



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

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## *Planning, Development, & Zoning*

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### City of Alpena Planning Commission

Regular Meeting

Tuesday, December 13th, 2022 @ 6:00 p.m.

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

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

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

You can also dial in using your phone.

United States: [+1 \(571\) 317-3112](tel:+15713173112)

Access Code: 178-564-461

### AGENDA

CALL TO ORDER;

ROLL CALL;

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES - Regular meeting October 11, 2022

PUBLIC HEARING AND COMMISSION ACTION

1. **22-Z-07 – 423 South 7<sup>th</sup> Ave. – Conditional Rezone from R-2 to R-T**  
Approval Standards Provided (Appendix A)  
Findings of Fact and Supplemental Information (Appendix B)

BUSINESS

- a) **UNFINISHED:**
- b) **NEW:** Review Article 1 and Article 2
- c) **COMMUNICATIONS OR REPORTS:** Approval of 2023 Meeting Schedule
- d) **CONTINUING EDUCATION:**

PUBLIC COMMENT

MEMBER COMMENTS

ADJOURNMENT



MINUTES  
City of Alpena Planning Commission  
Regular Meeting followed by Joint Session with City Council (Council Chambers and Virtual)  
October 11, 2022  
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. by Steve Gilmore, Planning Commission Vice-Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Wojda, Peterson, VanWagoner, Gilmore, Kostelic

ABSENT: Boboltz, Sabourin

STAFF: Montiel Birmingham (Planning, Development, and Zoning Director), Rachel Smolinski (City Manager), Kathleen Sauve (Recording Secretary)

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting of September 20, 2022, minutes were approved as printed.

Gilmore explained the procedures for the public hearing.

**PUBLIC HEARING AND COMMISSION ACTION: Case #22-Z-06** – Ludlow’s Hamburgers, owner, has requested a Conditional Rezone for the properties located at 1223 and 1233 South State Avenue to utilize the current drive-thru window within the Lud’s Professional Building as a drive-up location to serve food; exact food service TBD. Additionally, they would like to add a pickup window at Mancino’s. Applicant is requesting a conditional rezone of both locations to B-2 to allow this service. Current zone is CCD and does not allow drive-thru or pickup service.

Birmingham presented the Finding of Fact report. See Appendix A and B in Commission packet.

**FAVOR:** Julie Peters, representative of the applicant, stated that she would like to answer any questions that the Commission may have. Birmingham asked Peters if there was any other information of the type of food service yet or if there would be dine-in service. Peters stated that they are awaiting the Planning Commission’s decision first before making decisions to

move forward, and that it would be drive-thru service only. Wojda asked about the direction of traffic entering and exiting. Peters stated that they are mainly pushing for the Lud's pickup window, and the Mancino's pickup window was an afterthought. Wojda asked if both were approved, would there be enough room for exit and entry behind the Lud's Professional building for two vehicles to pass one another. Birmingham clarified the dimension of the driveway behind the building to be 18 feet. Kostelic asked if Mancino's will be operating out of the Lud's building. Peters explained that there will be food service of some kind in the former Lud's building, and then the Mancino's pickup window would operate just like JJ's does on Second Avenue, with traffic only being there a short time.

OPPOSITION: Rick Tylenda, owner of property behind the Mancino's on Barry Street, stated that when he bought his property, he was under the understanding that he would have free access to both ends of the alley. He said that he stores his boat and RV in his back yard, and he is only able to pull those vehicles in and out one way because of a power pole and a guide wire in the way. He expressed concern if vehicles are pulling in from State Street and exit down the alley instead of Parson Street because he maintains that alley as the City does not. He stated that he and a neighbor have spent their own money to fill in holes and grade the alley. He felt that it is too congested for two cars behind the building to turn for exiting to Parson Street. Tylenda said that he has had problems in the past with delivery drivers parking in the alleyway, but he has spoken with the owners and the problem has been resolved. The increased traffic down the alley that he and his neighbor maintain, and not being able to pull his boat in his backyard were his concerns and why he is opposing it.

With no further input from the public, Gilmore closed the public hearing at 6:20 pm for deliberation.

Wojda stated he was not concerned with the public using the alleyway, but he was concerned about whether both would be feasible given the width of the roadway behind the Lud's Professional building, although the pictures and descriptions seem as if there is enough room. VanWagoner said that he felt traffic would swing out a little wider for the left turn to go around the back of the Lud's building which would cause encroachment into the other lane of traffic leaving Mancino's. He asked where the suggested six-foot privacy fence would go. Birmingham clarified that the privacy fence would go between the back of the Lud's building and the residence on Parson Street where there is currently a chain link fence. VanWagoner said he was not opposed to approving the Lud's drive thru and denying the Mancino's drive-thru. He said he does not feel that 18 feet is enough room for two-way traffic especially with turns around the building. Peterson asked if there could be a condition for approval that would make them have painted directional lanes and arrows. Birmingham said they could. Peterson stated that larger vehicles need to be taken into consideration as well. Wojda asked what their plan is for snow removal. Peters said that their snow removal company is very good about moving the snow.

Wojda moved to adopt the findings contained in Appendix A and B, specifically that the request is consistent with the Comprehensive Plan as it relates to the Lud's Professional Building, but not as it relates to the Mancino's Building, so far as one of the goals is to establish new commercial uses and to redevelop vacant commercial buildings. It is consistent with the use in the proposed district insofar as there are similar uses nearby. There is no substantial adverse physical impact on the surrounding properties, although as a condition of approval, a six-foot privacy fence be installed at the rear of the property and all other standards are required. Based upon that, Wojda ***motioned*** to approve the request as it relates to the Lud's Professional Building but deny the request as it relates to the Mancino's Building.

Gilmore summarized the motion stated by Wojda.

VanWagoner ***seconded*** the motion.

