 square feet or more. See §6.0 for full list.
3. Administrative Departures	Zoning Administrator may make modifications to minimum dimension requirements of not greater than one (1) foot for setback and five (5) feet for height where no alternative plan can be suitably developed for a lot
	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.
4. Planning Commission Departures	The Planning Commission may make modifications to minimum dimension requirements of not greater than one (1) foot for setback and five (5) feet for height yard and/or height where no alternative plan can be suitably developed for a lot.
5. Other Departures	Flexibility in standards is contained with the following §3.26 Lighting , §3.28 Required Buffering and Screening , §3.30 Landscaping , §3.31 Circulation and Parking , and Article 4 Signs .

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Section 5.18 CR Conservation & Recreation District

A. Intent.

The City of Alpena recognizes that natural resources, open space areas, and recreational areas constitute important physical, aesthetic, environmental, and quality of life assets. This District is intended to permit the establishment of natural resource conservation and recreational 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. In addition, recreational uses and complimentary accessory uses provide 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 & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	CR
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Arts, Entertainment & Recreation	
Accessory Structures (recreational)	R
Ball Fields	R
Boat Tours	S
Botanical Gardens	R
Campgrounds/RV Parks (public or private) §7.7	S
Dive Shops/Dive Tours	S
Docks/Launch Ramps/Assoc Parking	S
Golf Courses §7.12	S
Museums & Galleries	S
Outdoor Active Recreational Facilities including but not limited to tennis courts, basketball courts, ball fields, golf, miniature golf, disk golf, dog park, skateboarding facility) - Managed by a Public or Non-Profit Entity	R
Parks, Playgrounds, Recreation Areas, Nature Parks -Managed by a Public or Non-Profit Entity (Passive Recreation)	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	CR
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Miscellaneous	
Accessory Buildings/Structures §3.11	R
Utilities; Energy	
Solar Energy Panels – Accessory §3.12C	R

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

C. Development Standards for CR District

Development standards in this District shall be approved on a case-by-case basis.

CR

D. Administrative Procedures

1. Administrative Approval	Uses Permitted by Right: Only those uses which are determined by the Zoning Administrator to be incidental uses and which will not have an impact on surrounding properties. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses
	Uses Permitted by Right which are determined by the Zoning Administrator 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. See §6.0 for full list.
3. Administrative Departures	N/A
4. Planning Commission Departures	N/A

Section 5.19 P-1 Vehicular Parking District

A. Intent.

The P-1 Parking Districts is 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.

P-1

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed below (also in [§5.21: Use Matrix](#)).

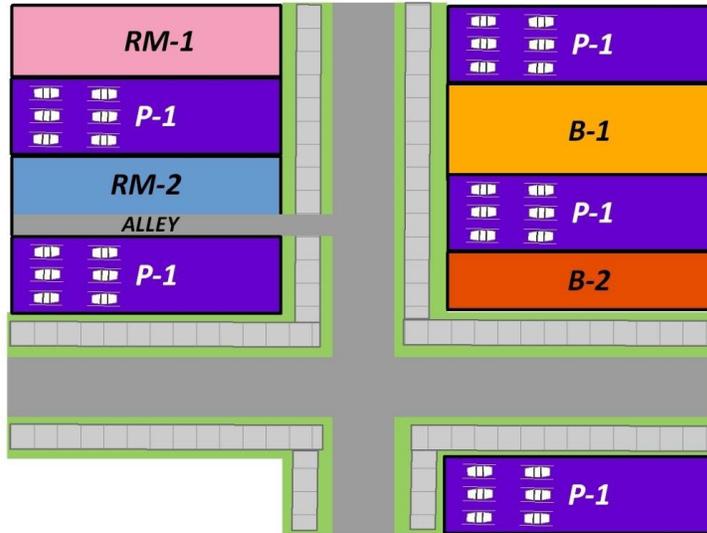
TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	P-1
<i>S = Permitted with a Special Land Use Permit</i>	
<i>§ indicates supplemental regulations apply</i>	
Parking Lots	
Parking lots (off-street: located on a lot separate from the use it serves)	R
Parking Structures	S
Storage Buildings occupying no more than 10% of the lot up to 400 sq ft	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.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

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 the 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.

1. Administrative Approval	Uses Permitted by Right: Only those uses which are determined by the Zoning Administrator to be incidental uses and which will not have an impact on surrounding properties. See §6.0 for full list.
2. Planning Commission Approval	Special Land Uses.
	Uses Permitted by Right which are determined by the Zoning Administrator 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. See §6.0 for full list.
3. Administrative Departures	N/A
4. Planning Commission Departures	N/A

Section 5.20 Planned Unit Development (PUD) District

At the time of adoption of this Ordinance, all PUDs in the City of Alpena are contained within the PUD District. However, PUDs are also permitted as a Special Land Use in most districts in the City, so rezoning to the PUD District is not required. PUDs that are approved as a Special Land Use within other zoning districts are not subject to this Section and are only subject to [§7.37](#).

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 PUDs 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 reuse 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.

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
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3. **Minimum Size Requirements.** One (1) acre, except for a PUD containing any industrial uses shall be a minimum of 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 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. PUD Approval Process.

See [§7.37](#).

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

Section 5.21 Use Matrix

Permitted and Special Land Uses shall be limited to those listed in the following Table of Permitted and Special Land Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to §3.6. In the case of a conflict between Table 5.21 and the tables listed in the individual district sections, Table 5.21 shall supersede.

City of Alpena Zoning Districts			
R-2	Single-Family Residential District	PUD	Planned Unit Development District
R-T	Two-Family Residential District	OS-1	Office & Service District
RM-1	Multiple-Family Residential District	B-1	Local Business District
RM-2	Multiple-Family Residential District	B-2	General Business District
WD	Waterfront Development District	I-1	Light Industrial District
CBD	Central Business District	I-2	General Industrial District
DOD	Downtown Overlay District	CR	Conservation & Recreation District
CCD	Commercial Corridor District	P-1	Parking District

Land Use Categories	Pg
Agriculture/Forest Products/Animal Services	5-80
Arts, Entertainment & Recreation	5-80
Commercial	5-82
Communications	5-87
Educational Services; Religion; Cemeteries	5-88
Human Care & Social Assistance	5-88
Lodging	5-89
Manufacturing; Industrial; Mining; Waste Management	5-90
Miscellaneous	5-92
Parking Lots	5-92
Public Facilities	5-92
Residential	5-93
Transportation Services; Warehousing; Wholesale Trade; Storage	5-94
Utilities & Energy	5-95

- 1 Purpose
- 2 Definitions
- 3 General Provisions
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TABLE 5.21: FULL TABLE OF PERMITTED & SPECIAL LAND USES

R = Permitted S = Permitted with a Special Land Use Permit § indicates supplemental regulations apply	R-2	R-T	RM 1	RM 2	OS- 1	CBD	CCD	WD	B-1	B-2	I-1	I-2	CR	P-1
Agriculture/Forest Products/Animal Services														
Agricultural Equipment Dealers										R	R	R		
Agricultural products processing and storage											R	R		
Animal Shelter/Kennels/Animal Day Care §7.3											S	S		
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)											R	R		
Greenhouses/Nurseries/Landscaping Supply §7.13										S	R	R		
Lumber Mills												R		
Lumber Yards											R			
Horse Riding Arenas/Boarding Stables											S			
Veterinary Services/Animal Clinics/Animal Hospitals					S		S			S	R			
Wholesale Agriculture											R	R		
Arts, Entertainment & Recreation														
Accessory Structures (recreational)													R	
Amusement Arcades						R	R	R		R				
Archery Range											R	R		
Art Studios					R	R	R	R	R	R				
Ball Fields													R	
Boat/Canoe/Kayak/Paddle Board Livery & Boat Yard														
Boat Tours						R	R	R		R			S	
Botanical Gardens	S		S	S									R	
Bowling Centers										R				

- 1** Purpose
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- 9** Administration
- 10** Adoption & Amendments

TABLE 5.21: FULL TABLE OF PERMITTED & SPECIAL LAND USES

R = Permitted S = Permitted with a Special Land Use Permit § indicates supplemental regulations apply	R-2	R-T	RM -1	RM -2	OS- 1	CBD	CCD	WD	B-1	B-2	I-1	I-2	CR	P-1
Arts, Entertainment & Recreation (continued)														
Campgrounds/RV Parks (public or private) §7.7	S		S	S									S	
Dive Shops/Dive Tours						R	R	R		R			S	
Docks/Launch Ramps/Associated Parking (public)	S		S	S				R		S			S	
Drive-In Theater										S				
Fishing Boat Docks, Tourist/Community								R						
Fitness & Recreational Sports Centers (ex: health spas, health clubs, racquetball)			S	S	R	R	R			R				
Golf Courses §7.12	S												S	
Indoor Commercial Recreation Facility					R	R	R	R		R				
Maritime Vessels - Public Agencies, Educational, or Foundations								R						
Marinas (including boat fuel sales, boat supplies, & accessories) §7.20								R		R				
Museums & Galleries					R	R	R	R		R			S	
Outdoor Commercial Recreation Facilities (private) (ZA may request PC review if use could result in excess noise, odor, or other possible nuisance conditions) §7.21					R		R			R				
Outdoor Active Recreational Facilities including but not limited to tennis courts, basketball courts, ball fields, golf, miniature golf, disk golf, dog park, skateboarding facility) - Managed by a Public or Non-Profit Entity													R	

- 1** Purpose
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TABLE 5.21: FULL TABLE OF PERMITTED & SPECIAL LAND USES

R = Permitted S = Permitted with a Special Land Use Permit § indicates supplemental regulations apply	R-2	R-T	RM -1	RM -2	OS- 1	CBD	CCD	WD	B-1	B-2	I-1	I-2	CR	P-1
Arts, Entertainment & Recreation (continued)														
Outdoor Performance Facilities					S		S	S						
Parks, Playgrounds, Recreation Areas, Nature Parks - Managed by a Public or Non-Profit Entity (Passive Recreation)	R	R	R	R	R	R	R	R	R	R			R	
Performing Arts Facilities/Theaters						R	R	R		R				
Private Clubs; Lodges						S	S			R				
Shooting Range - Indoor											R	R		
Shooting Range - Outdoor											S	S		
Spectator Sports Arenas					R		R			R				
Zoos											S	S		
Commercial														
Automotive Body/Paint/Interior & Glass Repair §7.5										S	R	R		
Automotive Equipment Rental & Leasing §7.5										S	R	R		
Automotive Mechanical & Electrical Repair & Maintenance §7.5							S			S	R	R		
Automotive Oil Change & Lubrication Shops §7.5							S			R	R	R		
Bakeries (goods produced & sold on-site)					R	R	R	R	R	R				
Car Washes §7.32							S			R	R			
Caterers/Food Service Contractors (In CBD, shall have a restaurant or retail component)						R	R			R	R			
Coffee Shops					R	R	R	R	R	R				
Commercial Docks & Assoc. Facilities								R			R	R		

- 1** Purpose
- 2** Definitions
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TABLE 5.21: FULL TABLE OF PERMITTED & SPECIAL LAND USES

R = Permitted S = Permitted with a Special Land Use Permit § indicates supplemental regulations apply	R-2	R-T	RM -1	RM -2	OS 1	CBD	CCD	WD	B-1	B-2	I-1	I-2	CR	P-1
Commercial (continued)														
Commercial Event Facility; Convention Centers; Conference Centers; Banquet Halls					R	R	R	R	S	R				
Commercial/Industrial Equipment Rental & Leasing											R	R		
Commercial Equipment Repair & Maintenance											R	R		
Construction & Landscapers														
Building, Developing & General Contracting (no outside storage of materials)											R	R		
Building, Developing & General Contracting w/ Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) §7.22											S	S		
Contractors (ex: electrical, plumbing, heating, & similar)										S	R	R		
Crematoriums											S	S		
Drinking Establishments						R	R	R	R	R				
Drive-Throughs for Permitted & Special Land Uses §7.10					R	S	R	S		R				
Dry Cleaning & Laundry Services (dealing directly with customers)						R	R	R	R	R				
Electronic & Precision Equipment Repair & Maintenance						R	R	R		R	R			
Extermination & Pest Control Services											R			
Financial Institutions with Drive-Through §7.10					R	S	R	S		R				

1 Purpose	2 Definitions	3 General Provisions	4 Signs	5 District Regulations
6 Plan Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration	10 Adoption & Amendments

TABLE 5.21: FULL TABLE OF PERMITTED & SPECIAL LAND USES

R = Permitted S = Permitted with a Special Land Use Permit § indicates supplemental regulations apply	R-2	R-T	RM -1	RM -2	OS- 1	CBD	CCD	WD	B-1	B-2	I-1	I-2	CR	P-1
Commercial (continued)														
Financial Institutions without Drive-Through					R	R	R	R		R				
Food Trucks §7.39					R	R	R	R	R	R	R	R		
Food Truck Parks §7.39					S	S	S	S	S	S	S	S		
Fueling Station (gas station, electric vehicle charging facility)							S		S	R	R	R		
Funeral Homes or Mortuaries §7.11					S	R	R			R				
Funeral Home or Mortuaries w/ Crematorium §7.11											R	R		
General Rental Centers										R	R			
Interior Designers/Showrooms					R	R	R	R		R				
Laboratory, Support					R		R			R	R	R		
Marihuana Facilities & Establishments (Medical & Adult Use):														
Provisioning Centers/Retailers §7.34					S		S			S	S	S		
Safety Compliance Facilities §7.34					S		S			S	S	S		
Secure Transport Facilities §7.34											S	S		
Neighborhood Businesses §7.9	S	S	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				
Pet Care (except Veterinary and Animal Shelters)						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		

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TABLE 5.21: FULL TABLE OF PERMITTED & SPECIAL LAND USES															
R = Permitted S = Permitted with a Special Land Use Permit § indicates supplemental regulations apply	R-2	R-T	RM -1	RM -2	OS- 1	CBD	CCD	WD	B-1	B-2	I-1	I-2	CR	P-1	
Commercial (continued)															
Professional Cleaning Services										R	R				
Professional Offices					R	R	R	R		R	R	R			
Restaurants without Drive-Through					R	R	R	R	R	R	R	R			
Restaurants with Drive-Through/Drive-Up Window §7.10					R	R	R			R	R	R			
Restaurants with Drive-In (eat in car) §7.10					R		R			R	R	R			
Restaurants with Outdoor Dining (Dining on private property) §7.25					R	R	R	R	R	R	R	R			
Restaurants with Outdoor Dining (Dining public right-of-way) §7.25						R	R	R	R	R					
Retail:															
Building Material & Garden Equipment & Supplies Dealers										R	R				
Clothing & Clothing Accessories Stores						R	R	R	R	R					
Convenience Stores						R	R	R	R	R					
Electronics & Appliance Stores						R	R			R					
Fish (fresh) processing and sales								R		R					
Florists					R	R	R	R	R	R					
Food & Beverage Stores					R	R	R	R	R	R					
Furniture & Home Furnishings Stores						R	R	R		R					
General Merchandise Stores						R	R	R	R	R					
Hardware Stores						R	R		R	R					

