



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, April 11th, 2023 @ 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 March 14, 2023

PUBLIC HEARING AND COMMISSION ACTION:

1. **Case MAP23-02 – Conditional Rezone of 312 Huron St from R2 to RT**  
Findings of Fact – Appendix A  
Rezone Standards – Appendix B
2. **Case MAP23-01 – Conditional Rezone of 1224 N Second from B1 to B2**  
Findings of Fact – Appendix C  
Site Plan – Appendix D
3. **Zoning Ordinance Text Amendment – Article 2: Sign Definitions; Article 4: Signs**  
Appendix E

### BUSINESS

- a) **UNFINISHED:** None
- b) **NEW:** None
- c) **COMMUNICATIONS OR REPORTS:** None
- d) **CONTINUING EDUCATION:** None

PUBLIC COMMENT

MEMBER COMMENTS

ADJOURNMENT



MINUTES  
City of Alpena Planning Commission  
Regular Meeting (Council Chambers and Virtual)  
March 14, 2023  
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. by Randy Boboltz, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Boboltz, Gilmore, Vanwagoner, Wojda, Moses, Sundin

ABSENT: Kostelic, Peterson

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

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Joint CIP Meeting February 13, 2023, minutes were approved as printed; Regular meeting February 14, 2023, minutes were approved as printed.

Boboltz explained the procedures for the public hearing.

PUBLIC HEARING AND COMMISSION ACTION: **Marihuana Ordinance Amendments 23-487** - Birmingham reviewed the changes to the Marihuana Ordinance. She said that growers, processors and micro businesses are now prohibited and have been removed from the Ordinance. Curbside and drive thru service is now allowed. She said that City Council was in favor of the 500 foot buffer in between [marihuana businesses] from property line to property line and it has been added to the Ordinance. She explained the map included in the Commission packet, showing the buffers where new marihuana businesses could possibly be located.

FAVOR: None.

OPPOSITION: None.

Boboltz closed the public hearing at 6:09 pm for deliberation.

Birmingham clarified that the separation distances would be in the Zoning Ordinance following Sundin's request.

Sundin ***motioned*** to approve the amendments to the Ordinance 23-487 as presented.

Wojda ***seconded*** the motion.

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

UNFINISHED BUSINESS: Zoning Ordinance Updates: Article 2 : Sign Definitions and Article 4: Signs – Birmingham explained the proposed changes to the Sign Ordinance.

Sundin asked if a definition is needed for the word 'durable' used in the Permanent Sign definition, to which Wojda said it could be contrasted to the definition of 'temporary sign'.

Page 4-12 - Birmingham explained that the Allowable Sign Size Increase was changed from twenty-five (25) to fifteen (15) percent and if the application is denied because it exceeds that, they could appeal their case to the Zoning Board of Appeals.

Page 4-14 – Pylon Signs changed to thirteen feet because at only six feet, they would essentially be zoned out; Roof signs would be allowed below the deck line of a mansard roof and a gambrel roof; Opaque treatments would not be allowed – VanWagoner suggested that in special circumstances, an appeal could be made in a case such as privacy issues; Sundin suggested a certain percentage of opacity be called out; Wojda suggested adding 'Unless required by State law' such as with a Marihuana establishment where State law requires those windows to be opaque.

Page 4-15 – Verbiage added about vacant lots and time limit added from sixty days prior to an election until five days following an election with not more than one sign being larger than four square feet in residential areas; it was discussed that certain apartment complexes or duplexes do not allow signs; Birmingham asked if the City should allow unlimited signs to which Wojda said it could turn into blight; Wojda suggested forty total square footage with all signs combined to which all members of the Commission agreed; Non-Residential signs shall not exceed sixty-four feet in total, with the largest a sign size a maximum of thirty-two feet.

Page 4-16 – The only change was that a no-fee permit will be required for portable signs.

Page 4-18 – Placement limitation was changed to no more than three feet of a wall sign may project above the top of the wall to which it is attached.

Page 4-19 – Sundin asked why the Projecting Sign size was quadrupled. Birmingham explained that the current size allowance is far too small. Changing the size allows for more creativity and will decrease the need for so many variances. She said that in old pictures of Downtown, there were much larger signs that looked very nice that would not be allowed today.