Motion ***approved*** by unanimous vote.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

COMMUNICATIONS OR REPORTS: None.

CONTINUING EDUCATION: Training Document from MSU Exchange provided in meeting packet to Commissioners: Understanding the Role of the Chair.

PUBLIC COMMENT: None.

MEMBERS' COMMENTS: None.

Mayor Waligora called the joint meeting to order. Role for City Council was taken by Deputy Clerk Leilan Bruning.

Birmingham presented the Planning Commission and City Council with her presentation of Zoning Updates as provided in the meeting packet. She began with topic of housing and

elaborated and answered questions on different topics including Housing Task Force, Master Plan, Current Ordinances and possible changes, lot sizes, dwelling sizes, lot coverages, multi-family housing units, and neighborhood and housing typologies. Short-term rentals were discussed next followed by conversation of pros, cons, advantages and disadvantages of allowing them. Parking was then discussed outlining the City's Municipal and Zoning Ordinances current requirements in regard to parking on the street, lawn extensions, parking requirements for multi-family housing units and parking lot requirements for commercial businesses. Signs were the last topic of discussion. Topics included removing burdensome requirements that limit creativity, evaluating the height requirements by district, commercial window signs, temporary signage and murals.

MEMBERS' COMMENTS: Wojda stated that he has had several people approach him regarding temporary signage, specifically, number and size of signs. He felt that article of the Ordinance needed to be reviewed. Councilman Mitchell agreed with Wojda and shared his own experience. Councilman Nowak asked for Birmingham to provide a 1, 3- and 5-year timeline for the action plan. Mayor Waligora asked Birmingham what her action plan is. She stated that she wanted to take feedback from tonight's meeting and use that to figure out what to present back to Council. She encouraged engagement from both the City Council and Planning Commission to be sure everyone is aligned. Wojda said that short term rentals need to be addressed as it will likely be taken out of the City's hands before too long.

PUBLIC COMMENT: Greg Sundin agreed that short term rentals need to be regulated before too long. Steve Hall, City of Alpena Building Inspector, stated that the short-term rentals tend to be more manicured; from a code enforcement perspective, there are fewer complaints, but he stated that the short-term rentals can have detrimental effects on the sense of community. Anne Gentry of the DDA, echoed what Hall said, adding that there are pros and cons, and some areas might be better than others for short-term rentals. Switching subjects to parking, Hall suggested that the City could utilize public transit such as Uber or Lyft, to alleviate some of the parking issues downtown. Peterson agreed with Hall. Angie Skiba, local resident, felt that housing does seem to be an issue; with not a lot of room for growth within the City, she understood why the City is looking at making changes to the Zoning Ordinance. She said that the Airbnb numbers are rising and did not think that the City would be able to stop it. Skiba also felt that most rentals in Alpena do not have paved driveways and it is unnecessary to make people spend money to pave the driveways. Regarding signage, Skiba thought that temporary signs advertising things such as the County Library book sales, should be allowed to stay up longer to bring awareness to those events, as it helps the whole community. Skiba felt that the City should not regulate temporary yard signs such as political signs, but that residents should have up to seven days to remove them after elections. VanWagoner inquired about some property on Grant and Hobbs Drive, and whether it is developable. Former City Planner Sundin

stated that a wetlands survey was done years ago and it is in fact wetlands and cannot be built upon.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:52 p.m., by Gilmore, Planning Commission Vice-Chairman.

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Clayton C. VanWagoner, Secretary

**City of Alpena  
Ordinance No. 21-468**

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

City of Alpena, Alpena County, Michigan ordains:

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

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

**Section 10.2 Rezoning Standards**

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

- A. Is the proposed rezoning consistent with goals and objectives of the current Comprehensive Plan?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. Is the site served by adequate public facilities or is the petitioner able to provide them?

**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.

FINDINGS OF FACT  
REZONE REPORT

**APPLICANT:** AARON ZARBAUGH  
**PROPOSED USE:** DUPLEX – 423 SOUTH 7<sup>TH</sup>  
**DISTRICT:** R-2  
**REVIEW DATE:** 11/17/2022  
**REPORT:** 22-Z-07



**Summary of Request:** Owner requests to conditionally rezone 423 South 7<sup>th</sup> Avenue from R-2 to R-T. USPS contacted the City to confirm a request for a secondary address at the property; the City made contact with the current owner for failure to register and improper zoning. Owner advised the property was sold to him as a Duplex on July 21, 2022 with tenants in both apartments. Research of building department records show a previous owner in the 1990's converted the property without permission despite multiple letters and discussions with the building department on appropriate steps to take to legally convert the property. Records also indicate the owner moved out of the property in 2006, but maintained ownership.