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Commercial (continued)														
Health & Personal Care Stores						R	R	R	R	R				
Home Improvement Centers (lumber stored in enclosed structure)										R				
Manufactured Home Dealers §7.17											R			
Office Supply Stores					R	R	R	R		R				
Outdoor Sales & Rental of Large Items - Except Vehicles (ex: boats, RVs, trailers) §7.31										R	R			
Outdoor Vehicle Sales & Rental §7.31					S		S			R	R			
Pawn Shops/Resale Shops/Antique Shops						R	R	R	R	R				
Pet Stores						R	R	R		R				
Pharmacies/Medical & Optical Supplies					R	R	R	R	R	R				
Retail Uses with Outdoor Storage											S			
Seasonal Use Sales (no permit needed)						R	R	R	R	R				
Small-Scale Craft Making						R	R	R	R	R				
Sporting Goods, Hobby, Book & Music Stores						R	R	R	R	R				
Truck & Heavy Equipment Sales/Service Establishments											R	R		
Sexually Oriented Businesses §7.28											S	S		
Tattoo/Piercing Studio					R	R	R	R	R	R	R			
Wineries, Breweries & Distilleries w/ Food or Drink Service						R	R	R	R	R	R			
Wineries/Distilleries/Breweries w/o Food or Drink Service											R	R		

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Communications															
Amateur Radio Antennae (roof or ground-mounted) §7.2	R	R	R	R	R	R	R	R	R	R	R	R			
Small Cell Wireless Facilities §7.30					S		S			S	S	S			
Telecommunications Businesses (w/vehicle storage)							R			R	R	R			
Television/Radio Broadcasting Stations					R	R	R			R	R				
Video & Sound Recording Studios					R	R	R			R	R				
Wireless Communication & Supporting Equipment Facilities - located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure §7.30					R	R	R	R		R	R	R			
Wireless Communications Facilities - attached to monopole 75' or less in height §7.30					R	R				R	R	R			
Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) - or any other type of wireless facility which does not fall under any other category of wireless facility §7.30					S						S	S			
Wireless Communications Facility (ground mounted or not mounted to a support structure) §7.30											R	R			

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Educational Services; Religion; Cemeteries															
Cemeteries	R	S	R	R											
Colleges/Universities/Institutions of Higher/ Specialized Learning (public & private)					R	R	R	R		R					
Public or Private Schools	R	R	R	R	R	R	R	R	R	R					
Religious Institutions	S	S	S	S	R	R	R	R	S	R					
Trade/Industrial Schools					R	R	R			R	R	R			
Human Care & Social Assistance															
Adult Day Care Facilities (in private home)	S	S	S	S											
Adult Day Care Facilities (not in private home)	S	S	S	S	R				R	R					
Adult Foster Care Homes, Assisted Living Facilities §7.4, Nursing Homes, & Convalescent Homes															
6 or less adults	R	R	R	R											
7-12 adults	S	S	S	S	R		R								
13-20 adults			S	S	R		R								
Over 20 adults			S	S	R		R								
Child Day Care Services (see following):															
Family Child Care Home §7.8	R	R	R	R											
Group Child Care Home §7.8	R	S	S	S											
Child Care Center §7.8	S	S	S	S	R	R	R		R	R					
Nursery Schools §7.8	S	S	S	S	R	R	R		R	R					
Community/Emergency & Other Relief Services					R	R	R			R					
Health Care/Dental/Optical Clinics					R	R	R		R	R					

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Human Care & Social Assistance (continued)														
Hospitals §7.14					S					S				
Individual & Family Services					R	R	R			R				
State-Licensed Residential Facilities (6 or less)	R	R	R	R										
Vocational Rehabilitation Services					R	R	R			R				
Lodging														
Bed & Breakfasts/Tourist Homes §7.6	S	S	S	S	S	S	S	S						
Hospital Hospitality House	S	S	R	R	S		S							
Hotels & Motels & Resorts (attached or detached units) §7.15					R	R	R	R		R				
Residential Human Care Facility §7.24			S	S	S		S			S				
Rooming Houses §7.26	RS	RS	RS	RS										

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Manufacturing; Industrial; Mining; Waste Management														
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. (Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.) §7.19											R	R		
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. (Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.) §7.19											S	S		
Blast Furnace, Steel Furnace, Blooming or Rolling Mill §7.19												S		
Central Dry Cleaning Plants (not dealing directly with customers) §7.19											R	R		

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Manufacturing; Industrial; Mining; Waste Management (continued)														
Concrete, Cement, Gypsum, Plaster of Paris Manufacture §7.19											S	R		
Incineration of Garbage or Refuse (when conducted within an approved & enclosed incinerator plant) §7.19												S		
Junkyards/Salvage Yards §7.16												S		
Laboratories, Research											R	R		
Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers) <i>Example: coffee roasting facility which ships product to retailers and also sells directly to customers</i> §7.19						S	S	S		S				
Mines, Quarries, & Gravel Pits												S		
Oil & Gas Processing Facilities												S		
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution §7.19												S		
Pressurized Gas Filling & Distribution (as a principal use)											R	R		
Recycling Facilities/Resource Recovery Facilities/ Transfer Stations §7.16											R	R		
Research/Design/Experimental Product Development (w/in a completely enclosed building)											R	R		
Smelting Industries §7.19												S		

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Manufacturing; Industrial; Mining; Waste Management (continued)															
Tool & Die Shops §7.19											R	R			
Waste Collection Services											S	S			
Wood Product Mfg §7.19											S	S			
Miscellaneous															
Accessory Buildings/Structures §3.11	R	R	R	R	R	R	R	R	R	R	R	R	R		
Planned Unit Developments (PUD) §7.37 including Site Condominiums (site condominiums are approved as PUD) §7.40	S	S	S	S	S	S	S	S	S	S	S	S			
Parking Lots															
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves)					S		S	S	S	S	S	S		R	
Parking Structures §7.23					S	S	S	S		S	S	S		S	
Public Facilities															
Community Centers (public)	S	S	S	S	R	R	R	R	R	R					
Government Offices					R	R	R	R		R	R				
Libraries	S	S	S	S	R	R	R	R	R	R					
Police/Fire Stations	S	S	S	S	R	R	R		R	R	R	R			
Post Office					R	R	R	R		R					
Public Works Facilities with Outdoor Storage											R	R			
Water & Wastewater Treatment Plants											S	S			

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Residential														
Accessory Dwelling Units §7.27	R													
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) §7.1 CBD: Housing shall be permitted on the ground floor but not on the street-facing side of the building. WD: No ground floor residential permitted.					R	R	R	R	R	R				
Home Occupations & Home Offices §7.38	R	R	R	R	R	R	R	R	R	R				
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.18				S										
Multiple-Family Dwelling			R	R		S	R	R						
Single-Family Dwelling	R	R	R	R										
Single-Family Dwelling (River Street between 7th & 9th Ave)								R						
Townhouses (not permitted on Chisholm between 1 st & 3 rd Avenues and on 2 nd Avenue between Lockwood and the Thunder Bay River)		R	R	R		R	R	R						
Two-Family Dwelling (duplex)		R	R	R										
Quadplex & Triplex (In R-2, quadplexes shall be in new construction only & shall have the appearance of a dwelling. No conversion of existing homes to multiple-family shall occur in R-2)	R		R	R		S	R	R						

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Transportation Services; Warehousing; Wholesale Trade; Storage														
Airports, Landing Fields, and Heliports											S	S		
Couriers/Parcel Packing/Delivery Establishments											R	R		
Freight Terminals											R	R		
Rail yards											R	R		
Scenic & Sightseeing Transportation											R	R		
Storage, Self Service – units accessed from the outside §7.29											R	R		
Storage, Self Service – units accessed only from the inside §7.29										S	R	R		
Storage Buildings occupying no more than 10% of the lot up to 400 sq ft														R
Storage Facility & Warehousing											R	R		
Transit Center & Ground Passenger Transportation											R	R		
Transit Center & Ground Passenger Transportation (only depot/station)						R	R	R		R	R	R		
Truck Washes §7.32											R	R		
Wholesale Trade of Fresh Fish								R						
Wholesale Trade											R			

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Utilities & Energy														
Battery Energy Storage Systems – Off-Site §7.36												S		
Heating & Electric Power Generating Plants												S		
Public Utility Facilities (without storage yards)	S	S	S	S		S	S			S	R	R		
Public Utility Facilities (with storage yards)											R	R		
Solar Energy Facilities – Utility-Scale §7.35												S		
Solar Energy Panels – Accessory §3.12.C	R	R	R	R	R	R	R	R	R	R	R	R	R	
Wind Energy Facilities & Anemometer Towers (Commercial) §7.33											S	S		
Wind Energy Systems (small on-site) §3.12.H	R	R	R	R	R	R	R	RS	R	R	R	R		

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Article 6

Plot Plans, Site Plans & Special Land Use Review

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Section 6.0 Purpose & Approval Table

A. Purpose.

The purpose of this Article is to specify the documents and/or drawings required for plot plans and site plan review 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 a manner as to protect surrounding properties, roadways, natural features, and infrastructure from substantial adverse impacts.

B. Approval Summary Table.

The following table shows the type of plan required and the approving body based on the type of use:

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Approval Summary Table

Type of Use	Required	Approving Body
1. Single-Family Detached Dwellings; Two-Family Dwellings	Plot Plan	Zoning Administrator
2. Multiple-Family Dwellings (6 units or less)	Site Plan	Zoning Administrator
3. Multiple-Family Dwellings (over 6 units)	Site Plan	Planning Commission
4. Residential in Conjunction with Non-Residential (Mixed Uses)	Site Plan	Zoning Administrator
5. Home Offices	No permit required	NA
6. Home Occupations	Plot Plan	Zoning Administrator
7. Accessory Dwelling Units	Plot Plan	Zoning Administrator
8. Family Child Care Homes & Adult Day Care Homes (6 or less adults)	Plot Plan	Planning Commission
9. New Commercial, Industrial, Utility, & Institutional Structures/Uses (except Special Land Uses)	Site Plan	Zoning Administrator
10. 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.	Site Plan	Zoning Administrator
11. Change of Use	A change of use form shall be filed with the Zoning Administrator & Building Official	
12. Special Land Uses including Accessory Structures (residentially-based Special Land Uses such as Group Child Care Homes & Cottage Industries require a Plot Plan)	Site Plan	Planning Commission
13. Accessory structures for Single-Family & Two-Family Dwellings	Plot Plan	Zoning Administrator
14. Accessory Structures for Buildings (other than single-family & two-family)	Site Plan	Zoning Administrator
15. Fences	Plot Plan	Zoning Administrator
16. Signs	Plot Plan	Zoning Administrator
17. Parking Lots	Site Plan	Zoning Administrator
18. Temporary Dwellings	Plot Plan	Zoning Administrator
19. Food Trucks	Plot Plan	Zoning Administrator
20. Food Truck Parks	Plot Plan	Planning Commission
21. Wind Energy Systems (Small On-Site) & Accessory Solar Panels	Plot Plan	Zoning Administrator
22. Planned Unit Developments & Site Condominium Developments	Site Plan	Planning Commission

For all uses which are reviewed & approved by the Zoning Administrator, the Zoning Administrator may request review and approval by the Planning Commission at no extra charge to the applicant.

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:

A. PLOT PLAN APPLICATION REQUIREMENTS (Zoning Administrator may waive any of the plot plan requirements listed below if the requirements are not applicable to the proposed use)	
1.	ZONING DISTRICT: Zoning classification of the property.
2.	CONTACT INFORMATION: Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
3.	BOUNDARY LINES: The shape, location, and dimensions of the lot and lot lines, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
4.	MAP REQUIREMENTS: The scale, north arrow, and date.
5.	SETBACKS: The required and proposed setbacks of all structures and improvements.
6.	STRUCTURES (EXISTING & PROPOSED): 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 Zoning Administrator in order to measure the height of the proposed structures.
7.	STRUCTURES ON ABUTTING LOT: All existing structures within ten (10) feet of the property on adjoining property.
8.	ACCESS: The location and configuration of the lot access, driveway, and any proposed parking areas including manner of surfacing drawn to scale.
9.	RIGHT-OF-WAY/EASEMENTS: The location and width of all adjacent rights-of-way, easements, and public open spaces within or bordering the subject project.
10.	USE: 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.
11.	NATURAL FEATURES: Natural features such as forests, water bodies, wetlands, high-risk erosion areas, slopes over ten (10) percent, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
12.	LANDSCAPING: Proposed landscaping for uses other than single-family or two-family dwelling units.
13.	OTHER: 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 Zoning Administrator.

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Section 6.2 Circumstances Requiring a Site Plan

Please see [§6.0.B \(Approval Summary Table\)](#) for a list of circumstances requiring a site plan.

Section 6.3 Pre-Application Meeting

The Zoning Administrator shall have the authority to conduct a pre-application meeting with the applicants/developers 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 Zoning Administrator or the Planning Commission.

Except for Planned Unit Developments, this meeting is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application meeting should be held several months in advance of the desired start of construction. Such an advance meeting will allow the applicant/developer time to prepare the needed information for the Zoning Administrator or Planning Commission to make a proper review.

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 Zoning Administrator or the Planning Commission. The Zoning Administrator or Planning Commission may 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.	APPLICATION FORM: Completed and signed application form.
2.	CONTACT INFORMATION: Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
3.	LEGAL DESCRIPTION: Legal description of the lot.
4.	MAP REQUIREMENTS: 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, all shall be labeled and the preparer identified.
5.	ZONING CLASSIFICATION: The existing zoning district in which the site is located and the zoning of adjacent lots.
6.	BOUNDARY LINES: The boundary lines and dimensions of the property. Show relationship of the subject property to abutting properties. Show monument locations. A certified survey of the property which has

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	been prepared and sealed by a professional licensed surveyor may be required by the Zoning Administrator.
7.	SETBACKS: Setback lines and distances between structures and lot lines.
8.	ADJACENT FRONT YARD DIMENSIONS: The front yard dimensions of the nearest building on both sides of the proposed structure/development.
9.	NEARBY STRUCTURES: 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.	NATURAL FEATURES: 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.	TOPOGRAPHY: 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.	WATER FEATURES: 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.	LOCATION OF STRUCTURES AND ACCESSORY FEATURES: 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.	SIGNS: Location, size, and specifications of all signs and advertising features with cross sections.
15.	LIGHTING: Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
16.	LANDSCAPING, FENCES, AND WALLS: Location and height of all walls, fences, and screen planting, including a landscaping plan.
17.	LOCATION OF VEHICULAR FEATURES: 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.
18.	LOCATION OF PEDESTRIAN CIRCULATION FEATURES: Location and design of sidewalks, walkways, barrier-free access points, bicycle paths, bicycle parking areas, and areas for public use.
19.	ELEVATIONS: 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.	TYPE OF SURFACE: Types of surfacing such as paving, turfing, or gravel to be used at the various locations.
21.	AREA OF DEVELOPMENT: 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.	COMMON AREAS: Proposed locations, dimensions, and details of common open spaces and common

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	facilities such as community buildings or swimming pools if applicable.
23.	RIGHTS-OF-WAY, EASEMENTS, AND PUBLIC SPACES: The location and width of all adjacent rights-of-way, easements, and public open spaces within or bordering the subject project.
24.	UTILITIES: Location of water supply lines and/or wells, including fire hydrants and shut-off valves, wastewater 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.	SIGNIFICANT VIEWS/UNIQUE FEATURES: 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.	OUTDOOR STORAGE: 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.	DRAINAGE: 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.	WASTEWATER TREATMENT: Description and location of on-site wastewater treatment and disposal systems.
29.	WELL LOCATION: Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
30.	SNOW STORAGE: The location of snow storage areas.
31.	SOILS: The location and type of existing soils on the site and any certifications of borings.
32.	HOURS OF OPERATION: 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.	RESIDENTIAL PROJECT REQUIREMENTS: Site plans for residential projects (multiple family developments and manufactured home communities) shall include the following additional information: <ul style="list-style-type: none"> a. Minimum floor area of dwelling units. b. Total number of units proposed. c. Number of bedrooms per unit in multiple-family developments. d. Areas to be used for open space and recreation.
34.	PHASED CONSTRUCTION: 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:

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	<ul style="list-style-type: none"> a. Relationship and identification of future structures. b. Pedestrian and vehicular circulation. c. Time schedule for completion of the various phases of the proposed construction. d. Temporary facilities or construction of same as required to facilitate the stated development.
35.	<p>IMPACT STATEMENT: The Zoning Administrator or Planning Commission may require a statement which addresses the following as applicable to the type of use:</p> <ul style="list-style-type: none"> 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. 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. 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.
36.	<p>OTHER: Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.</p>
37.	<p>DATA REQUIRED FOR GROUNDWATER PROTECTION: 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"> a. Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the local fire marshal. 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. 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. 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, and transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan. e. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the lots boundaries.