NEW BUSINESS: CIP Updates: Fire Department Additions, T125 and E126 Replacements – Birmingham explained that there are potentially some opportunities to help fund the T125 replacement and so having it in the Capital Improvement Plan would help with support of receiving those funds. The E126 replacement was added as a long-range item, but if there was a funding opportunity that became available, having this line item in the CIP would show the need for it. VanWagoner asked what the T125 is. Birmingham said that the T125 is a twenty-three-year-old fire engine.

Wojda ***motioned*** to approve the CIP as amended.

VanWagoner ***seconded*** the motion.

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

COMMUNICATIONS OR REPORTS: None.

CONTINUING EDUCATION: Article: Restrictions on Zoning Authority by MSU Extension provided to each member of Planning Commission.

PUBLIC COMMENT: None.

MEMBERS' COMMENTS: Boboltz said the article that Sundin brought in for everyone to read at their leisure, focusing on Murals, was interesting. Discussions took place about the article. Sundin said that he feels in the future, if any problems arise over murals, it will likely be a business saying that another business' mural is actually a sign. He felt that it would have to be dealt with on a case-by-case basis. Gilmore said that it could slip into a content judgement.

Boboltz asked if action needed to be taken by the Commission for the changes in the language of the Sign Ordinance. Birmingham stated that it would have to go to Public Hearing the following month, so no action is necessary. Birmingham then gave examples of previous signs that required variances to be allowed.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:04 p.m., by Boboltz, Planning Commission Chairman.

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Clayton C. VanWagoner, Secretary

## Planning, Development, & Zoning

### FINDINGS OF FACT CONDITIONAL MAP AMENDMENT

**APPLICANT:** DEBRA PERNIE  
**PROPOSED USE:** DUPLEX – 312 HURON ST  
**DISTRICT:** R-2  
**REVIEW DATE:** 3/22/2023  
**REPORT:** MAP23-02



**Summary of Request:** Owner requests to conditionally rezone 312 Huron St. from R-2 to R-T. Owner is currently undergoing downstairs renovations and will continue with upstairs and egress to exterior if approved. Owner will reside in lower level.

### 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**

Adequate yard space exists to expand parking if desired; 3 parking spaces currently exist, not including the garage. Requirement is 4 spaces (two per dwelling unit) and must be a hard surface. This requirement is met.

**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 and the property directly across the street on Huron St. is also a duplex. Two-family is a similar use as single-family.

**G. Public Facilities**

The lot is served by adequate and existing public facilities

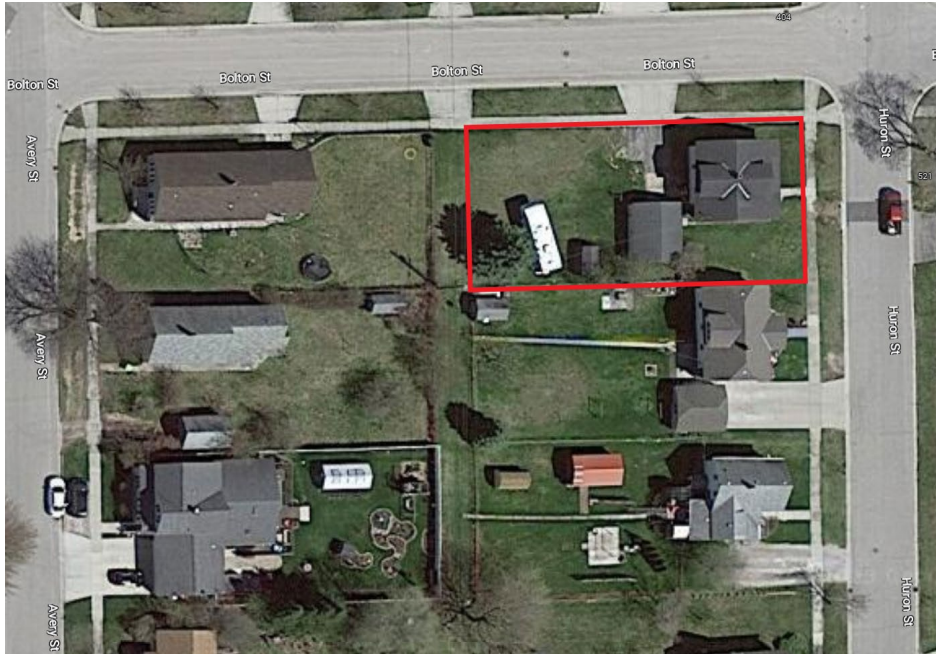
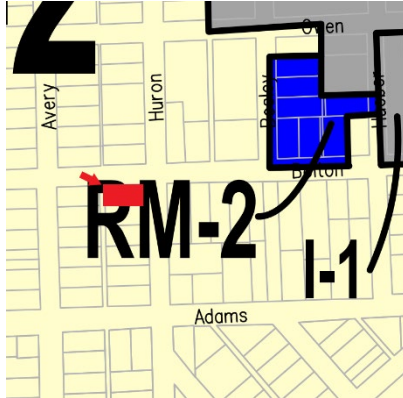
### ADDITIONAL NOTES