**REZONING STANDARDS: SECTION 10.2**

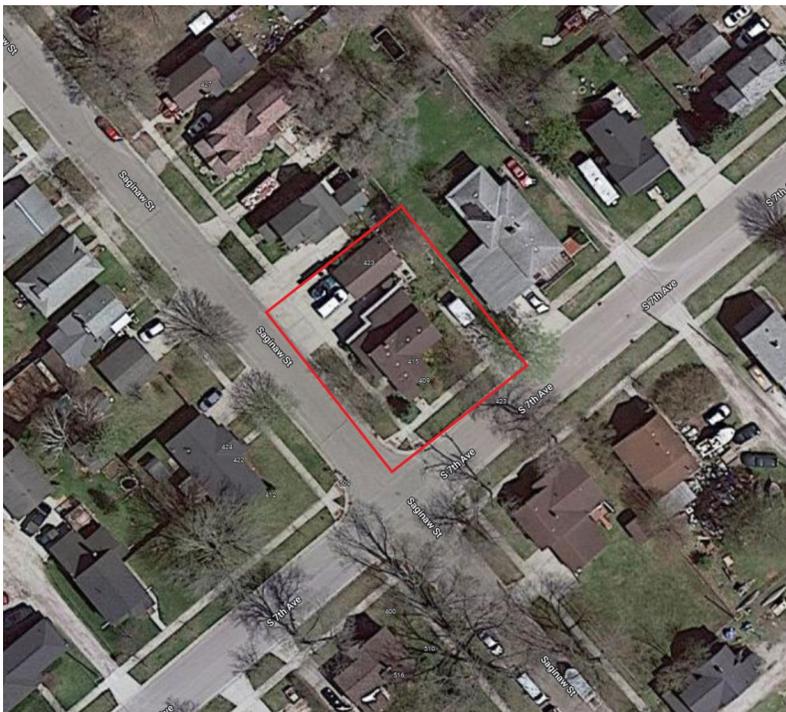
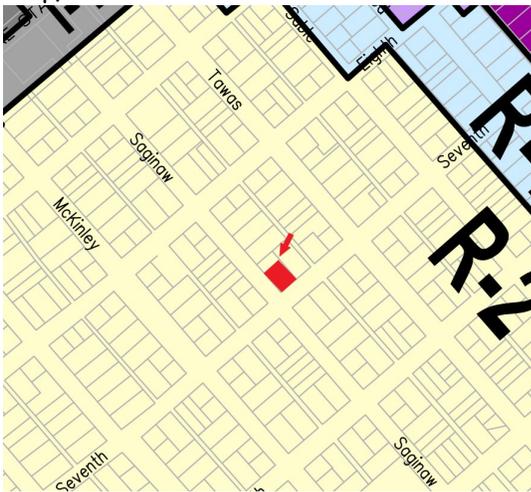
The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

- A. Consistency with Comprehensive Plan**  
A goal of the Comprehensive Plan is to allow suitable housing opportunities for all income levels, age groups, household types, and resident types (year-round/seasonal). The Future Land Use map incorporates Single (R-1, R-2) and Two-Family (R-T) Residential districts into the same zone (Single & Two Family Residential).
- B. Consistency of Use in Proposed District with Surrounding Properties**  
Home is surrounded by R-2 on all sides. While the proposed use is not Single-Family, it is residential and aligns with the future land use map.
- C. Adverse Physical Impact on Surrounding Properties**  
Based on records of the property, it has been a duplex for many years; no open enforcements exist other than the currently open zoning violation letter. Only two past enforcements exist since 2008 which were related to a sidewalk repair concern and are closed.
- D. Changes in Land Use to Immediate Area**  
None to note
- E. Creation of a Deterrent**  
No deterrent to the improvement or development of adjacent property is anticipated
- F. Special Privilege**  
There are multiple duplexes already within a two-block radius that are part of the rental registration program. Two-family is a similar use as single-family.
- G. Public Facilities**  
The lot is served by adequate and existing public facilities

ADDITIONAL NOTES

1. Adequate parking exists for at least four vehicles.
2. Life safety inspection – a courtesy life safety inspection was completed by Building Department staff; no major concerns were identified; one smoke detector was not working and has already been replaced.
3. Applicant’s Statement of Conditions: *I would like to use property as a duplex.* See Statement of Conditions in appendix.
4. Objections received from property owners within 300’: None

Map/Photos:









## City of Alpena

### CONDITIONAL REZONE - STATEMENT OF CONDITIONS

DATE: \_\_\_\_\_

PROPERTY OWNER(S): \_\_\_\_\_

PROPERTY ADDRESS : \_\_\_\_\_

PROPERTY LEGAL DESCRIPTION: \_\_\_\_\_

PROPERTY TAX IDENTIFICATION NUMBER: \_\_\_\_\_

CURRENT ZONE: \_\_\_\_\_                      CONDITIONAL ZONE: \_\_\_\_\_

#### STATEMENT OF CONDITIONS:

I, \_\_\_\_\_, attest that I have read  
(Property Owner(s) – Print)

Section 10.3 Conditional Rezoning within the City of Alpena's Zoning Ordinance and that I voluntarily offer and consent to the provisions contained within the Statement of Conditions. I understand that the Statement of Conditions runs with the land and is binding upon successor owners of the land. I understand that the Statement of Conditions may be recorded by the City with the County Register of Deeds and that any documentation incorporated by reference may be examined in property files located at City Hall.

\_\_\_\_\_  
(Property Owner – Print)

\_\_\_\_\_  
(Property Owner – Print)

\_\_\_\_\_  
(Property Owner – Sign)

\_\_\_\_\_  
(Property Owner – Sign)

All property owners must sign in front of the Notary Public. Any additional property owners should print and sign their name on page 2.

**Prepared By:**

\_\_\_\_\_  
(City of Alpena representative – Print)

\_\_\_\_\_  
(Address)

**Notary Public:**

Acknowledged on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Notary Public – Print)

\_\_\_\_\_  
(Notary Public – Sign)

State of \_\_\_\_\_

County of \_\_\_\_\_

Acting in \_\_\_\_\_,  
(County) (State)



# Article 1

## Purpose

Sec	Name	Pg
1.0	Purpose	
1.1	Authority	
1.2	Title	

### 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; 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.

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

- 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 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 ~~of 2009~~ and shall be referred to herein as “this Ordinance.”

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



# Article 2 Definitions

Sec	Name	Pg	Sec	Name	Pg
2.0	Construction of Language			L	
2.1	Definitions			M	
	A			N	
	B			O	
	C			P	
	D			R	
	E			S	
	F			T	
	G			U	
	H			V	
	I			W	
	J			Y	
	K			Z	

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

**ACCESSORY BUILDING OR ACCESSORY STRUCTURE:** A supplemental building or structure devoted to an accessory use and located on the same zoning lot or parcel of land as the main principal

building or buildings. An accessory structure attached to a main structure shall be considered part of the main structure. Fences and walls are not considered accessory structures.