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- f. Delineation of areas on the lot which are known or suspected to be contaminated, together with a report on the status of the contamination, including any remediation activities.
- g. Submissions of the “State/County Environmental Permits Checklist.”

Section 6.5 Site Plan Submittal & Approval Procedures

A. Number of Copies.

1. If the site plan is 11” X 17” or smaller, then one (1) copy is required.
2. If the site plan is larger than 11” X 17”:
 - A. **Site Plans Approved by the Planning Commission.** Twelve (12) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his or her designated agent. Prior to submission of the twelve (12) required copies, the applicant shall submit one (1) copy to the Zoning Administrator to determine if all information has been included on the site plan.
 - B. **Site Plans Approved by the Zoning Administrator.** One (1) copy is required.
3. A digital copy shall be required in addition to print copies.
4. An additional six (6) 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.

1. **Review for Completeness.** The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant.
2. If the site plan, including all required additional or related information, is determined to be complete, within thirty (30) days, one of the following shall occur:
 - a. **Administratively-Approved Site Plans.** The Zoning Administrator shall 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.

- b. **Planning Commission-Approved Site Plans.** The Zoning Administrator shall place the review on the agenda of the next regular Planning Commission meeting. The Zoning Administrator shall provide draft findings of fact to the Planning Commission to assist the Planning Commission in determining if the site plan meets the standards of the Zoning Ordinance. Zoning Administrator may provide draft recommended conditions to the Planning Commission.

D. Coordination With Other Agencies.

Prior to approval, the Zoning Administrator 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. State of Michigan Departments
- 8. Professional planner, engineer, attorney, or other professional
- 9. Other agencies as deemed appropriate

E. Application Fees.

Application fees pursuant to the 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 granting of any variances by the Zoning Board of Appeals, 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 Review 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 postponed until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

Section 6.6 Site Plan Review Standards

The Zoning Administrator 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 Zoning Administrator or the Planning Commission

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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. Light 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 and access to the persons occupying the building and that there will be no interference with adequate light, air, and access to adjacent lands.

C. 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.

D. Drainage.

1. On-site drainage shall be required pursuant to [§3.21](#).
2. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties.
3. 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.
4. 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.
5. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

E. 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

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and for the privacy of its occupants.

F. Vehicular and Pedestrian Circulation.

1. Safe, convenient, well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.
2. Driveways will be located to minimize conflict with traffic on the adjacent street. The number of driveways will be the minimum needed to provide reasonable access to the site.
3. The widths of streets and driveways shall be appropriate for the existing and anticipated volume of traffic.
4. 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.

G. Public Safety & Infrastructure. Circulation around and within the site shall allow efficient ingress and egress to 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. The scale and design of the proposed development shall consider current City infrastructure and upgrades that may be required, including, but not limited to, water supply, stormwater management, sanitary sewer, and traffic control.

H. Loading and Storage.

All loading and unloading areas and outside storage shall be in accordance with [§3.31](#).

I. Snow Storage.

Proper snow storage areas shall be provided in accordance with [§3.31 \(G\)](#).

J. Exterior Lighting.

Exterior lighting shall be in accordance with [§3.26](#).

K. 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.

L. 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

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permit is granted.

M. Groundwater and Surface Water Protection.

The following standards, if applicable, relating to groundwater protection shall be complied with:

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. Stormwater detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural stormwater system on-site including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Stormwater 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 State of Michigan. 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 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 the regulations of the State of Michigan.
7. Existing out-of-service or abandoned underground or above-ground storage tanks shall be closed and removed in accordance with regulations of the State of Michigan.
8. Bulk storage facilities for pesticides and fertilizers shall be in compliance with the requirements of the State of Michigan.
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 the regulations and procedures of the State of Michigan and the District Health Department.

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- 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.

Section 6.7 Site Plan Approval

A. Approval Based on Findings of Fact.

The Zoning Administrator or Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the above approval standards. The decision of the Zoning Administrator 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, and after any required modifications, a paper and/or digital copy with any applicable notes shall be signed and dated by the Zoning Administrator and shall be provided to the applicant. A copy shall also be retained by the Zoning Administrator as part of the City’s permanent zoning file.

Section 6.8 Conformity to Site Plan Required/Revocation

Following approval of a site plan by the Zoning Administrator 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. The Zoning Administrator shall give the permittee at least ten (10) days to provide time for corrective action prior to issuing a violation notice.

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 Zoning Administrator of any desired change to the approved site plan. Changes to an administratively approved site plan may be approved by the Zoning Administrator 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 Zoning Administrator 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 the Zoning Administrator:

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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.
 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 the parking lot which does not affect the number of parking spaces or alter access locations or design.
 5. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 6. Changes that will preserve the natural features of the site without changing the basic site layout.
 7. Change in the type and design of lighting fixtures provided there will be no change in the intensity of light at the property boundary.
 8. Increase in yard space.
 9. Sign modifications to location, sign face, landscaping, and lighting, provided the general sign design, number of signs, and dimensional requirements are maintained.
 10. Changing the location of an exterior building wall or location not more than ten (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.
 11. Changes related to items 1 through 10 above which are 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 Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Zoning Administrator may require the applicant to 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 the Zoning Administrator to sign and date all approved amendments. If the Zoning Administrator does not require a revised site plan, then the amendments shall be noted on the approved site plan on file. Such revised site plan shall be signed and dated by the Zoning Administrator.

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- 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 the Zoning Administrator.
- E. If the Zoning Administrator 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. If construction has begun, a stop work order shall be issued by the Zoning Administrator 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 restarting the site plan review process. Once the site plan modifications have been reviewed, the Zoning Administrator shall send a written notice to the permit holder with the outcome of the review. 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 approval unless a building permit has been issued and/or actual construction and development have commenced per approved site plans. Construction and development shall commence within the one (1) year period that the Building Permit is valid. The site plan approval shall be valid for a period of three (3) years from the original approval of the site plan. 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 manufactured housing communities, the rules of the **Manufactured Housing 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.

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B. Special Land Use Applications.

1. See §6.5 for submittal and approval procedures.
2. The appropriate number of copies of the site plan and an application for a Special Land Use shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed, and shall include items listed below:
 - a. 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. The Zoning Administrator may waive the plot plan or site plan requirements if no structural changes are proposed on the property.
 - b. Written description of the proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
 - c. A statement prepared by the applicant appraising the effect on the neighborhood.
 - d. Other information as may be required by the Planning Commission to assist in the consideration of the Special Land Use application.
3. The application shall be accompanied by the fee established by the City Council.

C. Application Review for Completeness and Required Public Hearing.

The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator 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 Zoning Administrator shall place the review on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with §9.6.

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 discretionary standards A - I. Uses which also require a site plan shall also adhere to the site plan requirements and approval standards in §6.5 – §6.6.

A. Allowed Special Land Use.

The property subject to the application is located in a zoning district in which the proposed Special Land

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Use is allowed.

B. Compatibility with Neighborhood.

1. 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.
2. **Site Area and Potential Future Expansion Areas.** The Planning Commission has determined that there is sufficient site area for the proposed use to prevent nuisances to neighboring uses and that there is the potential for reasonable anticipated expansion of the use without nuisances to neighboring uses.
3. **Number of Persons or Employees.** The potential impact of persons or employees shall be in harmony with the neighborhood in terms of traffic, parking, and activities.
4. **Time of Use, and Physical and Economic Relationship.** The proposed or estimated time(s) of use and the physical and economic relationship of one type of use to another are not in conflict with each other or with surrounding properties and uses.
5. **Operations of Use.** The nature and intensity of operations involved in or conducted in connection with the proposed use is appropriate for the site and not in conflict with surrounding properties and uses.
6. **Design Characteristics.** Elements shall relate the design characteristics of an individual structure or development to existing or planned developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.

C. Public Services.

Based on information readily available, the use shall be served adequately by existing or proposed public and private infrastructure and services including, but not limited to, streets and highways, police and fire protection, refuse disposal, water, wastewater, and storm sewer facilities, electrical service, and schools.

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

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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 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 appearance of the neighborhood.

F. Impact of Traffic on Street System.

1. 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.
2. 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, outdoor storage or activity, or traffic. The proposed Special Land Use shall comply with **§3.34 Performance Standards**. 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.

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/Master Plan.

I. Compliance with Supplemental Regulations.

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, deny, or postpone the decision on 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 Zoning Administrator 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 \(Supplemental Regulations\)](#), the standards in [Article 3](#) and [Article 5](#) shall be maintained as outlined within the other various applicable Articles of this Ordinance.

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 the Zoning Administrator pursuant to [§6.9.A.\(1-11\)](#).

Section 6.15 Expiration & Revocation of a Special Land Use

A. Special Land Use Expiration.

The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may request, from the

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Planning Commission, a one (1) year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension.

B. Special Land Use Superseded.

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. Special Land Use Abandonment.

If a property owner has an intent to abandon a Special Land Use and in fact abandons this Special Land Use for a period of one (1) year or more, then the Special Land Use shall be deemed abandoned and any subsequent use of the property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator 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.

E. Revocation of a Special Land Use.

Following approval of a Special Land Use by the Planning Commission, the applicant shall construct the Special Land Use in complete conformity with the approved plot plan or site plan (if applicable) 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. The Zoning Administrator shall give the permittee notice of violation of the Special Land Use at least ten (10) days prior to the revocation by the Planning Commission to provide time for corrective action. The Planning Commission 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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Article 7

Supplemental Regulations

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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 a § in the Table of Permitted and Special Land Uses are included in this Article.

Section 7.1 Mixed Uses (Residential in Conjunction with Non-Residential)

- A. In nonresidential buildings, residential units are allowed above the first floor and are allowed on the first floor provided they are not located on the street-facing side of the building.
- B. **Off-Street Parking.**
 - 1. **DOD.** Off-street parking is required to be provided pursuant to §3.31. Uses which are located in the Downtown Overlay District shall not be required to provide off-street parking if an arrangement has been made with the City to use public parking to fulfill this requirement.
 - 2. **All Other Districts.** Parking shall be provided pursuant to §3.31.
- C. Review and approval of site plan, if required, in accord with **Article 6: Plot Plans, Site Plans, and Special Land Use Review** shall be required before issuance of any related building permits or certificates of occupancy.

Section 7.2 Amateur Radio Support Structures/Antennas

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.

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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.** Amateur radio support structures/antennas, constructed in accordance with this Section, shall be a permitted use in all districts except 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 [§7.37](#).
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 are permitted and may extend to within one (1) foot of the lot 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 of up to seven (7) days on any lot within the City as part of a special event or due to a government-declared emergency. Approval of the property owner shall be provided.
5. **Waiver.**
 - a. The Zoning Administrator 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.
 - b. The Zoning Administrator 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.
 - c. Pursuant to [Section 125.3205a of 2006 PA 110](#), if additional height is needed to accommodate amateur radio service communications, then the Zoning Administrator has the authority to approve heights greater than those stated in this Section.

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D. 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 the 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.

E. 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.

F. 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.

G. 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.

H. Existing Antenna Support Structures.

This Section shall not affect any existing antenna support structure, utilized by a federally licensed amateur

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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 §7.2.E.
2. The owners shall submit to the Building Official within ninety (90) days of the date of this Ordinance, the documentation required in §7.2.D. above, less the required fee.

Section 7.3 Animal Shelters/Kennels/Animal Day Care

- 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 lot line, whichever 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. 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.
- F. All principal use activities shall occur within an enclosed principal building.

Section 7.4 Assisted Living Homes

This Section applies to assisted living homes that are not within a single-family dwelling.

- A. **Assisted Living Homes.**
 1. 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. 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.
 2. Landscaping shall be provided.

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Section 7.5 Fueling Stations; Automotive Body/Paint/Interior/ Glass Repair; Automotive Mechanical & Electrical Repair & Maintenance; Automotive Oil Change & Lubrication Shops

- A. **Outdoor Storage.**
 - 1. **CCD, and B-2 Districts.** Outdoor storage of parts or materials shall be prohibited.
 - 2. **I-1, and I-2 Districts.** Outdoor storage of parts or materials shall be prohibited unless such storage is within a fenced and obscured area which meets all setback requirements.
 - 3. **All Districts.** Suitable containers, such as trash bins, shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.
- B. Areas utilized for off-street parking and vehicular storage shall be paved.
- C. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
- D. All vehicle servicing or repair shall be conducted within a building.
- E. 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.
- F. 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.

Section 7.6 Bed & Breakfasts/Tourist Homes

- A. **General Requirements (All Districts).**
 - 1. Bed and Breakfasts and Tourist Homes are a Special Land Use with Planning Commission approval required. A plot plan is required pursuant to [§6.1](#).
 - 2. The 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.

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3. Guests may rent sleeping rooms for a period of less than thirty (30) consecutive days.
4. Rental sleeping rooms shall have a minimum of eighty (80) square feet.
5. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast and shall be designated for the exclusive use of guests of the Bed and Breakfast.
6. 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.
7. All on-site parking shall be paved and constructed in accordance with the parking requirements of §3.31.
8. Rental of snowmobiles, ATVs, or similar vehicles, boats, and other marine equipment to paying guests of the Bed and Breakfast/Tourist Home may be permitted as part of the Special Land 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.
9. All requirements and conditions imposed upon the Special Land Use approval shall be implemented prior to the Bed & Breakfast establishment becoming operational.

B. Specific Requirements for Bed & Breakfast Establishments Located in R-2, RT, RM-1 And RM-2 Districts.

1. 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.
2. 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.
3. 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.

C. Specific Requirements For Bed & Breakfast Establishments Located In OS-1, CBD, CCD, and WD Districts.

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1. 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.
2. 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.
3. Sufficient sleeping rooms shall be retained for use by the owner(s), resident manager(s), and their immediate family members residing in the residence.
4. 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.

Section 7.7 Campgrounds/RV Parks

- A. A minimum lot size shall be four (4) acres and not less than two hundred fifty (250) feet in width.
- B. All sanitary stations, portable toilets, or any sanitary facilities shall be set back one hundred (100) feet from the lot lines of the zoning lot.
- C. The campground perimeter shall be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or well-maintained live evergreens.
- D. Campsites shall be located at least fifty (50) feet from lot lines.
- E. All campgrounds and RV parks shall comply with State of Michigan and District Health Department requirements.