1. Must meet all building code requirements, including fire separation.

## Planning, Development, & Zoning

2. If approved, property must be registered through the Rental Registration program and recertified every 3 years.
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': 1

### Map/Photos:





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Alley to rear of property



**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.

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### FINDINGS OF FACT CONDITIONAL MAP AMENDMENT

**APPLICANT:** BRIAN PETERSON  
**PROPOSED USE:** BANQUET HALL  
**ADDRESS:** 1224 N 2ND  
**DISTRICT:** B1  
**REVIEW DATE:** 3/21/2023  
**REPORT:** MAP23-01

**Summary of Request:** Owners request to conditionally rezone 1224 North 2nd Avenue from B1 to allow all B1 uses, as well as B2 food related uses, such as an assembly hall, banquet hall, conference center, catering, food service, and the like.



### 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

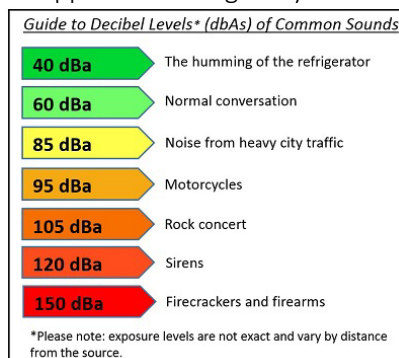
A goal of the Comprehensive Plan is to *Retain existing businesses, establish new commercial uses and redevelop vacant commercial buildings*. It is also a goal of the Comprehensive Plan to *Protect the neighborhood character of residential areas, specifically (1) Require buffers or transition areas between residential and non-residential uses, while allowing for the continuation of existing neighborhood small businesses*.

#### B. Consistency of Use in Proposed District with Surrounding Properties

Property is zoned PR to the north (McRae Park), R2 to the East, West and South, with a section of B1 as well which is the entire remainder of the block along Hueber to Ford Ave. The B1 uses are, however, currently residential.

#### C. Adverse Physical Impact on Surrounding Properties

Potential noise, parking layout, and buffering should be taken into consideration with proposed use as it relates to residential neighbors next door. See site plan comments below for more information. Hours of operation are up to Midnight to 2 AM. The City Code of Ordinances requires that from 10 p.m. to 7 a.m. the dBA does not exceed 60 (equated to normal conversation levels); exceptions may be approved through City Council on a case-by-case basis.





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**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**

Proposed use is a secondary use to the main business. Privilege already exists because it's surrounded by residential.

**G. Public Facilities**

The lot is served by adequate and existing public facilities.