**ACCESSORY DWELLING UNIT:** An accessory residential dwelling unit is one which is located on the same 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 **Section 7.32** and only in those zoning districts where the use is listed. *(Amended 9-7-21)*

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

**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 of that supervision or care. ~~The licensee is NOT a member of the household nor is an occupant of the residence.~~
- 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 community health 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 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 a 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:** ~~A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.~~ **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<sup>1</sup>:** All antennas, support structures, and accessory equipment necessary for the operation of amateur radio activities, whether temporary or permanent, located on an approved site.
- 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 mechanical amusement devices are located and available for operation. For purposes of this Zoning Ordinance, a mechanical amusement arcade shall not include the following:

- 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 use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such ~~hospitals~~ facilities include only those under 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 term "Apartment" shall mean the dwelling unit in a multiple-family dwelling. as defined herein:

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

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

**APPLICATION:** The process by which the owner of a ~~parcel of land~~ lot within the City submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such ~~lot parcel of land~~. Application includes all written documentation, verbal statements, and

representations, in whatever form or forum, made by an applicant to the City concerning such a request.

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

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

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

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

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

**AUTOMOBILE SERVICE 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.

**AUTOMOBILE OR TRAILER SALES AREA:** Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

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

**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

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the average grade to the ceiling. A basement shall not be counted as a story nor counted as floor area, unless the room has emergency egress.

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

**BED AND BREAKFAST ESTABLISHMENT/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. *Need to determine if all fall under the city's rental program.*

**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 live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the Municipality city.

**BOARDING HOUSE:** See **ROOMING HOUSE**.

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

**BOAT LIVERY AND/OR 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. *There should be a matching use in the table.*

**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 STRIP:** A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.~~ *Let's also remove references to "buffer zones" in the ordinance since they mean the same thing.*

**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

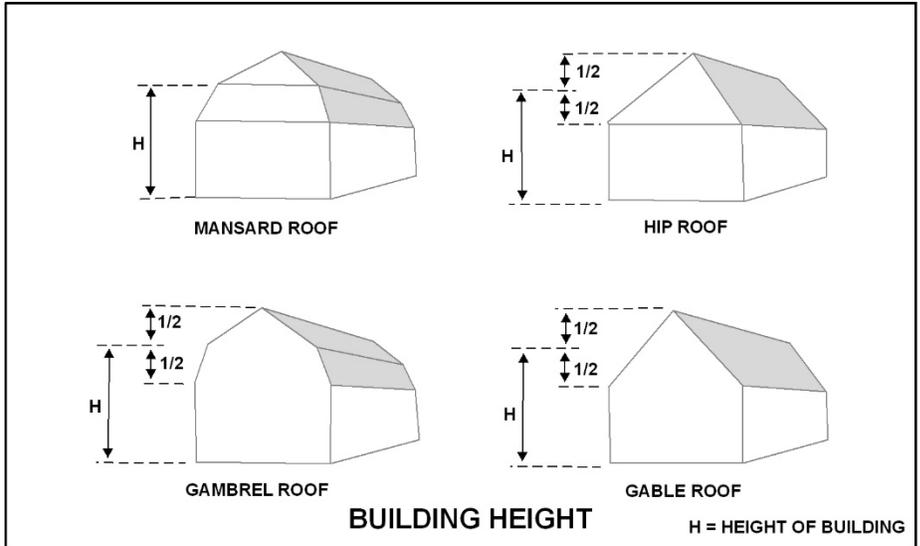
<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> Signs	<b>5</b> District Regulations
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setback and open space requirements of this Ordinance have been complied with.

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

**BUILDING, ACCESSORY**:  
See **ACCESSORY BUILDING**.

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



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

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

**C**

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

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

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

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

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

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

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

- 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 (7) seven~~ **between one (1) and six (6)** children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. **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 ~~more than six (6) but not more than~~ **between seven (7) and 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).
  
- E. **PRIVATE HOME:** A private residence in which the registered facility operator permanently resides as a member of the household.

**CHURCH:** See Religious Institution.

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

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

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

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

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

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

**COMMISSION:** Alpena City Planning Commission.

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

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

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

**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 LOT:** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **CONDOMINIUM, SITE:** See **SITE CONDOMINIUM (CONDOMINIUM SUBDIVISION)**.
- E. **CONDOMINIUM UNIT:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a ~~main~~ **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.

- F. **GENERAL COMMON ELEMENTS:** The common elements other than the limited common elements.
- G. **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.
- H. **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.

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

*Some communities are using the following definitions:*

A Home Occupation which, due to the nature of the investment or operation, includes two (2) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs two (2) or more individuals who reside off-premises.

**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.

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

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

**DWELLING UNIT, MANUFACTURED**: A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling

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with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

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

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

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

**DWELLING, TWO-FAMILY OR DUPLEX:** A building designed exclusively for occupancy by two (2) families living independently of each other. *I've not addressed the issue of encouraging ownership of duplex vs rental via zoning. We should look to see if it has been done elsewhere.*

**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: *(each of these should be listed separately in the use table – they might be allowed in different districts)*

- 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:** 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. **FOURPLEX:** A structure that consists of four (4) units, typically two (2) on the ground floor and two (2) above with a shared entry.
- E. **SINGLE-FAMILY CONVERSION:** A single-family home which has been converted to provide three (3) or more dwelling units within the home.
- F. **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.

**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). *(Amended 9-7-21)*

**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. ~~Telecommunication towers or~~ **Wireless facilities and antenna**, alternative tower structures, ~~wireless communication antenna~~, **solar panels/facilities**, and wind turbine generators are not included within this definition.