Section 7.8 Child Care Centers; Nursery Schools; Child Care Homes

- A. Uses which are listed as a Special Land Use in [Table 5.21](#) shall undergo the Special Land Use permit process.
- B. Uses which are not listed as a Special Land Use in [Table 5.21](#) shall be considered a Home Occupation and shall be required to obtain a zoning permit from the Zoning Administrator. The standards for Home Occupations shall apply.
- C. **Parking.**

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1. **Family and Group Child Care Homes.** Applicant shall present a plan for parking during drop-off and pick-up times as well as for employees who live off-site. On-street parking may be utilized.
2. **Child Care Centers/Nursery Schools.**
 - a. Applicant shall present a plan for parking during drop-off and pick-up times as well as for employees. The City may approve the use of on-street parking if the size and configuration of the lot preclude a sufficiently-sized parking lot and pick-up/drop-off area.
 - b. Vehicle ingress/egress shall be provided as far as possible from street intersections.
 - c. The stacking area for drop-off/pick-up shall be designed to prevent vehicles from stacking into or creating a hazard to traffic flow on the public street or from creating obstructions to pedestrian movements on sidewalks or on the site of the child care center/nursery school.

D. Accessory to Institutional Use.

A child care center/nursery school may be permitted as an accessory use to an institutional use, such as a religious institution, subject to satisfying all of the applicable necessary requirements of this Section.

E. Screening for Child Care Centers/Nursery Schools.

Screening pursuant to [§3.28](#) may be required.

F. State Licensing.

All facilities shall adhere to State of Michigan licensing requirements.

Section 7.9 Neighborhood Businesses

A. Purpose.

1. To permit neighborhood commercial/office uses in residential districts (districts specified in [Article 5](#)) in:
 - a. existing commercial buildings;
 - b. buildings that were originally constructed for commercial use, but have since been converted to residential use; or
 - c. new buildings constructed on vacant lots previously occupied by a commercial structure.

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2. The Planning Commission may approve a commercial/office use in residential districts (districts specified in [Article 5](#)) that does not meet the requirements in [subsection 1 \(a-c\)](#) above upon determining that the use:
 - a. Will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - b. Will not otherwise impair the public health, safety, and general welfare of the residents.

Buffering pursuant to [§3.28](#) may be required.

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, pharmacist, or an establishment doing radio, television, personal and household goods repair and maintenance, 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 unless the Planning Commission approves a greater number.
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 that the total square footage does not exceed two thousand (2,000) square

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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. Final design shall be approved by the Planning Commission as part of the Special Land 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. 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 bought or sold.

Section 7.10 Drive Through/Drive Up Businesses

A. General Regulations.

1. Stacking space shall be designed to prevent vehicles from stacking into or creating a hazard to traffic flow on the public street or from creating obstructions to pedestrian movements on sidewalks or on the site.
2. The Planning Commission may impose additional conditions it deems necessary to ensure public safety and the smooth and efficient flow of traffic.
3. 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.

B. Drive-Up and Drive-Through in CBD.

1. Drive-up windows for restaurants and service businesses shall be in an existing public alley or existing private parking lot/driveway on the site of the principal use.

2. Establishments with drive-through and drive-up windows, whether in a public alley or private parking lot/driveway, shall provide sufficient stacking space and, if determined, by the applicant or the Planning Commission, to be needed, sufficient parking spaces for patrons who are waiting for orders to be filled.

Section 7.11 Funeral Home/Mortuary

- A. The use shall be so arranged that an 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. A mortuary that houses a crematorium shall be located at least five hundred (500) feet from any residential use.
- C. A caretaker’s residence may be provided within the principal building or within an accessory building.

Section 7.12 Golf Courses

- 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 effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred feet (200) from any lot 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.

Section 7.13 Greenhouses; Nurseries; Landscaping Supply

- 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.
- 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 setback.

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Section 7.14 Hospitals

- A. Primary access to the site shall be on a major thoroughfare.
- B. Helicopter landing pads may be permitted as accessory uses.

Section 7.15 Hotels, Motels & Resorts

No guest shall establish residence at a hotel or motel for more than thirty (30) consecutive days in any sixty (60) day period. No guest shall establish their principal residence at a hotel or motel.

Section 7.16 Junkyards; Salvage Yards; Automobile Wrecking Yards; Scrap Yards; Motor Vehicle Impoundment Yards; Recycling Facilities

- A. The minimum lot size shall be two (2) acres and the maximum lot size shall be eight (8) acres.
- B. The location of the area where junk, materials, or debris is being stored shall be at least one hundred twenty-five (125) feet from any public road.
- C. The location of any such use shall not abut a residential district or 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 except the I-2 or I-2 Districts.
- D. Glare from any process, such as arc welding 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. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
- G. **Screening.**
 - 1. A wall or opaque fence, a minimum of eight (8) feet in height, constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set fifteen (15) feet or more inside the lot lines, shall be maintained in good repair around junkyards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards or similar establishments. Fences around these facilities may be higher than the maximum fence height in [§3.27](#). The Planning Commission may set a maximum fence height as a condition of the Special Land Use. Stored materials shall not be piled higher than the fence height.

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2. Entryways to junkyards, 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.

Section 7.17 Manufactured Home Dealers

- 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. Repairs or refinishing may be conducted as an accessory use.

Section 7.18 Manufactured Housing Communities

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the [Michigan Manufactured Housing Commission, 1987 PA 96](#) 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. The following standards are not intended to be more stringent than the **administrative rules** promulgated by the State of Michigan for Manufactured Housing Communities. If any of the following standards are in conflict with the administrative rules, those State of Michigan administrative rules shall apply.

B. Anchoring.

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 lots of less than fifteen (15) acres in area.

D. Area, Height, and Bulk Requirements.

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All manufactured housing communities shall comply with State Manufactured Housing Commission requirements.

E. Screening of Underside of Manufactured Home.

The underside or chassis of all manufactured homes in manufactured housing developments shall 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. Utilities.

All utility connections shall comply with state and local codes.

G. Review.

1. 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. Outside Storage.

1. The outside storage of household effects, other than normal patio furniture, etc., is prohibited.
2. 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.
3. 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 vehicles or items in the manufactured housing community is specifically prohibited except in the storage area. The storage area shall be screened by a solid type fence six (6) feet in height around its perimeter or by some other similar screening device.

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Section 7.19 Manufacturing Uses: Miscellaneous

The following production or manufacturing uses (not including storage of finished products) shall be located not less than one thousand (1,000) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district (except the I-1 and I-2 Districts):

- 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 7.20 Marinas

- A. On-site restroom facilities shall be provided per code for all marinas.
- B. Any marina, which permits boaters to overnight in their moored or docked boats, must provide shower/washing facilities as prescribed by the Planning Commission.
- C. 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.
- D. The Planning Commission may modify or waive those site requirements listed in A – C above upon a demonstration of hardship or a compelling need or justification.

Section 7.21 Outdoor Recreational Facilities - Commercial

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 7.22 Outdoor Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor’s Equipment

- A. The outdoor storage of building materials shall comply with the performance standards in [§3.34](#).
- B. The outdoor storage of raw materials shall be a use incidental to the principal use of the zoning lot.

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C. The outdoor storage of raw materials and equipment shall not be permitted in the front yard.

Section 7.23 Parking Structures

- A. The architecture of the parking structure shall be consistent and/or compatible with development in the surrounding neighborhood.
- B. In the CBD District, commercial uses must occupy a portion of the ground floor of the parking structure fronting a public street.

Section 7.24 Residential Human Care Facility

The following regulations shall apply to any facility providing:

- Emergency shelter and services for abused individuals and their children.
- 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 Land 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 treatments, or as required to allow residents to secure alternative housing options as per the facility policy. 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), staff, and volunteers. Occupancy may be increased to greater than twenty-five (25) persons only upon approval of the Planning Commission through the Special Land Use process. The criteria for approving an increased occupancy shall be:

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1. The increase will not have a negative effect on the neighborhood.
2. The lot provides adequate space to provide for this increase.
3. There exists an adequate amount of space in the building for the requested increase.
4. There is a sufficient level of staffing/volunteers available to accommodate the increase.
5. For increases required to be approved by the Planning Commission, all Special Land Use standards in [§6.12](#) shall be met.

D. Spacing.

No such facility shall be located within twelve hundred (1,200) feet of the lot line of a similar facility. The Planning Commission may increase or decrease this separation distance upon finding that the type and location of the request requires an increased or decreased separation distance to ensure that the facility has no negative effect on the neighborhood or surrounding neighborhoods.

E. Outdoor Play Space.

In those instances where child care is to be provided as a part of such facility, outdoor play space is required. The applicant shall indicate the proposed outdoor play space on the site plan.

F. 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.

G. 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. A change in approved operational hours shall require approval by the Planning Commission using a new Special Land Use process.

H. Operations Plan and Safety and Security.

1. An application for a Special Land Use shall include a written operations plan by the operator of the facility detailing the following:
 - a. Applicable staffing levels.
 - b. Provisions for staff and volunteer training.
 - c. Hours of operation.
 - d. Neighborhood outreach.
 - e. Length of stay of occupants.
 - f. Crime prevention.
 - g. Security and monitoring procedures for individuals utilizing, entering, and leaving the facility.
 - h. Screening.

- i. Copy of intended guest registry. Staff shall keep a registry of the names of all occupants, the dates of stay, and check-in/check-out times of all occupants.
- 2. 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 7.25 Outdoor Seating & Dining Service

Outdoor seating or dining service operated by a restaurant or other food or drinking establishment which sells food for immediate consumption may be permitted, subject to the following conditions:

A. Private Property and Public Right-of-Way.

- 1. The request for outdoor seating or dining service may be included as part of the original site plan review for the business. If the request is made subsequent to the original site plan approval, a review and approval of a plot plan (at no cost to the applicant) is required prior to placement of any fixtures.
- 2. A zoning permit and/or building permit may be required, depending on the plot plan.
- 3. The exterior of the premises shall be kept clean, orderly, safe, and maintained.
- 4. Exterior food preparation may be permitted if approved by the Health Department.
- 5. Outdoor seating and service shall be allowed during normal operating hours of the establishment.
- 6. Outdoor seating and service 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. unless otherwise approved by City Council.

B. Additional Requirements for Outdoor Seating and Service on the Public Right-of-Way.

- 1. Requests for outdoor seating on a public right-of-way (e.g., sidewalk, alley) may require review by City Council as determined by City Staff.
- 2. Fences or railings are prohibited on sidewalks unless approved as part of the plot plan application.
- 3. A clearance minimum of three (3) continuous feet for pedestrian traffic is required on a public right-of-way.
- 4. Business owners shall be required to list the City of Alpena as an additional insured for comprehensive general liability insurance.

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Section 7.26 Rooming Houses

- A. Zoning Administrator approval is required for rooming houses which rent out one (1) room. Planning Commission approval is required for rooming houses which rent out more than one (1) room.
- B. Rooming houses shall be required to participate in the Rental Registration Program.
- C. 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.
- D. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- E. 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.
- F. 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.
- G. Board shall not be provided to renters for terms of less than thirty (30) consecutive days.
- H. Off-street parking shall be required in accordance with [§3.31](#).

Section 7.27 Accessory Dwelling Units

- A. **Purpose.** The purpose of this Section is to allow an Accessory Dwelling Unit to be used, 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 to maintain the character of single-family neighborhoods. The following regulations shall apply:
- B. If the Accessory Dwelling Unit meets the definition of a dwelling unit regardless of whether or not it is used by the resident family, extended family, or non-family members, then it shall be subject to this Section.
- C. One (1) Accessory Dwelling Unit is allowed per lot.
- D. The Accessory Dwelling Unit shall be a self-contained unit, limited in size so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building and shall be any of the following:

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1. Located above a garage.
 2. Attached to the primary dwelling or garage. The total floor area shall not exceed thirty (30) percent of the total floor area of the primary dwelling.
 3. Totally within a primary dwelling. The total floor area shall not exceed thirty (30) percent of the total floor area of the primary dwelling.
 4. A detached stand-alone structure. The total floor area shall not exceed fifty (50) percent of the ground floor area of the primary dwelling (not counting any attached garage area of the primary dwelling).
- E. The Accessory Dwelling Unit shall have a separate exterior entrance.
- F. The primary dwelling unit shall be owner-occupied and the owner shall maintain the Accessory Dwelling Unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- G. Detached Stand-Alone Accessory Dwelling Units shall be considered accessory structures. The following regulations shall apply:
1. Such structures shall be located in the rear or side yard and shall be consistent in appearance with the principal building.
 2. Accessory Dwelling Units shall not exceed a length-to-width ratio of 2:1.
- H. The property owner must reside on-site.
- I. Accessory Dwelling Units which are rented out shall be required to participate in the Rental Registration Program.

Section 7.28 Sexually Oriented Businesses

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

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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 lot within five hundred (500) feet of lot which contains residence, public or private school, place of worship, public park, state-licensed child care facility, or residential zoning district.
- C. No sexually oriented business shall be permitted on a lot on which any principal or accessory structure, including signs, is within one thousand (1,000) feet of a lot which contains 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 lot line of the proposed sexually oriented business to the closest lot line associated with any of the land use(s) or zoning district identified in **subsection B or C** above.
- E. The proposed use must meet all applicable written and duly promulgated standards of the City of Alpena and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. 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**.”
- G. 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.
- H. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- I. 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.

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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.

J. Review Procedure for Sexually Oriented Businesses.

The Planning Commission shall adhere to the following procedures when reviewing a Special Land Use application for a sexually oriented business:

1. Once a complete application has been submitted, the Planning Commission shall within sixty (60) days after the submission make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in this Section, §6.6 and §6.12. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a Special Land Use for the same within sixty (60) days of its determination that a completed application has been filed, then the Special Land Use shall be deemed to have been approved.
2. **Prompt Judicial Review Of Adverse Determination.** In the event an application for Special Land Use within this Section is denied, the applicant shall be entitled to prompt judicial review of that denial. If the applicant desires prompt judicial review of the denial, the applicant shall submit a written request for that review with the Zoning Administrator. Within five (5) business days after receipt of the written request for judicial review, the City shall file a motion for preliminary injunction in the Alpena County Circuit Court that seeks to restrain the applicant from operating the sexually-oriented business in violation of the Zoning Ordinance. If the applicant seeks an order from the Circuit Court, under the then applicable Michigan court rule, that the trial of the action on the merits be advanced and consolidated with the hearing on the motion for preliminary injunction, the City shall consent to that request. If the applicant appeals an adverse ruling from the Circuit Court to the Michigan Court of Appeals and the applicant seeks an order from the Court of Appeals, under the then applicable Michigan court rule, that seeks to expedite the priority of the appeal on the Court’s calendar, the City shall consent to that request. In the event the Michigan Supreme Court accepts applicant’s appeal from an adverse ruling from the Court of Appeals and the applicant seeks an order from the Supreme Court, under the then applicable Michigan court rule, that seeks to expedite the proceeding before the Court, the City shall consent to that request.

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Section 7.29 Self-Service 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. A caretaker dwelling unit and/or office may be permitted on-site.
- D. 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](#).

Section 7.30 Wireless Facilities

A. Purpose.

The purpose and intent of these regulations pertaining to wireless 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 lots. 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 the potential adverse impact of wireless facilities;
- 2. Encourage the location of wireless facilities in nonresidential areas;
- 3. Minimize the total number of wireless facilities throughout the community;
- 4. Encourage the joint use of new and existing wireless facilities sites rather than the construction of additional towers;
- 5. Encourage developers of wireless facilities to configure them in a way that minimizes their adverse visual impact;
- 6. Enhance the ability of providers of wireless services to provide such services to the community quickly, effectively, and efficiently;
- 7. Consider the public health and safety of wireless facilities; and
- 8. Avoid potential damage to adjacent property from tower failure.