### SITE PLAN REVIEW STANDARDS: SECTION 6.6

*Standards are being reviewed based on the proposed B2 District*

**A. Compliance with District Requirements:**

- a. **Setbacks:** no changes to buildings; see parking section
- b. **Building:** interior renovations planned based on approval of conditional map amendment
- c. **Residential Screening:** Fences and walls are required for residential screening purposes when abutting residential. **All off street parking areas require a minimum 4'6" high fence or wall in side or rear yards.** The Planning Commission may waive or modify the requirements where cause can be shown that no good purpose would be served.
- d. **Dumpster/Trash Screening:** All outside trash storage areas, including **dumpsters, shall be screened with a solid fence or wall at least six (6) feet in height.** A chain link fence with slats shall not be permitted. A self-latching gate shall be required.
- e. **Landscaping:** requirements apply to all uses for which a site plan review is required; exceptions may be made based on Section 3.29.b of the Zoning Ordinance; *the below is flexible based on space limitations and redevelopment in older established areas of the City*
  - i. **1 additional tree required,** not more than 33% of the same species based on lot size of 7766 sq ft
  - ii. **6 street trees required** based on 1 street tree required for every 40' of street frontage – 262' of lawn extension on street frontage
- f. **Parking:**
  - i. Compliance requirement because: *Change in Use: Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.*
  - ii. Spaces:
    1. Parking Spaces Provided:
      - a. 38 spaces on site
      - b. 35 spaces (approximate) along Hueber between Ford & McRae Park
      - c. 76 spaces at McRae Park in paved area – also additional parking surrounding ball fields
      - d. Street parking and McRae Park parking are public parking areas and are first come first serve; they are not guaranteed or reserved spaces for this use.
    2. Banquet hall: 1 for every 2 persons allowed within the maximum occupancy load
    3. Estimated guest count: 125 with tables/chairs, 200 standing room only

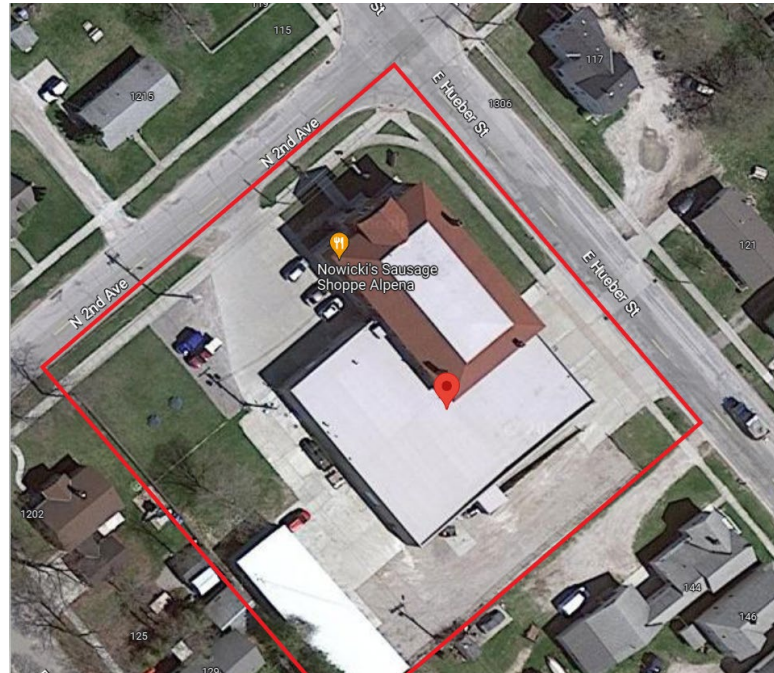
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4. 3.30.E.12.a.4.b *The required number of parking spaces may be reduced, at the discretion of the Planning Director, if a public parking area or sufficient on-street parking is located within 500 feet of the building to be served.*
  - iii. Size: 90-degree spaces require 10' wide parking space that is 19' long w/ maneuvering aisle width of 22'. Parking widths are 9' wide with a 20' length; maneuvering aisle is 17' which is adequate for one-way travel, but not two. Current layout is functional.
  - iv. 5' rear and side setback is required when abutting residential – rear setback does not meet this requirement, however area is already existing and parking is limited. Maintaining this buffer would prevent parking in this area.
  - v. Surface: *An entire parking area, including parking spaces, maneuvering lanes and ingress and egress driveways required under this Section, shall be provided with asphalt, concrete, brick or other similar hard surface which meets drainage requirements in accordance with specifications approved by the City. The parking area shall be surfaced prior to the issuance of a permanent certificate of occupancy. The use of pervious concrete, grasscrete, and other pervious surfaces may be permitted for specific uses as approved by the Planning Commission or Planning Staff.* Gravel space off 2<sup>nd</sup> Ave will have asphalt applied this spring; Parking in rear will need hard surfacing.
    1. Note that redoing 2<sup>nd</sup> Avenue is a CIP project; expect project to take place in 2-4 years depending on funds available. Curb cut and apron would be redone at that time as part of the project. City Engineering staff would not recommend paving or adding concrete to this area, as it will be redone when the 2<sup>nd</sup> Ave. project occurs. Max opening at sidewalk is 34', current paved opening is approximately 21.5'.
- B. **Public Welfare of Adjoining Properties:** Ordinance requires that: *The uses proposed will not adversely affect the public health, safety, or welfare.* Consideration of noise as noted above and impact on parking on street. Frequency of events is unknown at this time.
- C. **Light, Air and Access:** n/a
- D. **Topography & Natural Landscape:** No changes proposed topography; see landscaping section above.
- E. **Drainage:** No changes proposed.
- F. **Privacy:** n/a
- G. **Emergency Vehicle Access:** Emergency access is provided from 2nd Ave and Hueber St.
- H. **Vehicular and Pedestrian Circulation:** Sidewalks exist; one way maneuvering lanes in rear
- I. **Fire and Safety:** Fire Plan Review will be required with Building Plan Review
- J. **Access:** Access to streets and sidewalks exist
- K. **Loading and Storage:** No changes proposed to current loading areas
  - a. **Snow Storage:** Grass area off 2<sup>nd</sup> and rear parking corners
- L. **Exterior Lighting:** No changes proposed
- M. **Utilities:** Utilities are existing
- N. **Compliance with Other Statutes and Regulations:** Future renovations subject to building code requirements
- O. **Groundwater and Surface Water Protection:** The standards for groundwater and surface water protection shall be complied with