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

**EXTRACTIVE OPERATION**. The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

**F**

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

**FAMILY**: either of the following:

- A. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. ~~There shall be a rebuttable presumption enforceable by the Building Official in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Planning Commission for a special land use based upon the applicable standards in this Ordinance.~~

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

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

**FLOOD PLAIN:** The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 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, 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. *Need to define whether or not a walkout basement is a story. Let's talk about this during Article 5 review.*

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

**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).

**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 ~~on a continual basis~~ 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. Multiple food trucks located on a lot for special events of two (2) weeks or less are not considered Food Truck Parks and do not require a Special Land Use permit. Is there an approval required for these special events?*

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

**G**

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**GARAGE, PRIVATE:** An accessory building or portion of a ~~main~~ 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**.

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

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

**GARBAGE:** Waste material which will or may decompose and become offensive or dangerous to public health. *The municipal code is actually more limited than the zoning definition above. Need to decide which one to use. Municipal Code: "Garbage means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that is related to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables."*

**GASOLINE SERVICE STATION:** See **Automobile Service Station**.

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

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

**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 by the occupant of a dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and

secondary to the use of the lot and dwelling for residential purposes.

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

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

**HOTEL:** A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior 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. *Could the hotel get special approval to rent for 30 days or more?*

I

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

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

**INOPERABLE MOTOR VEHICLE:** An inoperable motor vehicle is one that is not capable of travel on public highways due to any of the following: *(Amended 9-7-21)*

- 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**

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

**JUNK YARD:** An area where junk, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk. A "Junk Yard" shall include any premise upon which two (2) or more motor vehicles which are unregistered and/or which cannot be operated under their own power, are kept or stored for a period of fifteen (15) days or more outside of an enclosed building.

**K**

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**KENNEL:** Any lot or premises on which more than ~~four (4)~~ **three (3)** ~~dogs~~ ~~animals of the same species~~ six (6) months of age or older are kept. Kennel shall also include any lot or premise where household pets are bred or sold for remuneration.

**L**

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

**LAWN EXTENSION:**

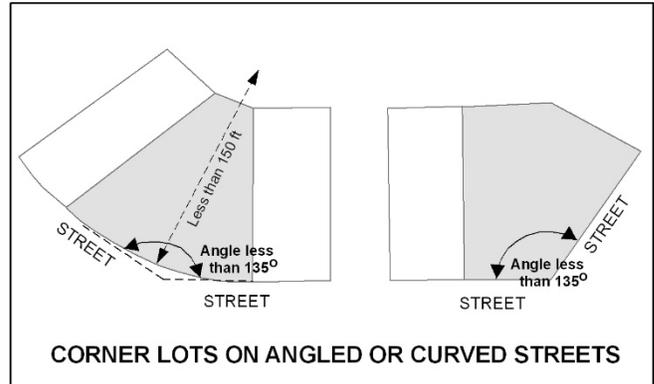
- A. The area within the public right-of-way located between the public sidewalk and the curb or edge of **the** pavement, if there is no curb; or
- B. If there is no sidewalk, the area within the public right-of-way located between the front property line and the curb or edge of **the** pavement, if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

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

**LOT:** A parcel of land occupied, or intended to be occupied, by a ~~main~~ **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. **Sometimes called "Parcel."**

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

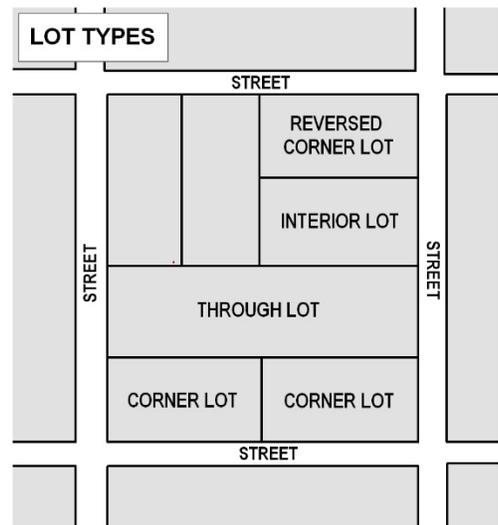


**LOT, INTERIOR:** Any lot other than a corner lot.

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

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

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



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

~~A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as~~

required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

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

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures including accessory buildings or structures. This shall be deemed to include all buildings, porches, swimming pools, decks above eight (8) inches above grade, arbors, breezeways, patio roofs, solar panels, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences. Structures such as patios or driveways 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 parcel held in a record ownership separate from that of the remainder thereof.

**LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

**M**

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

**MANUFACTURED HOME:** see **DWELLING UNIT, MANUFACTURED.**

**MANUFACTURED HOUSING COMMUNITY:** A parcel 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 ~~parcel of land~~ 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.

*We might not use these next two, but we might when looking at the tables in Article 5.*

**MANUFACTURING, HEAVY:** 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.

**MANUFACTURING, LIGHT:** 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.

**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 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 SECURE TRANSPORTER**: A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
6. **MARIHUANA SAFETY COMPLIANCE FACILITY**: A person licensed to test marihuana, including certification for potency and the presence of contaminants.

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 different types of commercial medical marihuana facilities that a community may allow and regulate. These facilities include:

1. **GROW FACILITY OR GROWER**: A commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
2. **PROCESSOR**: A commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.
3. **SECURE TRANSPORTER**: A commercial entity located in this state that stores marihuana and transports marijuana between marihuana facilities for a fee.
4. **PROVISIONING CENTER**: A commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to

registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers.

- 5. **SAFETY COMPLIANCE FACILITY:** A commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

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

*We might not use these next 3 but let's include them for now:*

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

**MASTER DEED:** See **CONDOMINIUM: MASTER DEED**.

**MDNRE:** ~~Michigan Department of Natural Resources and the Environment~~ or any subsequently named agency.

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

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area of such story.

**MOBILE HOME:** See **DWELLING UNIT, MANUFACTURED. MANUFACTURED HOME.**

**MOBILE HOME PARK:** See **MANUFACTURED HOUSING COMMUNITY.**

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

**MOTEL:** A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy 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 motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms.