Amateur radio antenna: See [§7.2](#).

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B. Wireless Facilities Permitted By Right With Administrative Review.

The following wireless facilities shall be permitted by right following administrative review:

1. Wireless and supporting equipment facilities located on existing attachment structures. Such antenna shall not extend more than thirty-five (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 facilities attached to a monopole of seventy-five (75) feet or less in height. An increase in total height by up to twenty (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 facilities co-located on an existing supporting structure approved for co-location and with sufficient space available for the additional equipment.
4. Wireless 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).

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 wireless facilities not permitted by right shall require review and approval by the Planning Commission based on the following considerations and the development standards in [subsection E](#):

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 approval 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.

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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.

D. Approval Process.

1. After an application is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
2. If, before the expiration of the 14-day period under [subsection D.1](#), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under [subsection D.1](#) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
3. **Administratively-Approved Wireless Communications Facilities.** After the application is deemed complete, the Zoning Administrator shall review the application and issue a zoning permit if all standards are met.
4. **Planning Commission-Approved Wireless Communications Facilities.**
 - a. After the application is deemed complete, a public hearing shall be held for wireless communications that are listed as a Special Land Use. The notice of the public hearing shall be given pursuant to [§9.6](#).
 - b. The Planning Commission shall conduct a site plan review using the standards in [§6.6](#), [§6.12 \(for Special Land Uses\)](#), and [subsection E](#) below. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

E. Development Standards.

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

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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 two hundred (200) feet above surface grade. The Planning Commission may approve deviations to this two hundred (200) feet height limit 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 are adequately protected.

3. **Location on Property.** Wireless Communication Facilities with ground-mounted towers shall be located in the rear yards of property. If no principal building is located on the property, the Facility shall be located in the rear one-third (1/3) of the property. The Planning Commission may approve a location that does not conform to this subsection 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 are adequately protected.

4. **Setbacks.**
 - a. **From Lot Lines and Primary Electric Transmission Lines.** Wireless communications support structures shall be setback a minimum distance from adjoining properties and primary electric transmission lines at least equal to the height of the structure including antennas.

 - b. **Ground Mounted Facilities/Other.** Ground-mounted wireless communications facilities and other wireless communications facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each lot line.

 - c. The Planning Commission may reduce the setbacks specified in **4.a**, and **4.b** above at its discretion based on a demonstrated need by the applicant and a determination that the health and safety of the public and adjacent properties are adequately protected.

5. **Fencing and Landscaping.**
 - a. **Fencing.** A solid fence/wall eight (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 four (4) foot wide landscape strip along the perimeter of the fence enclosure consisting of shrubs, flowers, ground cover 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.

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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 their 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 unless required by federal regulations. Radar-activated obstruction lighting is required if permitted by the FAA and the FCC.

9. **Maintenance Inspections.** All guyed towers, including those installed prior to this Ordinance, shall be inspected every two (2) years. Self-supporting towers shall be inspected every four (4) 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, and 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.

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- e. **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 FCC has jurisdiction over 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.
14. **Reception Interference.** Wireless Communications Facilities shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.

F. **Application Requirements.**

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All requests for a Zoning Permit or Special Land Use Permit regardless of Wireless Communications Facility type, including but not limited to 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 Zoning Administrator of any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
3. **Proof of Required FAA Filings.** Applicant shall include a letter of receipt from the **Federal Aviation Administration (FAA)** providing proof of filing of all forms required by the **FAA**. The applicant shall submit proof of approval, if required.
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 (1) 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
 - 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.

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6. **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 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.

7. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
 - a. The decommissioning plan shall include:
 - (1) The anticipated life of the project.
 - (2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - (3) **Performance Guarantee.** The City may require a performance guarantee (pursuant to [§9.5](#)) at the time of approval equal to 1.25 times the estimated decommissioning cost.
 - (a) The City may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the City will select the most appropriate cost estimate.
 - (b) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the City Council. 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.
 - (4) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).
 - b. A Wireless Communications Facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan after providing notification to the City; or

- (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

G. Co-Location Policy.

All new wireless communication facilities requiring a Special Land 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 co-location of other wireless communication facilities. A Special Land 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 structures up to a height of one hundred (150) feet shall be engineered and constructed to accommodate at least three (3) antenna array. All Wireless Communication Facilities with support structures greater than one hundred fifty (150) feet in height shall be engineered and constructed to accommodate at least four (4) antenna array.

H. Removal of Abandoned Wireless Communications Facilities.

1. If any Wireless Communication Facility owner or operator intends to abandon and, in fact, does abandon a Wireless Communication Facility by not operating it 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 ninety (90) days after notice of abandonment from the City to remove the facility. If the abandoned Wireless Communication Facility is not removed within ninety (90) days, the City may remove it and recover its costs from the facility’s owner. In the event the City does not require a performance guarantee, 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.
2. If there are two (2) 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.

I. Revocation Procedure.

Any Zoning or Special Land Use Permit issued for a Wireless Communication Facility pursuant to this Section may be revoked after a hearing as provided hereinafter. If the Zoning Administrator 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 Zoning Administrator 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

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must be corrected. The time for correction of deficiencies shall not exceed sixty (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 after notification 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.

J. Appeals.

See §8.2.F

K. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Facilities Deployment Act, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

2. **Special Land Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Planning Commission as a Special Land Use in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
 - (2) The running of the time period tolled under **subsection (1)** resumes when the applicant makes a supplemental submission in response to the Zoning Administrator’s notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the Special Land Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is

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received. The time period for approval may be extended by mutual agreement between the applicant and the Planning Commission.

- b. The Planning Commission shall base their review of the request on the standards contained in **§6.6** and **§6.12** provided, however, that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

- c. In addition to the provisions set forth in **subsection b**, in the Planning Commission’s review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.

- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

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L. Exemptions (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (devices covered by [47 CFR Section 1.4000](#)) are exempt from this Section. An amateur radio service station antenna structure is regulated by [§7.2](#). Other wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate other such wireless transmissions. See [Over-the-Air Reception Devices \(47 CFR Section 1.4000\)](#). Single-use towers and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the City prior to erecting such a tower.

Section 7.31 Outdoor Sales & Rental of Large Items

Outdoor display may be allowed in front and side yards abutting a street provided the following conditions are met:

- A. Display areas shall not be located in the required setback.
- B. Display areas shall not be covered by canopies or other structures.
- C. Display areas shall be surfaced with concrete, asphalt, or other impervious surface material.

Section 7.32 Vehicle Washes

- 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 (6) foot high obscuring wall of sound-absorbing material shall be provided and maintained on those lot 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 (50) feet 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 lot itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

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Section 7.33 Wind Energy Facilities

A. Purpose and Goals.

The purpose of this Section is to establish guidelines for siting wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers. This Section's goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines 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 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.

D. Standards.

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 Land 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 lot shall not preclude the installation of a wind energy facility or a part of such facility on such lot.

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Wind energy facilities that are constructed and installed in accordance with the provisions of this Section 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; provided, however, this standard shall not apply to an anemometer tower. No wind turbine shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) 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.
3. **Design & Installation.** All wind turbines 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 or an anemometer tower erected prior to a wind turbine shall be as necessary to meet required wind energy setbacks and any other standards of this Section.
5. **Setbacks.** Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:
 - a. **Setback from Non-Participating Lot Line.** Each wind turbine shall be set back from the nearest lot line of a non-participating lot a minimum of 1.1 times its total height as measured from the base of the wind turbine.
 - b. **Occupied Building Setback on Non-Participating Lots.** Each wind turbine shall be set back from the nearest point of the outside wall of the dwellings or occupied community buildings that are located on non-participating lot(s) a minimum of 2.1 times its total height as measured from the base of the wind turbine.
 - c. **Dwellings and Other Structures on Participating Lots.** Each wind turbine shall be set back from the nearest point of the outside wall of dwellings or other structures that are located on participating lot(s) a minimum of 1.1 times its total height as measured from the base of the wind turbine.

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- d. **Setback from Road.** In addition to the above, a wind turbine shall, in all cases, be set back from a public or private road right-of-way a minimum distance at least equal to the height of the wind turbine total height.
 - e. **Setback from Overhead Communication and Electric Transmission Lines.** Each wind turbine shall be set back from overhead communication and electric transmission lines (not including utility service lines to individual houses or outbuildings) a minimum distance of 1.1 times its total height as measured from the base of the wind turbine.
 - f. **Building Setbacks.** Setbacks for buildings accessory to a wind turbine shall conform to the setbacks of the district.
6. **Maximum Height.** 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.
 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 shall be no less than fifty (50) feet.
 9. **Maximum Noise Levels.** The wind energy facility does not generate a maximum sound in excess of fifty-five (55) dBA (Leq (1 hour)) at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.
 10. **Maximum Vibrations.** Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible beyond the lot on which it is located.
 11. **Potential Ice Throw.** Any potential ice throw or ice shedding from a wind turbine shall not cross the lot lines of the site nor impinge on any right-of-way or overhead utility line.
 12. **Shadow Flicker.** The turbine owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the turbine. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than

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thirty (30) hours per year and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.

13. **Signal Interference.** No wind turbine 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 interference with signal transmission or reception. No wind turbine shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce interference with the link's operation.

14. **Visual Impact, Lighting, Power Lines.**

- a. Wind turbines shall be mounted on tubular towers of 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 turbines 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.
 - (5) Radar-activated obstruction lighting system shall be utilized, if available.
- 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.

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- e. The electrical collection system shall be placed underground within the interior of each lot 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.

15. Safety.

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. The exterior of wind turbine towers shall not be climbable up to fifteen (15) feet above the ground surface.
- 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 turbines shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine.
- f. Wind turbines 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.

16. Additional State, Federal, or Local Requirements. Any proposed wind turbine or 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 turbines or other tall structures in effect at the time the Special Land Use application is approved.

E. Application Requirements.

- 1. **Site Plan Required.** All applications for a Wind Energy Facility shall be accompanied by a detailed site plan that is drawn to scale and dimensioned, displaying the following information:
 - a. Existing property features to include the following: lot lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location

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and use of all structures and utilities within three hundred (300) feet of the lot lines (participating and non-participating lots).

- b. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Wind Energy Facility.
- c. Additional details and information as required by the Special Land Use requirements of the Zoning Ordinance or as requested by the Planning Commission.

2. **Site Plan Documentation.** The following documentation shall be included with the site plan:

- a. The contact information for the Owner(s) and Operator(s) of the Wind Energy Facility as well as contact information for all property owners on which the Wind Energy Facility is located.
- b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Wind Energy Facility. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the Special Land Use permit, if approved.
- c. Identification and location of the properties on which the proposed Wind Energy Facility will be located.
- d. The proposed number, representative types, and height of each wind turbine to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
- e. Documents shall be submitted by the developer/manufacturer confirming specifications for wind turbine separation.
- f. Documented compliance with the noise and shadow flicker requirements set forth in this Ordinance.
- g. Engineering data concerning construction of the Wind Energy Facility and its base or foundation, which may include, but not be limited to, soil boring data.
- h. A certified registered engineer shall certify that the Wind Energy Facility meets or exceeds the manufacturer's construction and installation standards.
- i. Anticipated construction schedule.
- j. The location of any battery energy storage system on-site.

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- k. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Wind Energy Facility to conduct maintenance, if applicable.
- l. Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The Wind Energy Facility shall comply with **Federal Aviation Administration (FAA)** requirements, **Michigan Airport Zoning Act**, **Michigan Tall Structures Act**, and any applicable airport overlay zone regulations.
- m. Proof of applicant's liability insurance.
- n. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned turbine and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- o. Other relevant information may be requested by the City to ensure compliance with the requirements of this Ordinance.
- p. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Land Use Permit.
- q. A written description of the anticipated life of each Wind Energy Facility.
- r. The City reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- s. Signature of Applicant.
- t. In addition to the Site Plan Requirements listed previously, the Wind Energy Facility shall be subject to the following:
 - (a) A site grading, erosion control, and stormwater drainage plan will be submitted to the Zoning Administrator prior to issuing a Special Land Use permit for a Wind Energy Facility. At the City's discretion, these plans may be reviewed by the City Engineer. The cost of this review will be the responsibility of the applicant.
 - (b) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility.

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- u. **Hazard Planning.** An application for a wind turbine shall be accompanied by a hazard prevention plan. Such plan shall contain:
 - (1) Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - (2) Location of landscaping to be designed to avoid the 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.
 - (3) A listing of any hazardous fluids that may be used on-site shall be provided in an electronic format, including safety data sheet (SDS).
 - (4) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - (5) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

- v. **Additional Studies.** The Planning Commission may require the applicant to submit additional studies if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:
 - (1) **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
 - (2) **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

- 3. **Other 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

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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.

4. **Decommissioning Plan Required.** The applicant shall submit a decommissioning plan at the time of application. The plan shall include:
 - a. The anticipated life of the project.
 - b. The anticipated manner in which the project will be decommissioned and the site restored. In addition to removing the wind turbine, or anemometer tower, the owner shall restore the site of the wind turbine or anemometer tower to its original condition prior to the location of the wind turbine or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
 - c. **Performance Guarantee.** The City shall require a performance guarantee (pursuant to §9.5) at the time of approval equal to 1.25 times the estimated decommissioning cost.
 - (1) The City may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the City will select the most appropriate cost estimate.
 - (2) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the City Council. 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.
 - d. The method of ensuring that funds will be available for decommissioning and restoration.
 - e. City-approved traffic route for decommissioning and surety bond to ensure no perceived road damage is done.
 - f. A facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan after providing notification to the City; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

F. Performance Guarantee.

The Planning Commission shall require the owner of the wind turbine to deposit a performance guarantee

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(§9.5) in an amount equal to 1.25 times the estimated costs associated with the removal of the wind turbine 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.

G. Equipment Replacement and Repowering.

Major components of the wind turbine may be replaced without a modification of the Special Land Use permit provided all regulations contained herein are adhered to. A wind energy facility may at any time be repowered, without the need to apply for a new Special Land Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing wind energy facility or to add a greater number of wind turbines than were approved as part of the Special Land Use or to increase the height of the existing turbines shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a wind energy facility will be reimbursed to the City by the facility owner in compliance with established escrow policy.

H. Reports.

The City may request an annual wind energy production summary report for the preceding year. When requested, the report shall be transmitted to the City Clerk.

I. Emergencies.

The City may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. The Wind Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the city public safety department.

J. Abandonment and Removal.

1. If a wind turbine owner or operator intends to abandon and, in fact, does abandon a wind turbine by not operating it for a continuous period of twelve (12) months, said wind turbine shall be considered abandoned, and the owner of such wind turbine or anemometer tower shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the City. Failure to remove an abandoned wind turbine 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 or anemometer tower at the owner's expense. The Planning Commission may grant an extension to this one hundred eighty (180) day period.

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2. In addition to removing the wind turbine, or anemometer tower, the owner shall restore the site of the wind turbine or anemometer tower to its original condition prior to location of the wind turbine or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

Section 7.34 Medical Marihuana Facilities & Adult Use Marihuana Establishments

A. Standards.

1. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located within one thousand (1,000) feet of any school.
2. Medical Marihuana Facilities and Adult Use Marihuana Establishments 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 Park, Bay View Park, Water Tower Park, Starlite Beach Park, or Mich-e-ke-wis Park.
3. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located in the district or area known as the “Downtown Development Authority.”
4. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located within five hundred (500) feet of another Medical Marihuana Facility or Adult Use Marihuana Establishment, with the exception of Marihuana Secure Transporters and Marihuana Safety Compliance Facilities.
5. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall comply with the [City of Alpena Ordinance No. 23-484 \(Medical Marihuana Facilities and Adult Use Marihuana Establishments\)](#).