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

**MURAL:** A design or representation painted or drawn on a wall which does not identify an establishment, product, service, or activity. *We should talk about this one. I think this example definition might be content-based. But, that might not matter because we are using a content-based standard to call something "NOT" a sign (this is probably a legal question). We could say that a mural "does not convey a specific message"? Or, do we define a mural as something painted directly on a building surface rather than being attached? If you do this, then that would mean any business could paint their sign on the wall with no restrictions. Would that be something that would be OK? There are communities that actually don't restrict sign size, etc if it's a wall sign. Maybe murals are restricted to the side or back of a building? Let's think about this one some more.*

**N**

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

**NONCONFORMING USE:** A use which lawfully occupied a building or ~~parcel of land~~ 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 property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (A) noise, (B) dust, (C) smoke, (D) odor, (E) glare, (F) fumes, (G) flashes, (H) vibration, (I) shock waves, (J) heat, (K) electronic or atomic radiation, (L) objectionable effluent, (M) noise of congregation of people, particularly at night, (N) passenger traffic, (O) invasion of non-abutting street frontage by traffic, (P) a burned out structure, (Q) a condemned structure.

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

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

**NURSING HOME:** See **CONVALESCENT OR NURSING HOME.**

**O**

**OPEN SPACE:** Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be

made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

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

**ORDINARY HIGH WATER LINE:** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water 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 line is set by **Michigan Great Lakes Submerged Lands Act** at 581.5 feet above mean sea level, per international Great Lake datum of 1985.

**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. *We might not use this.*

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

**P**

**PARCEL:** See **Lot.** *We can remove the term parcel from the rest of the ordinance unless it is specifically called for.*

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

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

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

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

**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.

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

**PLACE OF WORSHIP:** See **RELIGIOUS INSTITUTION.**

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

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

**PLANNING DIRECTOR:** Refers to the City of Alpena staff member appointed by the City to be responsible for planning, development, zoning, or building safety activities ~~Planning & Development Director~~ **Planning, Development, Zoning, and Building Safety Director.**

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

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

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

**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 Section X.x for setbacks.**

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

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upon which it is situated.

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

**PUBLIC SEWER SYSTEMS:** A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and 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, ~~boat~~ recreational trailers, snowmobiles, horse trailers, dune buggies, tents, and other similar equipment.

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

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

**RECREATION VEHICLE PARK (RV PARK):** A facility for the overnight, short-term, or seasonal, but not permanent or year-round ~~occupancy parking of travel trailers, recreation vehicles or tents~~ 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 CENTER:** See **RESOURCE RECOVERY FACILITY.**

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

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

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- 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:** ~~Means~~ Any structure used as a dwelling for permanent year-round, seasonal, vacation, or temporary housing by families or individuals.

**RESORT:** A parcel of land 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 and/or a restaurant which may be open to guests and/or the public.

**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” and “Drive-In Restaurant”. 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 passage of persons or vehicles.

**ROAD:** See **STREET**.

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

**ROOMING HOUSE:** 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 residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms.~~ A rooming house shall not include hotels, motels, apartment houses, two and multi-family dwellings, **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 adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

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

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

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

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

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

**SEXUALLY ORIENTED BUSINESS:** A business or commercial enterprise engaging in any of the following: 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 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 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.

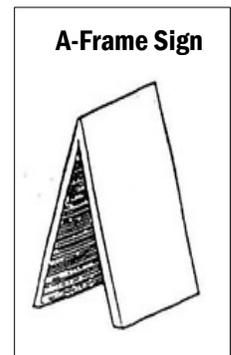
**SIGN AREA**:

- A. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- B. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- C. With respect to two-sided, multi-sided, or three-dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing:
  - 1. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed eighteen (18) inches.
  - 2. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

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

**SIGN TYPES:** The following definitions are related to signs:

- A. **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.
- B. **AWNING SIGN:** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
- C. **BANNER:** A linear sign made of natural or synthetic material used to call attention to a message; however, not including pennants or flags.



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

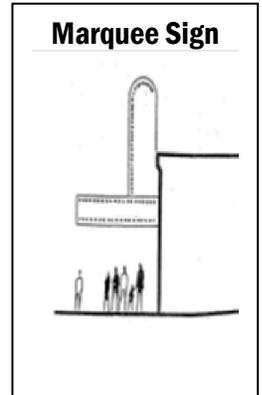
~~**CANOPY SIGN:** A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.~~

~~**ELECTRONIC MESSAGE BOARD:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.~~

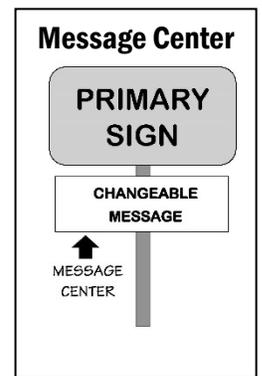
E. **FREESTANDING SIGN:** A pylon sign or monument sign.

F. **LIGHTED SIGN:** Any sign having a conspicuous, continuous, or intermittent variation in the illumination of the physical position of any part of the sign.