B. Submittal Requirements (in addition to submittal requirements in §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 §6.6 and Special Land Use review standards in §6.12.

1. The 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, the applicant shall commit to physical improvements to the exterior of the existing building or structure. If no improvements are necessary, the applicant shall include a statement indicating the reasons.

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3. The applicant shall submit a maintenance plan that provides for the upkeep of the property, including exterior or right-of-way.

Section 7.35 Solar Energy Facilities (Utility-Scale)

A. Purpose.

1. This Section applies to Solar Energy Facilities (Utility-Scale). A solar energy facility shall require a Special Land Use permit and shall be evaluated with the standards in this Section in addition to the site plan review standards in §6.6 and Special Land Use standards in §6.12.
2. Accessory solar panels are regulated as Accessory Uses in §3.12. However, upon determination of the Zoning Administrator, accessory solar panels which provide power to uses other than single-family and two-family residential and which occupy a total area of twenty (20) acres or more or produce two (2) MW of power or more may also be required to comply with this Section.

B. Standards.

1. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from the road right-of-way and all lot lines of non-participating lots and shall be three hundred (300) feet from the nearest point of the outer wall of all residences and occupied community buildings on non-participating lots.
2. **Height.** The total height for all solar collection devices shall not exceed twenty (20) feet when oriented at maximum tilt.
3. **Reflection/Glare.** Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent lots and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.
4. **Impervious Surface/Stormwater/Ground Cover.**
 - a. The Planning Commission may require soil stabilization through groundcover.
 - b. If required by the Zoning Administrator, the application shall include a drainage plan showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. If groundcover (such as conservation cover or pollinator habitat) is utilized, then a drainage plan is not required.

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5. **Screening.** The Planning Commission may require that solar devices be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
6. **Wiring.** Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.
7. **Lighting.** Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
8. **Sound.** The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the nearest outer wall of the nearest dwelling located on an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard. Inverters shall be as centrally-located on the property as possible.
9. **Fencing.** Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection B.1](#). Fencing for solar energy facilities is exempt from standards in [§3.27 \(Fences\)](#). The Planning Commission may require wildlife-friendly fencing.
10. **Lot Coverage.** Solar collection devices shall not count toward the maximum lot coverage standards in [Article 5](#).

C. Application Requirements.

An applicant shall submit a site plan showing the design of all elements to be erected or constructed as a part of the solar energy facility. The site plan shall include the following:

1. All lot lines, dimensions, and setbacks, including a legal description of each lot comprising the Solar Energy Facility.
2. Names of owners of each lot that is proposed to be within the Solar Energy Facility.
3. Vicinity map showing the location of all surrounding land uses.

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4. The location of all solar arrays, including setbacks.
5. The width of arrays.
6. The distance between arrays plus total height (and distance to the lowest edge of the array above grade).
7. Ancillary structures and electrical equipment.
8. Utility connections.
9. Buildings on the property and within three hundred (300) feet of the lot lines (participating and non-participating lots).
10. Existing and proposed structures as part of the Solar Energy Facility.
11. Buried or above-ground wiring.
12. Temporary and permanent access drives.
13. Fencing detail.
14. Screening/landscape detail and berm detail.
15. Signs.
16. The location of any battery energy storage systems on-site.
17. Plans for land clearing and/or grading required for the installation and operation of the system and plans for ground cover establishment and management.
18. Sound modeling study including sound isolines extending from the sound source(s) to the lot lines of adjoining non-participating lots.
19. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
20. **Additional Studies.** The Planning Commission may require the applicant to submit additional studies if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:
 - a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project

will look like (including proposed landscape and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.

- b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
- c. **Stormwater Study.** An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a one hundred (100) year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
- d. **Glare Study.** An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year and its influence on the facility.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

21. **Decommissioning Plan.** A decommissioning plan is required at the time of application.

- a. The decommissioning plan shall include:
 - (1) The anticipated life of the project.
 - (2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - (3) **Performance Guarantee.** The City may require a performance guarantee (pursuant to §9.5) at the time of approval equal to 1.25 times the estimated decommissioning cost.
 - (a) The City may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the City will select the most appropriate cost estimate.

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(b) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the City Council. 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.

(4) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).

b. A Solar Energy Facility owner may at any time:

(1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan after providing notification to the City; or

(2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

D. Repowering.

1. In addition to repairing or replacing solar energy components to maintain the system, a solar energy facility may at any time be repowered, without the need to apply for a new Special Land Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.

2. A proposal to change the project footprint of an existing solar energy facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a solar energy facility will be reimbursed to the City by the solar energy facility owner in compliance with established escrow policy.

E. Reports.

The City may request an annual solar energy production summary report for the preceding year. When requested, the report shall be transmitted to the City Clerk.

F. Emergencies.

The City may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. The Solar Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the city public safety department.

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G. Abandonment.

1. If a solar energy facility owner or operator intends to abandon and, in fact, does abandon a solar energy facility by not operating it for a continuous period of twelve (12) months, said solar energy facility shall be considered abandoned, and the owner of such solar energy facility shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the City. Failure to remove an abandoned solar energy facility within the one hundred eighty (180) day period provided in this subsection shall be grounds for the City to remove the solar energy facility at the owner's expense. The Planning Commission may grant an extension to this one hundred eighty (180) day period.
2. In addition to removing the solar energy facility, the owner shall restore the site of the solar energy facility to its original condition prior to location of the solar energy facility, subject to reasonable wear and tear. Any foundation associated with a solar energy facility shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed.

Section 7.36 Battery Energy Storage Systems (BESS) – Off-Site

A. Purpose.

1. This Section applies to Off-Site Battery Energy Storage Systems (BESS) that are stand-alone facilities or are in conjunction with another use such as Solar Energy Facilities or Wind Energy Facilities. Battery Energy Storage Systems shall comply with this Section, the site plan review standards in §6.6 and the Special Land Use standards in §6.12.
2. On-Site Battery Energy Storage Systems are regulated as Accessory Uses in §3.12.F.

B. Standards.

1. **Setbacks.** The setbacks of all buildings and components of a BESS shall be at least fifty (50) feet from the road right-of-way and all lot lines of non-participating lots and at least three hundred (300) feet from the nearest point of the outer wall of residences and occupied community buildings on non-participating lots.
2. **Height.** The maximum height of a BESS or building containing a BESS shall not exceed fifteen (15) feet. The Planning Commission may allow Battery Energy Storage Systems at a height of greater than fifteen (15) feet upon receiving feedback from the Fire Chief that an increase in height will not prevent the provision of emergency services.
3. **Screening.**

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- a. The Planning Commission may require that a BESS be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
 - b. Areas within fifty (50) feet on each side of a BESS shall be cleared of combustible vegetation and other combustible growth (including stumps of trees).
4. **Stormwater Management.** The entire BESS must comply with stormwater requirements of this Ordinance. Stormwater shall be modeled based on the final footprint of the BESS project (i.e., accounting for any future increased power capacity that is planned). Additionally, the stormwater management system within fifty (50) feet of any BESS components must be designed so as to detain run-off in case of emergency release of liquids (e.g., due to firefighting).
 5. **Lighting.** Lighting of the BESS shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. Flashing or intermittent lights are prohibited.
 6. **Sound.** The sound pressure level of a BESS and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the nearest outer wall of the nearest dwelling located on an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.
 7. **Fencing.** The BESS shall be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection B.1](#).
 8. **Safety and Compliance.**
 - a. Construction of a BESS shall comply with the [National Electric Safety Code](#) and the Building Code. In the event of a conflict between the Building Code and [National Electric Safety Code \(NESC\)](#), the [NESC](#) shall prevail.
 - b. **System Certification.** All Battery Energy Storage Systems shall be in compliance with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall

be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that Battery Energy Storage Systems are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

2. **Site Access.** The BESS shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the city fire department.
3. The BESS, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

C. Application Requirements.

1. **Site Plan.** A site plan shall be required. The site plan shall include the following:
 - a. All lot lines and dimensions, including a legal description of each lot comprising the BESS.
 - b. Names of owners of each lot that is proposed to be within the BESS.
 - c. Vicinity map showing the location of all surrounding land uses.
 - d. Location of all proposed battery structures, buildings which house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a BESS.
 - e. Horizontal and vertical (elevation) to-scale drawings with dimensions.
 - f. Proposed setbacks from the BESS to all existing and proposed structures on participating and non-participating lots.
 - g. Buildings on the property and within three hundred (300) feet of the lot lines (participating and non-participating lots).
 - h. Temporary and permanent access drives.
 - i. Screening/landscape detail and berm detail.
 - j. Signs.

- k. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
- l. Sound modeling study including sound isolines extending from the sound source(s) to the lot lines of adjoining non-participating lots.
- m. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.
- n. A written description of the maintenance program to be used for the BESS, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the BESS is decommissioned.
- o. Planned lightning protection measures.
- p. A preliminary equipment specification sheet that documents the proposed battery energy storage system components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of zoning permit.
- q. Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of the zoning permit.
- r. **Fire Response Plan (FRP)**. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. Copies of the approved Fire Response Plan shall be given to the system owner, the local fire department, and the city fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The fire response plan shall contain the following:
 - (1) A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - (2) A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
 - (3) The results of a toxic and flammable gas plume dispersion analysis for the anticipated BESS equipment in a severe fire emergency scenario to assess potential impacts on surrounding communities.
 - (4) An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include

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identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.

- (5) A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
 - (6) A commitment to review and update the FRP with local emergency services at least once every three (3) years.
 - (7) Other information the applicant finds relevant.
- s. **Emergency Response Plan (ERP).** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and the local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
- (1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - (2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (3) Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - (4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - (5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (6) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - (7) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

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- (8) An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
 - (9) Other procedures as determined necessary by the City to provide for the safety of occupants, neighboring properties, and emergency responders.
 - (10) An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity.
 - (11) A commitment to review and update the ERP with local emergency services at least once every three (3) years.
- t. **Other.** Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
2. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
- a. The anticipated life of the project.
 - b. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - c. **Performance Guarantee.** The City shall require a performance guarantee (pursuant to §9.5) at the time of approval equal to 1.25 times the estimated decommissioning cost.
 - (1) The City may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the City will select the most appropriate cost estimate.
 - (2) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the City Council. 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.
 - d. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).
 - e. A BESS owner may at any time:

- (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan after providing notification to the City; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
3. **Additional Studies.** The Planning Commission may require the applicant to submit additional studies if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:
- a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
 - b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. **Stormwater Management Plan.** Computations and design of a stormwater management system. For a BESS in a well-head protection zone and/or if the Fire Response Plan requires liquid agents for firefighting, additional calculations and design of the emergency runoff retention system in the area within ten (10) feet of the BESS shall be submitted.
 - d. **Pre-Development Sound Modeling Study.** A pre-development sound modeling study including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within one thousand (1,000) feet of the property boundary.
 - e. **Preliminary Equipment Specification Sheet.** Such sheet documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A Final Equipment Specification Sheet shall be submitted as part of Post-Construction Reporting.
 - f. **System Maintenance Plan.** A detailed maintenance schedule covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.

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- g. **Contact Information.** Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Information of the final system installer shall be submitted as part of Post-Construction Reporting.
- h. **NFPA 855 Compliance.** Confirmation that the facility complies with the latest edition of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

D. Increased Storage Capacity.

- 1. The components of the BESS may be reconfigured, renovated, or replaced to increase the power storage capacity within the existing project footprint.
- 2. A proposal to change the project footprint of an existing BESS shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a BESS will be reimbursed to the City by the BESS owner in compliance with established escrow policy.

E. Emergencies.

The City may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. The BESS shall be maintained in good working order and in accordance with industry standards.

F. Abandonment.

If a BESS owner or operator has an intent to abandon, and, in fact, does abandon a BESS for twelve (12) continuous months, the BESS shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the City and requested to dismantle the site and return it to its original state within one hundred (180) days of receipt of notice from the City of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the City and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the City will have the removal and restoration done at the owner/applicant’s expense.

G. Post-Approval Documentation.

Any Special Use Permit for any Off-Site BESS shall be conditioned upon the submission of the following documents:

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1. **Pre-Construction Documents.** Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator. Copies of all Pre-Construction Documents shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.
 - a. **Final Equipment Specification Sheet.** Documenting the final battery energy storage system components, inverters and associated electrical equipment.
 - b. **Contact Information.** Name, address, and contact information of the system installer and the owner and/or operator of the battery energy storage system.
 - c. **Amended Emergency Response Plan (ERP) and Fire Response Plan (FRP) (if applicable).** Changes to the design, type, manufacturer, etc. of BESS facilities or equipment after site plan approval must be analyzed to determine if changes are necessary to the ERP or FRP. Additional consultation with local emergency services is required for amended plans.
 - d. **Commissioning Plan.** A Commissioning Plan as outlined in NFPA 855.
 - e. **Hazard Mitigation Analysis (HMA).** A Hazard Mitigation Analysis as outlined in NFPA 855.

2. **Post-Construction Reporting.** Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator prior to final inspection and approval by the fire inspector. Copies of all Post-Construction Reporting shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.
 - a. **Amendments or updates to any Pre-Construction Documents.**
 - b. **Commissioning Report.** A Commissioning Report as outlined in NFPA 855.72.
 - c. **Emergency Operations Plan.** An Emergency Operations Plan as outlined in NFPA 855.73.

3. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the BESS system owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

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Section 7.37 Planned Unit Developments (PUDs)

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. Planned Unit Developments (PUDs) are 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, PUDs also provide the City with increased oversight and guidance in the design process. To this end, the use of PUD 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 Master 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 reuse 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.

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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 of 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. Land Division.

1. 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. Permitted Uses.

The following uses may be allowed in a PUD. Mixed uses are encouraged:

1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
2. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.
3. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a Residential Zoning District.

E. Flexibility of District Standards.

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the City may permit specific departures from the requirements of the Zoning Ordinance.

F. Development Standards.

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1. **Uses.** Proposed uses should be so designed and located 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.
2. **Natural Features.** To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.
3. **Design of Features.** A Planned Unit Development shall be designed so as to provide adequate light, air, privacy, circulation patterns, and public services. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
4. **Open Space.**
 - a. **Common Open Space.** A portion of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The applicant shall submit a proposal for open space during site plan review. Open space and recreational areas shall be areas which are usable to the residents and shall not consist of roads, parking areas, on-site drainage, and the like. The open space shall be disposed of as required in **subsection (b)** below. **The Planning Commission and City Council may waive or reduce this requirement during the approval process.**
 - b. **Disposition of Open Space.** The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the City and retained as common open space for parks, recreation, and related uses. All land dedicated to the City must meet the city’s requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the City unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission and City Council. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
5. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
6. **Perimeter Setback.** The Planning Commission and City Council may require a setback from the perimeter of the PUD property.

G. Review and Approval.

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1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator and Planning Commission Chair, prior to the submission of the development plan. The purpose of this meeting is to discuss, early and informally, the purpose and effect of this Ordinance and the criteria and standards contained herein, and to obtain feedback on the preliminary proposal.
2. **Consolidation of Preliminary Site Plan/Final Site Plan Option.** The applicant may choose to combine the Preliminary and Final Site Plan Review into one review process.
3. **Submission of Preliminary Site Plan.** Twelve (12) copies of the proposed preliminary site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. Prior to submission of the twelve (12) required copies, the applicant shall submit one (1) copy to the Zoning Administrator to determine if all information has been included on the site plan. A digital copy of the site plan shall be required in addition to print copies. An additional six (6) copies shall be required prior to submission to City Council.

The preliminary site plan shall include:

- a. General footprint of proposed and existing buildings.
 - b. Indication of proposed uses and their general locations.
 - c. General layout of streets, drives, parking areas, and pedestrian paths.
 - d. Individual lots, if applicable.
 - e. Proposed setbacks for district perimeters and individual buildings within the development.
 - f. Proposed perimeter buffer zones and screening.
 - g. Conceptual landscape plan.
 - h. Development phases, if applicable.
 - i. Type, estimated number, and density range for residential development.
 - j. Other information may be deemed necessary by City staff or the Planning Commission to properly review the proposal.
 - k. Additional supporting documentation including a written narrative describing the project.
4. **Preliminary Site Plan Approval.**

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- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with [§9.6](#) of this Ordinance.
- b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall recommend approval, denial, or approval of the preliminary plan subject to specified conditions/revisions. After receiving the recommendation of the Planning Commission, the City Council shall take action on the plan to approve the plan, deny the plan, or approve the plan with conditions.

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 (2)-year time period, the PUD and preliminary site plan shall become null and void. The City Council may approve one (1) extension of up to two (2) years.

5. Final Site Plan Approval.

- a. Twelve (12) copies of the proposed final site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the final site plan will be reviewed. Prior to submission of the twelve (12) required copies, the applicant shall submit one (1) copy to the Zoning Administrator to determine if all information has been included on the site plan. A digital copy of the site plan shall be required in addition to print copies. An additional six (6) copies shall be required prior to submission to City Council.
- b. The final site plan shall include all site plan data required in [§6.4](#).
- c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- d. The Planning Commission shall conduct a public hearing in accordance with [§9.6](#) of this Ordinance.
- e. **Planning Commission Recommendation.** Following the public hearing, the Planning Commission shall take action on the plan to recommend or not recommend approval to the City Council. If approval with conditions is recommended, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission, City Council, or the Zoning Administrator. Planning Commission recommendation shall be based on the requirements stated in this Section, site plan review criteria in [§6.6](#), Special Land Use approval standards in [§6.12](#), 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.

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- f. **City Council Approval.** After receiving the recommendation of the Planning Commission, the City Council shall take action on the plan to approve the plan, deny the plan, or approve the plan with conditions. If the approval includes conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission, City Council, or the Zoning Administrator. City Council approval shall be based on the requirements stated in this Section, site plan review criteria in §6.6, Special Land Use approval standards in §6.12, 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.
 - g. 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 and City Council for review and re-approval. The City Council 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.
 - h. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.
6. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in §6.6. Major amendments to an approved Special Land Use shall be processed in the same manner as the original application. Minor amendments may be approved by the Zoning Administrator.
- (a) **Minor Amendments.** Minor amendments shall include the following as deemed appropriate by the Zoning Administrator:
 - (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.
 - (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 the parking lot which does not affect the number of parking spaces or alter access locations or design.

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- (5) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (6) Changes that will preserve the natural features of the site without changing the basic site layout.
 - (7) Change in the type and design of lighting fixtures provided there will be no change in the intensity of light at the property boundary.
 - (8) Increase peripheral yards.
 - (9) Sign modifications to location, sign face, landscaping, and lighting, provided the general sign design, number of signs, and dimensional requirements are maintained.
 - (10) Changing the location of an exterior building wall or location not more than ten (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.
 - (11) Changes related to items (1) through (10) 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) **Major Amendments.** Major amendments are proposed changes to an approved PUD final site plan which are not listed in [subsection \(a\)](#) above and also include the following:
- (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 [subsection G.5](#).

Section 7.38 Home Occupations & Home Offices

A. Home Offices.

A Home Office is a dedicated space in a residential dwelling unit where the resident(s) may carry out certain functions of a commercial, service, or organizational nature – such as administration and sales – without a permit, provided the following conditions are met:

1. **Maximum Floor Area.** The office may not occupy more than twenty-five (25) percent of the floor area of the dwelling unit or a maximum of five hundred (500) square feet, whichever is smaller.
2. **Resident Employees Only.** No persons who are not lawful residents of the dwelling may be employed.
3. **Signs.** There shall be no signs except as provided for in [Article 4](#).
4. **No Customer or Client Traffic.** Persons other than residents of the dwelling shall not visit the home office for business purposes.
5. **Equipment Operation.** There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
6. **Accessory Structure Use.** A Home Office use may be conducted in an accessory structure that is properly permitted by the City Building Official.

B. Home Occupations.

1. **Intent and Application.** It is the purpose and intent of this Section to provide for certain types of Home Occupations for residents on the resident's premises. Accordingly, minimum standards have been established in order to assure compatibility of Home Occupations with other uses permitted in the applicable district and to preserve the character of residential neighborhoods. Home Occupations are different from Home Offices, such as they allow for Customer or Client Traffic, and one employee that is not a resident of the dwelling. The following regulations shall apply to all Home Occupations within the City of Alpena.
2. **Application and City Approval.** The Zoning Administrator or their designee shall review and approve applications for all Home Occupation permits.
3. **Non-Transferrable.** Approval of a Home Occupation is not transferable to a location other than that which was approved. The Home Occupation permit and use shall terminate automatically when the applicant no longer resides in the dwelling unit.

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4. **Owner Signature.** If the resident applicant is other than the owner of the property, the owner must authorize the application.
5. **Maximum Floor Area.**
 - a. **Home Occupations in the Primary Dwelling.** No more than twenty-five percent (25) percent of the dwelling's ground floor area shall be devoted to the Home Occupation.
 - b. **Home Occupations in an Attached Garage or Detached Accessory Building.** May utilize the entire floor area for the home occupation.
6. **Location.** Activities related to the Home Occupation may take place in the primary dwelling or in an accessory structure that is properly permitted by the City Building Official (if necessary) and if those activities do not create nuisance conditions for neighboring properties including loud noise, dust, smoke, bright light, etc. and are not activities that meet the definition of "manufacturing" (heavy or light) as defined in [Article 2](#).
7. **Exterior Appearance.**
 - a. **No Outdoor Storage or Displays.** No outdoor storage or display of products, equipment, or merchandise associated with the Home Occupation is permitted.
 - b. **No Evidence of Home Occupation.** To protect the residential character of neighborhoods, there shall be no evidence of the home occupation when viewed from the street right-of-way or from an adjacent lot, and no change in exterior appearance of the dwelling or accessory building that houses a Home Occupation.
 - c. **Signs.** A Home Occupation shall not have signage unless permitted in accordance with [Article 4](#).
8. **Operational Impacts.**
 - a. No equipment, process, or activity shall be used in a Home Occupation which creates glare, fumes, odor, vibration, noise, electrical interference, or fluctuation in voltage which is detectable to the normal senses from the street right-of-way or from an adjacent lot.
 - b. To protect the integrity of the water supply and natural environment of the residential neighborhood, no Home Occupation shall involve the:
 - (1) generation of any hazardous waste as defined in Article II Chapter 3 [Part 111 of 1994 PA 451](#), as amended (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, MCL 324.11101 et. seq.); or

- (2) use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the [Code of Federal Regulations, Title 29, Chapter XVII, part 1910\(2\)](#), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, painting, printing, art and craft supplies, or heating fuel.
 - c. No hazardous materials produced in the Home Occupation operation shall be stored or disposed of on-site, and no Home Occupation shall discharge into any sewer, drainage way, water body, or the ground any materials which are radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to waste management installations.
 - d. No traffic shall be generated by any Home Occupation in substantially greater volume than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.
9. **One Non-Resident Employee.** A Home Occupation shall not employ more than one (1) person who is not a member of the household.
10. **Limited Customer Traffic and Parking.** A Home Occupation shall not constitute a retail store, but limited customer traffic is permitted. One (1) on-street parking space shall be permitted for customers. At least one (1) off-street parking space for customers shall be provided on the lot. Off-street parking shall be provided for any employees of the Home Occupation.
11. **Traffic and Delivery.** No Home Occupation shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.
12. **Commercial Vehicles.** Commercial vehicles used for the home occupation cannot be used primarily for commercial advertising. A commercial vehicle, that is used for company purposes, containing the company logo may be parked in the driveway. Commercial vehicles shall comply with [§3.12.E](#).
13. **Licenses.** 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.
14. **Examples of Home Occupations.** Examples of Home Occupations permitted by Home Occupation Permit include the following:
- a. Accountant or tax preparer
 - b. Artist, small crafts maker, or toy maker
 - c. Barber Shop or Beauty Shop (no more than two stylists and chairs)
 - d. "Cottage Food operation" meeting the Michigan Cottage Food Law, [PA 113 of 2010](#), as amended
 - e. Crafts or fine arts - where some clients come to the dwelling at different times for individual instruction

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- f. Repair Shop – small items
- g. Operation of network marketing businesses like sales of cosmetics, household cleaning goods, and nutritional supplements on behalf of a third-party
- h. Seamstress, tailor, or weaver
- i. T-shirt maker
- j. Tutor or instructor of music
- k. Watch, clock, or jewelry creation or repair
- l. Massage therapy
- m. Firearms sales
- n. Other similar businesses

15. Prohibited Uses and Uses Not Classified as a Home Office or Home Occupation.

- a. The following uses (including similar establishments) are prohibited as a Home Occupation:
 - (1) Auto repair
 - (2) Auto paint shop
 - (3) Barber Shop or Beauty Shop (more than two stylists and chairs)
 - (4) Dental or medical clinic
 - (5) Fireworks sales
 - (6) Funeral home
 - (7) Restaurant/commercial kitchen
 - (8) Vet/animal hospital
 - (9) Restaurants and bars/taverns
 - (10) Sexually-oriented businesses.
 - (11) Marihuana establishments and facilities.
- b. The following uses are not classified as a Home Occupation and are classified separately in [Article 5](#). All of the following require zoning approval and a zoning permit:
 - (1) Adult Day Care Facilities
 - (2) Adult Foster Care Facilities
 - (3) Bed and Breakfast/Tourist Home
 - (4) Rooming & Boarding Houses
 - (5) Short Term Rentals
 - (6) Kennels

16. Revocation. An approved permit for a Home Occupation will be revoked for producing nuisance violations or other violations of this Section if the violations are not corrected.

17. Review.

- b. Any Home Occupation shall be subject to periodic review by the Zoning Administrator.

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- c. 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 or that a Home Occupation is being operated without a permit, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation and to the owner of the real property premises, if different from the operator of the Home Occupation. 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.
- d. 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.

Section 7.39 Food Trucks & Food Truck Parks

A. Intent.

The City of Alpena feels that food trucks allow brick-and-mortar restaurants to thrive while allowing new food vending opportunities that can add vitality to the community, businesses, vacant parking lots, and underutilized commercial properties.

B. Scope.

- 1. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute food and drink as they are driving throughout the community (i.e., mobile ice cream truck).
- 2. These regulations apply to food trucks on private property. Food trucks on public property are not regulated by this Ordinance and require a contract approved by the City Manager.
- 3. Food trucks may be the primary use of the lot or an accessory use of the lot.

C. Food Truck Standards.

- 1. **Placement.** The Food Truck shall meet setback requirements of the district, see [Article 5](#).
- 2. **Visibility Triangles.** The Food Truck shall not block visibility triangles ([§3.14](#)) to public rights-of-way (i.e., streets, alleys, sidewalks),
- 3. **Public Rights-of-Way.** Sales shall not occur in the public right-of-way or on public property.

4. **Noise.** Use of generators may be prohibited if it creates a nuisance to neighbors due to noise, exhaust, or vibration, as determined by the Zoning Administrator.
5. **Signage.** See [Article 4](#) for requirements for temporary or permanent signage that may be used within the appropriate zoning district.
6. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
7. Food trucks which are not part of a food truck park shall have wheels.

D. Food Truck Park Standards.

1. All requirements in [§7.39.C](#) apply, as well as the following:
 - a. An outdoor seating plan is required.
 - b. Generators are not permitted.
 - c. Sanitary facilities shall be provided for a Food Truck Park operated as a principal use on a lot. An Administrative Departure from this requirement may be granted if documentation is provided for alternative arrangements.
2. The Planning Commission and the Zoning Administrator shall also take the following into consideration in the review and approval of a Food Truck Park:
 - a. Will the use contribute to the vitality and experience of the district?
 - b. Will the use add variety to the types of food or beverage offerings in the district or compete with area businesses in close proximity?
 - c. Will the proposed trailer, wagon, or vehicle contribute to the general aesthetic of the business district and include high-quality materials and finishes?

E. Approval.

1. **Food Trucks.**
 - a. **Food Trucks onsite for less than Fourteen (14) Continuous Days.** For a food truck onsite for less than fourteen (14) continuous days, regardless of whether it is the same food truck, a zoning permit is not required; however, the food truck operator and property owner shall meet the criteria listed in [§7.39.C](#). No more than two (2) food trucks are allowed without a zoning

permit on any one (1) day. A zoning permit, issued by the Zoning Administrator, is required for more than (2) food trucks onsite for less than fourteen (14) continuous days.

- b. **Food Trucks onsite for Fourteen (14) Continuous Days or More.** A zoning permit is required for food trucks that will be parked onsite at one (1) location for fourteen (14) or more continuous days and shall be submitted by the property owner, regardless of whether it is the same food truck.
 - c. The Zoning Administrator is authorized to review the plot plan and issue approval, approval with conditions, or disapproval.
 - d. The property owner shall submit a dimensioned plot plan pursuant to [§6.1](#). The plot plan shall show the planned parking for any food trucks on a lot.
2. **Food Truck Parks.** The Planning Commission is authorized to review the plot plan and issue approval, approval with conditions, or disapproval based on the standards in [subsection D.2](#).

Section 7.40 Site Condominium Review

- A. Site condominiums shall be reviewed as Planned Unit Developments using the procedures in [§7.37](#) and shall be reviewed pursuant to the [Condominium Act](#).
- B. In instances where the site condominiums process is being applied to divide ownership of portions of buildings rather than to vacant lots, the Planning Commission may waive the PUD approval process and the use may be approved according to the procedures for that use. (Example: storage buildings with individual units being proposed for division into site condominiums may be reviewed and approved using the site plan review process for a storage use.) In that case, the outside perimeter of the entire development shall be the lot lines from which setbacks are measured.



Article 8

Zoning Board of Appeals

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Section 8.0 Creation & Membership

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of **2006 PA 110**, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The ZBA shall consist of seven (7) members, appointed by the City Council by a vote of a majority of its membership.

A. Regular Members.

1. The first member shall be a member of the Alpena City Planning Commission for the terms of his/her office.
2. 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.
3. An employee or contractor of the City Council may not serve as a member of the Board of Appeals.

B. Alternate Members.

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.

C. Terms of Office.

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.

D. Officers.

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.

E. Removal of Member.

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.

F. ZBA Member who is also a Planning Commission Member.

A member of the Zoning Board of Appeals who is also a voting 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.

Section 8.1 Meetings

- A. Meetings of the Zoning Board of Appeals shall be held monthly and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. If there is no business on the agenda for the Zoning Board of Appeals, the monthly meeting may be canceled.
- B. All hearings conducted by said Board shall be open to the public in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended.
- C. The Zoning 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.

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- D. Four (4) members of the ZBA shall constitute a quorum for the conduct of its business. The Zoning 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.
- E. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and 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. Non-Use Variances.