G. **MARQUEE SIGN:** Any sign attached to or supported by a marquee structure.

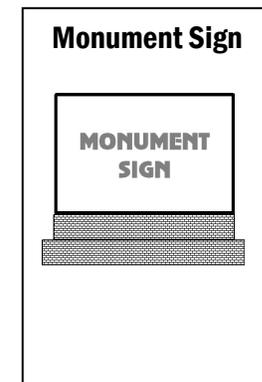


H. **MESSAGE CENTER BOARD, STATIC:** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.



I. **MESSAGE CENTER 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.

J. **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.

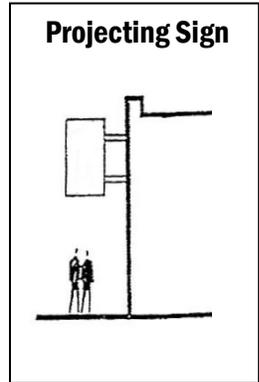
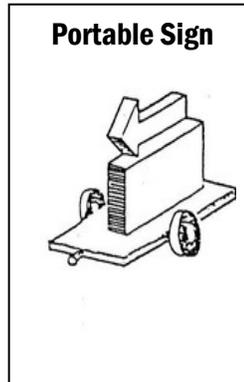


K. **MOVING SIGN:** A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

L. **OFF-PREMISE ADVERTISING SIGN (BILLBOARD):** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located. *We will add provisions for large and small off-premise signs.*

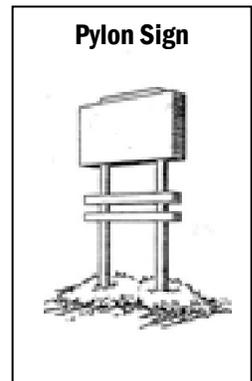
M. **OFF-PREMISE ADVERTISING SIGN, DIGITAL (BILLBOARD - DIGITAL):** A billboard displaying static images controlled by electronic communications.

N. **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.

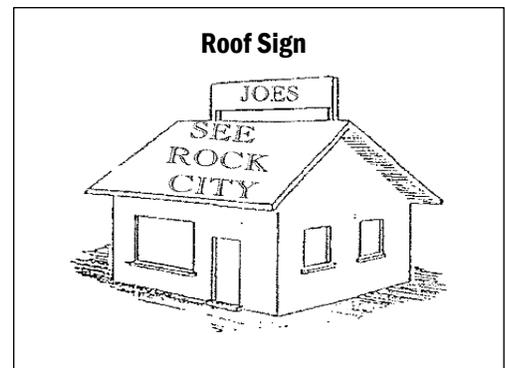


O. **PROJECTING SIGN:** A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure.

P. **PYLON SIGN:** A sign which is an elevated sign supported by one (1) or more bearing columns, the sign portion of which is not less than ten (10) feet from the surface of the ground.



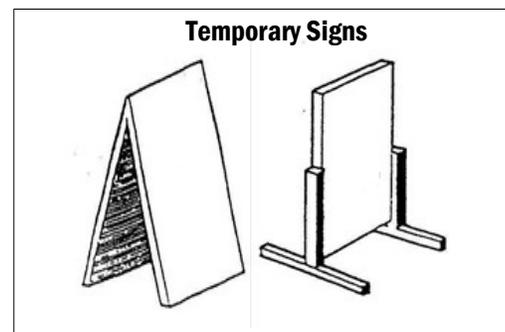
Q. **ROOF SIGN:** A display sign which is erected, constructed, and maintained above the highest portion of the roof of the building.

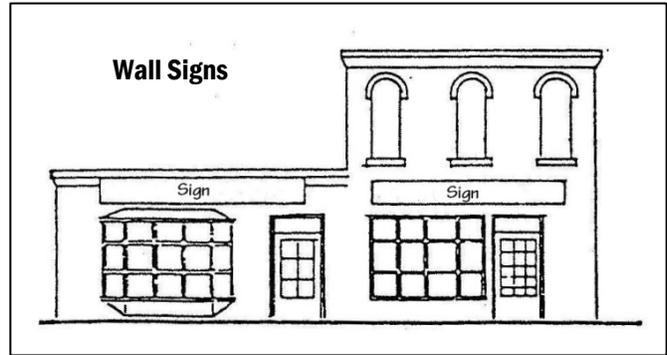


R. **TEMPORARY SIGN:** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays. 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.

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

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





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

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

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

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

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

**SOLAR ENERGY DEFINITIONS:**

1. **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 SES and the point of interconnection to the electric grid.
2. **SOLAR ENERGY FACILITY (UTILITY SCALE/COMMERCIAL):** 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.

3. **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.
  - a. **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.
  - b. **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.
  - c. **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.
4. **MAXIMUM TILT**: The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
5. **MINIMUM TILT**: The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
6. **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.
7. **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.
8. **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.

**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. ~~A use which is 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.

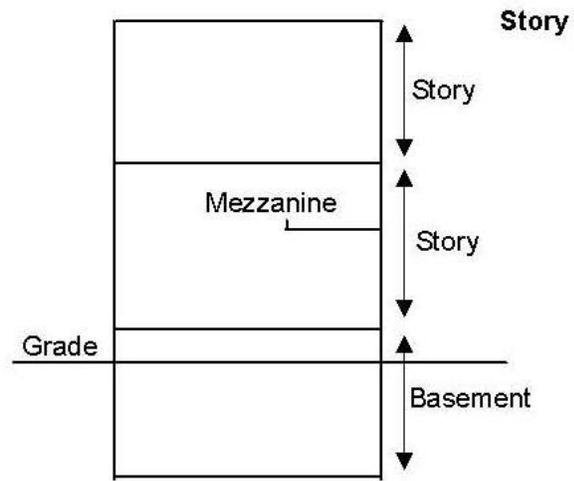
**STATE LICENSED RESIDENTIAL FACILITY:** A structure constructed for residential purposes that is licensed by the State pursuant to **Act No. 218 of the Public Acts of 1979** (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or **Act No. 116 of the Public Acts of 1973** (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

**STORAGE:** To leave or deposit in a place for preservation or disposal in one (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.

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

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



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

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

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

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

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

**SUBDIVISION:** The division of land, lot, tract, or parcel into two (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 depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**T**

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

**TOWNHOUSE:** *SEE DWELLING UNIT, 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. *We should make sure this term appears in the table.*

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

**TRAVEL TRAILER:** See **RECREATIONAL VEHICLE.**

**U**

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

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

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

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

**V**

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

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

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

requirement/limitation.