Upon the finding of practical difficulty, the ZBA shall have the authority to grant nonuse variances 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. Powers Not Granted.

The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land

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Use approvals or Planned Unit Developments. Appeals of Special Land Use decisions may be filed in Circuit Court.

- 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 Zoning 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 or Planning Commission 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 appellant shall file with the Zoning Board of Appeals on an application furnished by the Zoning Administrator a notice of appeal specifying the grounds for the appeal.
- E. The Zoning Administrator shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- F. **Materials Required.**

The applicant is required to submit surveys, plans, and data or other information deemed reasonably necessary for making an informed decision on his or her appeal. If the plans, surveys, or data are 11"x17" or less, then the applicant may submit either paper copies or digital copies. If the plans, survey, or data are greater than 11"x17", then the applicant shall submit at least eight (8) paper copies.

G. **Public Notice.**

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 give notice pursuant to [§9.6](#).

H. **Representation.**

Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

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I. 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.

J. Voting.

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 non-use variance in the zoning ordinance. A two-thirds (2/3) majority of the members of the Zoning Board of Appeals is required to grant a use variance. A majority vote of a quorum present may deny a requested variance.

K. 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.

L. 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.

M. Time Limit.

1. 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. Upon request of the applicant, the Zoning Board of Appeals may grant an additional twelve (12) months if they find that the circumstances for the delay in utilizing the variance are beyond the applicant’s control.
2. 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 Zoning 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.

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3. 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.

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. Non-Use Variance Standards.

The ZBA may grant non-use 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.

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:

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1. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by Special Land 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).

C. Sign Variance Standards.

The Zoning Board of Appeals may approve a fifteen (15) percent or more increase to the allowable sign sizes and heights listed in this Ordinance. The following factors shall be considered by the Zoning Board of Appeals when determining allowable increases:

1. Relationship of the sign to surrounding properties and rights-of-way:
 - a. Compatibility with adjacent land uses and signs.
 - b. Visibility of neighboring signs or buildings.
 - c. Visibility and legibility of the sign for pedestrian and vehicular traffic.
 - d. Lighting trespass impacts.
2. Relationship of the sign to features on the site of the sign installation:
 - a. Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.
 - b. Compatibility of the sign with the size, location, and character of the principal building(s) on-site.
 - c. Impact of the sign upon on-site vehicular and pedestrian circulation.
3. Impact of the sign upon parks and historic properties:
 - a. Impact of the sign upon views of prominent natural features.
 - b. Impact of the sign upon parks and public spaces.

- c. Impact of the sign upon historic buildings or properties.
- 4. Impacts of the sign upon public safety:
 - a. Visibility of traffic safety devices.
 - b. Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.
 - c. Impacts of sign lighting upon vehicular traffic.
 - d. The safety of the placement of the sign.

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.

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.

- B. 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, 2006 PA 110](#), as amended.
- B. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such delegates as assigned by the Zoning Administrator or City Manager. For the purpose of this Ordinance, the Zoning Administrator may also be the Building Official, Building Department staff, Zoning Department staff, Planning staff, or Zoning staff as designated by the City Manager.

Section 9.1 Duties of the Zoning Administrator

A. Grant Zoning Permits.

The Zoning Administrator shall have the power to grant zoning 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 Zoning Administrator 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. Review Applications for Planning Commission Submittal.

The Zoning Administrator shall receive and review for completeness all applications for which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.

C. Review Applications for Zoning Board of Appeals Submittal.

The Zoning Administrator shall receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.

D. Review Applications for Ordinance Amendment.

The Zoning Administrator shall receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and City Council for determination.

E. Records.

The Zoning Administrator shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits issued, maps, amendments, Special Land Use permits, variances, and appeals.

F. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.

G. The Zoning Administrator 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. Fees Required.

Applications shall not be reviewed until the required fees have been paid. No separate fee shall be required for accessory buildings, signs, fences, 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.

B. Permits Required.

- 1. Zoning Permits.** The term “zoning permit” in this Ordinance is used as a general category and also includes sign permits, fence permits, Plot Plan or Site Plan approvals, Special Land Use permits, and other specific zoning-related permits.

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2. **Trade and Regulatory Permits.** Building permits, and other trade or regulatory permits governed by the State of Michigan, must be pulled in accordance with the requirements of the State of Michigan.
3. **Permit Required.**
 - a. Any use subject to the provisions of this Ordinance shall not begin until a Zoning Permit or Building Permit application has been filed with the City of Alpena and a permit has been issued, except as otherwise provided for in this Ordinance.
 - b. No building or structure, or part thereof, shall be hereafter erected, altered, demolished, moved, or repaired unless a permit has been 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 abovementioned features. Demolition shall be in accordance with standards established by the Building Official. Land Use requirements outlined in [Article 5](#) shall be met.
4. **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, as outlined in the building code unless a certificate of occupancy is first obtained for the new or different use.

C. Conformance with Approved Plans.

Permits issued based on plans and applications approved by the Zoning Administrator, Planning Commission, or Building Official 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.

D. Expiration.

The permit will expire after one (1) year from the date of issuance for any zoning or building permit under which no construction has occurred or no substantial construction has been done in the furtherance of the permit. Other trade or regulatory permits may be subject to different expiration dates.

1. See [§6.10](#) for expiration of site plan approval.
2. See [§6.15](#) for expiration of Special Land Use approval.
3. See [§8.3.M](#) for expiration of Zoning Board of Appeals approval.

4. See [§10.3.G](#) for expiration of Conditional Rezoning approval.

E. Revocation.

The Zoning Administrator or Building Official shall have the power to revoke or issue a stop work order on any permit in case of failure or neglect to comply with the provisions of the Ordinance or approved plans or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing. See [§9.7 \(Violations\)](#) for more information.

F. Failure to Pull a Permit.

Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary permit, whether it be a zoning permit, building permit, etc. may be subject to an additional fee as outlined in the fee schedule and, if not rectified, shall be subject to [§9.7](#).

G. Certificates Of Occupancy.

No building, or part thereof, shall be occupied for use unless and until a certificate of occupancy has 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, 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, unless and until a certificate of occupancy has 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 districts.
3. **Certificates For Existing Buildings.** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, if requested by the property owner, once inspected and found that such buildings, structures, or parts thereof, are in conformity with the provisions of this Ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal.
4. **Temporary Certificates.** The Building Official may issue a temporary Certificate of Occupancy for a building or structure or part thereof when it has been 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 unless the building official deems there is cause to extend in conjunction with an open building permit.
5. **Record Of Certificates.** A record of all certificates issued shall be kept on file and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

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- 6. **Building Code Interpretation.** The Building Board of Appeals resolves disputes over interpretations of the Building Codes. The Board meets on an as-needed basis, which is within ten (10) days of receipt of an appeals application.

Section 9.3 Inspections

The Zoning Administrator and other designated City staff shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator and other designated City staff may exercise this right to inspection by consent of the person having the right to possession of the lot, building, or structure or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.

- A. **Inspection Prior to Construction.** Inspection shall occur at the time of staking out of the building foundation or location of the structure. The property owner is responsible for determining and marking the correct location of lot lines from which setbacks are measured. The recipient of any permit for the erection, construction, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Building Official immediately when the property is staked out and ready for inspection.
- B. **Inspection During Construction.** Inspections shall occur during the course of construction. The recipient of any permit for the erection, construction, alteration, repair, or moving of any building, structure, or part thereof, shall notify the inspector as required upon the issuance of the permit.
- C. **Inspection at Completion of Construction.** Inspection shall occur upon completion of the construction authorized by the permit. The recipient of any permit for the erection, construction, alteration, repair, or moving of any building, structure, or part thereof, shall notify the inspector immediately upon the completion of the work authorized by the permit for a final inspection.
- D. **Violations.** If, during an inspection, it is determined that the building or structure is not located according to the plan filed or is in violation of any provision of this Ordinance or any other applicable law, he/she shall notify the holder of the permit or their agent. Further construction shall be put on hold until the violation has been corrected upon re-inspection. See [§9.7 Violations](#) for more information.

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,

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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 or when the application is denied by the Zoning Administrator or the Planning Commission.

- C. If the Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator 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 a reasonable amount determined by the Zoning Administrator 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 (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in a reasonable amount determined by the Zoning Administrator 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.

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, site clean-up, 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 of each phase of a multi-phase development in the following manner:

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- 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.

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. When Published Notice is Required.

A published notice is required for all public hearings including Special Land Uses, appeals and interpretation requests to the Zoning Board of Appeals, Zoning Ordinance text amendments, Zoning Ordinance map amendments (rezonings), and in other circumstances when the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published. The Zoning Administrator 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 lot 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.

C. **Notice.**

1. Except as noted in [§9.6.C.2](#) and [§9.6.C.3](#) below, notices for all public hearings shall be given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the City.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure.
 - (3) 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.
2. Newspaper publication as required in [§9.6.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.

3. For requests to the Zoning Board of Appeals that do not affect a specific property, the only notice required shall be by newspaper publication, as required in §9.6.C.1 above.
4. **Notice Deemed Given.** The Zoning Administrator 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. Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, postage paid.

E. Registration To Receive Notice By Mail.

1. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the City to receive written notice of all public hearings. 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, or any other City Manager designee, 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.

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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, 2006 PA 110](#), 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. Rights and Remedies Are Cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 9.8 Planning Commission & City Council

A. Planning Commission.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Review.** In cases where site plan review is referred to the Planning Commission from the Zoning Administrator, the Planning Commission shall review site plans and issue approval, approval with conditions, or denial.
2. **Special Land Use Review.** The Planning Commission shall conduct a public hearing on any application for a Special Land Use Permit. Following a public hearing, the Planning Commission shall review and approve, approve with conditions, or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Land Use Permit.
3. **Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the

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Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the City Council. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, public hearing, and City Council approval.

4. 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.

B. City Council.

1. **Adopting the Ordinance and Amendments.** On the recommendation of the Planning Commission, the City Council adopts the Zoning Ordinance, making it the enforceable policy of City government. Likewise, the City Council may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).
2. **Fee Schedule.** The City Council shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The City Council may also act to waive any fee.

Section 9.9 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on zoning decisions under its respective jurisdiction. These conditions may include those necessary to ensure 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 ensure 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 ensure compliance with those standards.

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Section 9.10 Rehearing Process

A. Rehearing Performed by Planning Commission or ZBA.

Except as provided in [Article 8](#), 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 states that, in the attorney's professional opinion, the decision made or procedure used by the Planning Commission or Zoning Board of Appeals should be reviewed.

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 the signed document informing the applicant of 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.

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- 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 Interpretation & Conflicts

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, safety, comfort, convenience, or general welfare. This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

A. When this Ordinance is More Restrictive than Another Law, Ordinance, or Private Deed Restriction.

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 law, ordinance, or deed restriction then the provisions of this Ordinance shall govern unless legally superseded by such law.

B. When Another Law, Ordinance, or Private Deed Restriction is More Restrictive than this Ordinance.

Whenever the provisions of any other law, ordinance, or deed restriction impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance, law, or deed restriction shall govern.

C. Conflicting Provisions within this Ordinance.

- 1. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.
- 2. 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 [§5.21 \(Use Matrix\)](#) and the individual Use Tables found in each district section in [Article 5](#), the [Use Matrix](#) shall control.

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Section 9.12 Approval Reference Chart

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text but is not a substitute for it.

Table 9.12: Approval Process Reference Chart

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal
Plot Plan Review and Site Plan Review - §6.0	Applicant	ZA or PC	No	----	----	ZBA
Special Land Use - §6.0	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	----	Circuit Court
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Text amendment or Rezoning (text change does not require 300' notice)	Applicant, ZA, PC, or CC	Step 1: PC recommends to CC	Yes	Not less than 15 days	Not less than 15 days	----
		Step 2: CC	No	----	----	----
		Step 3: CC publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on 8th day after publication.				
Zoning enforcement	ZA	----	----	----	----	ZBA

ZA = Zoning Administrator PC = Planning Commission CC = City Council ZBA = Zoning Board of Appeals



Article 10

Adoption & Amendment

Sec	Name	Pg
10.0	Amendment To This Ordinance	10-1
10.1	Amendment Procedure	10-1
10.2	Rezoning Standards	10-3
10.3	Conditional Rezoning	10-3
10.4	Protest Petition	10-7
10.5	Severability	10-8
10.6	Repeal & Savings Clause	10-8
10.7	Enactment & Effective Date	10-8

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 **2006 PA 110**, 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

The procedure to be followed for initiating and processing an amendment shall be as follows:

- A. **Filing of Amendment Application.**
 1. Each application by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator 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.
 2. In the case of a Zoning Ordinance text amendment, the completed amendment application shall contain the requested change and the reason for such change.

3. In the case of a desired Zoning Map change, the completed amendment application shall describe the property involved, the zone change desired, and the reason for such change.
4. The Zoning Administrator shall transmit the amendment application and all related materials to the Planning Commission.

B. Public Hearing.

Before making a recommendation on an amendment, the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given pursuant to §9.6.

C. Planning Commission Action.

1. 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.
2. 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.

D. City Council Action.

1. 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.
2. 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.
3. The City Council may refer to any proposed amendments to the Planning Commission for consideration and comment within a time specified by the City Council.
4. After any such public hearing as allowed under this subsection D, 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.
5. 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 on the 8th day after publication or at a later date as may be specified by the City Council at the time of adoption.

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E. Resubmittal of Application for Rezoning.

An owner of property, his/her authorized agent, or other person shall not initiate action for rezoning affecting the same lot 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.

Section 10.2 Rezoning Factors

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

- A. Is the proposed rezoning consistent with goals and objectives of the current Master 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 accordance 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. Is the site served by adequate public facilities or is the petitioner able to provide them?
- H. Are there size or environmental constraints on the site which would make it difficult to use in the district?

Section 10.3 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

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B. Application and Offer of Conditions.

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

C. Planning Commission Review.

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

D. City Council Review.

After receipt of the Planning Commission’s recommendation, the City Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the City Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council shall, in accordance with Section 401 of [2006 PA 110](#), refer such amendments to the Planning Commission for a report thereon within a time specified by the City Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

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E. Approval.

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

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requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

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

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within one (1) year after the rezoning took effect and thereafter proceeded diligently to completion. Upon the expiration of one (1) year, if the approved development and/or use has not commenced or is not proceeding diligently to completion, the applicant may request a one (1) year extension, and the Zoning Administrator may grant the one (1) year extension if he/she finds just cause for such extension. This time limitation may upon written request be extended by the City Council if:

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

H. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under [subsection G](#) above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Zoning Administrator requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests, including a public hearing. The property owner shall have the opportunity, at the public hearing, to provide comment on the reversion of the zoning district. The Planning Commission need not consider the rezoning factors in [§10.2](#) when considering the reversion back to the original zoning classification.

I. Subsequent Rezoning of Land.

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

J. Amendment of Conditions.

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

K. City Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act \(2006 PA 100\)](#), as amended).

L. Failure to Offer Conditions.

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

Section 10.4 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 City Council. 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 one hundred (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 10.5 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 10.6 Repeal & 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.

Section 10.7 Enactment & Effective Date

- A. This Ordinance was adopted on December 16, 2024, by the Alpena City Council and will be effective December 27, 2024. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the City of Alpena Planning Commission on November 12, 2024.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the 8th day 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 December 16, 2024.

Anna Soik

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City of Alpena Zoning Ordinance

City Clerk

First Reading: _____ Second Reading: _____

Published: _____ Effective Date: _____

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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