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

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

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

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

**VIDEO ARCADE:** See **AMUSEMENT ARCADE.**

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

**W**

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

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

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

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

**WIND ENERGY DEFINITIONS:**

A. **AMBIENT:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the

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

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 GENERATOR**: A wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
  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 GENERATOR TOTAL HEIGHT:**
  - 1. **HORIZONTAL AXIS WIND TURBINE ROTORS:** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
  - 2. **VERTICAL AXIS WIND TURBINE:** The distance between the ground and the highest point of the wind turbine generator.

**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:** An Antenna Array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other antenna configuration. The Antenna Array does not include the Support Structure.
- D. **ATTACHMENT STRUCTURE:** Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
- E. **CO-LOCATION/SITE SHARING:** Co-location/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license

holder, or by one wireless license holder for more than one type of communication technology and/or placement of a Wireless Communication Facility on a structure owned or operated by a utility or other public entity.

- F. **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.
- G. **FTA: Federal Telecommunications Act of 1996**, as amended.
- H. **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.
- I. **SETBACK**: Setback shall mean the required distance from the property line of the parcel 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.
- J. **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.
- K. **SUPPORT STRUCTURE**: A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, and other similar structures. Any device (Attachment Device) which is used to attach an Attachment Structure shall be excluded from this definition. Also known as “tower.”
- L. **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.

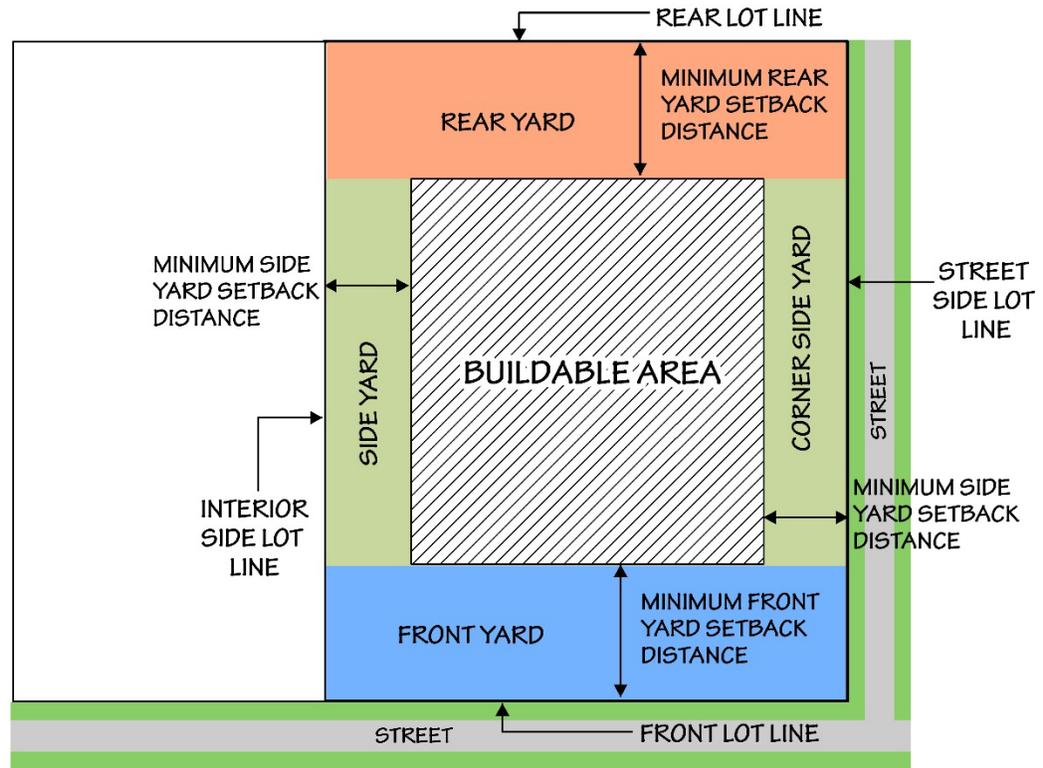
- M. **WIRELESS COMMUNICATIONS:** ~~Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.~~ 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
  
- N. **WIRELESS COMMUNICATION FACILITY:** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).
  
- O. **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 ~~main~~ 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 ~~main~~ principal building. In the case of a corner lot, the rear yard ~~may~~ shall be opposite the street on which an address has been assigned. ~~either street frontage.~~
  
- C. **SIDE YARD:** An open space between a ~~main~~ 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 ~~main~~ principal building.

- D. **CORNER SIDE YARD:** An open space between a main 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 main 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 is the Building Official in the City of Alpena unless otherwise designated by the City Manager.

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

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

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

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

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



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*Planning, Development, & Zoning*

**CITY OF ALPENA PLANNING COMMISSION**

**2023 Schedule**

Regular meetings of the Planning Commission are held the Second Tuesday of each month, unless otherwise indicated, in the Council Chambers at City Hall.

<b>MEETING DATE</b>	<b>COMPLETE APPLICATION DEADLINE</b>	<b>NEWSPAPER PUBLICATION DEADLINE</b>
Tuesday January 10	Friday December 9	Friday December 23
Tuesday February 14	Friday January 13	Monday January 30
Tuesday March 14	Friday February 10	Monday February 27
Tuesday April 11	Friday March 10	Monday March 27
Tuesday May 9	Friday April 7	Monday April 24
Tuesday June 13	Friday May 12	Monday May 29
Tuesday July 11	Friday June 9	Monday June 26
Tuesday August 8	Friday July 7	Monday July 24
Tuesday September 12	Friday August 11	Monday August 28
Tuesday October 10	Friday September 8	Monday September 25
Tuesday November 14	Friday October 13	Monday October 30
Tuesday December 12	Friday November 10	Monday November 27

Approved by the Alpena City Planning Commission at its regular meeting on Tuesday, December 13, 2022.

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 Randy Boboltz, Chair