ADDITIONAL NOTES

1. Applicant's Statement of Conditions: *Request to conditionally rezone 1224 North 2nd Avenue from B1 to allow all B1 uses, as well as B2 food related uses, such as an assembly hall, banquet hall, conference center, catering, food service, and the like.*
2. Objections received from property owners within 300': None

Map/Photos:









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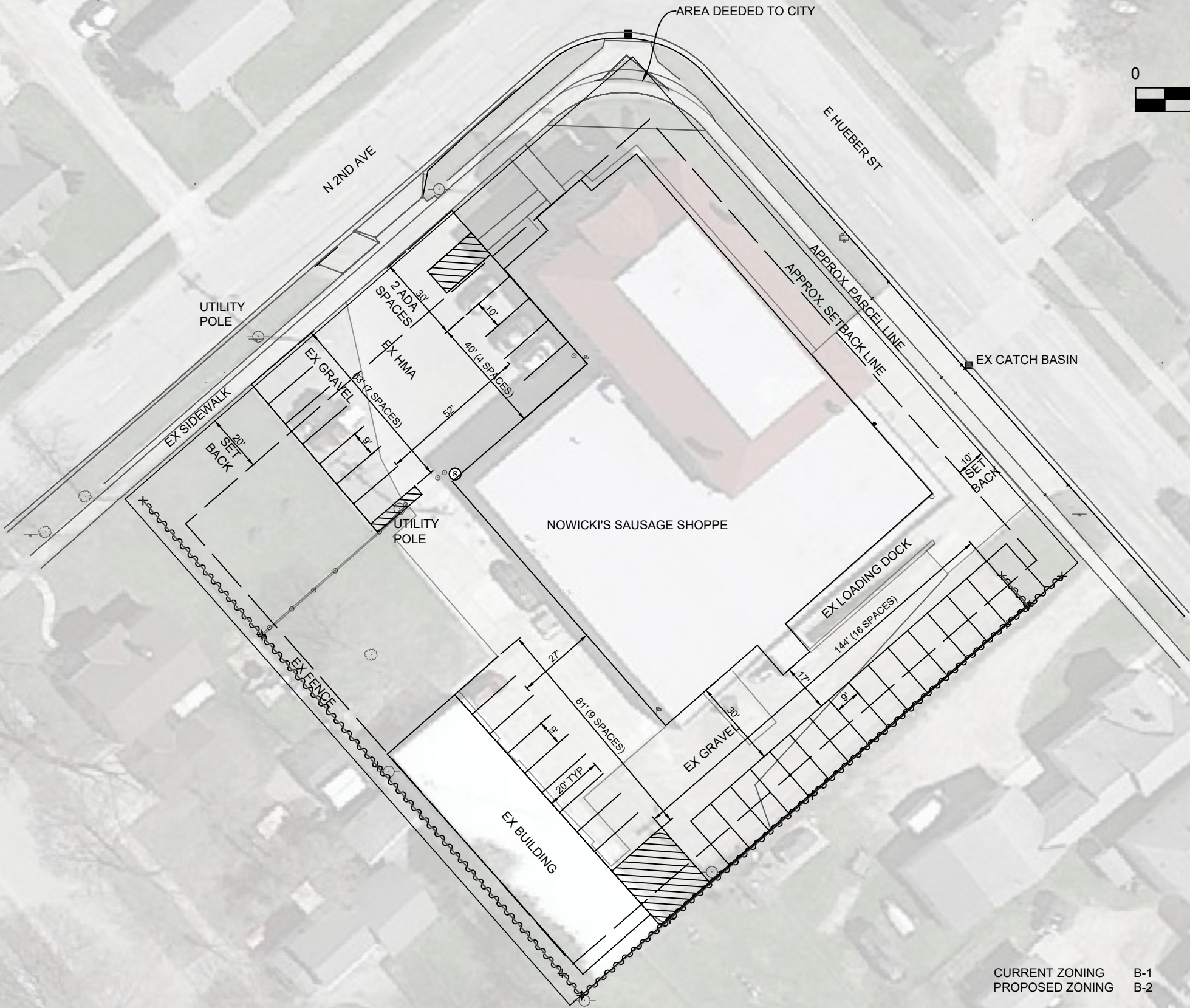
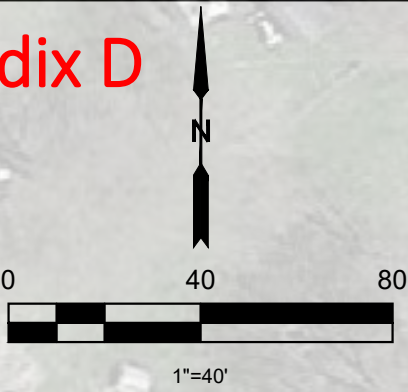
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Appendix D

AN ADDITIONAL 76 SPACES OF PARKING ARE AVAILABLE AT MCRAE PARK THAT ARE PROPOSED TO BE UTILIZED AS OVERFLOW PARKING DURING LARGE EVENTS IF NECESSARY.



CURRENT ZONING B-1  
PROPOSED ZONING B-2

NO CHANGES TO THE EXISTING SURFACE MATERIAL, DRAINAGE, LANDSCAPING, SIGNAGE, OR CURB CUTS ARE PROPOSED.

EMPLOYEES VARY FROM 10-14 PEOPLE DEPENDING ON THE SEASON.

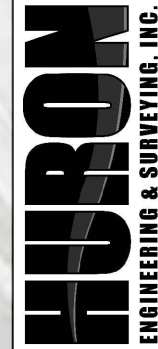
NOWICKI'S SAUSAGE SHOPPE SITE CONDITIONS

DATE  
JANUARY 31, 2023

HURON JOB NUMBER  
23.006

SCALE  
N/A

ENGINEER  
RIVARD



SHEET NO.  
1



## Arbeiter Hall: 1224 North Second Avenue



The German Aid Society was organized June 26, 1871, With 40 member sand Charles Golling as its president. Its official name was Arbeiter Unterstuetzungs Vereirn. Loosely translated as "A Berman Benevolent society."

In 1891, the German Aid Society constructed a hall to serve the social and recreational needs of its membership. After a fire in 1904, a new building was completed before the end of the year using the same foundation of the original structure, much of the same masonry, and the original cornerstone, This newly built hall was formerly opened 2-7-1905.

The German Aid Society continued use in the hall until the 1930s The German aid society dissolved in April 1931 Assets were sold and distributed among the remaining members.

The building was then sold to Dr. J. W. Purdy of The American Christian Church Union of Alpena (Ku Klux Klan) for \$15,000. The Church was in the process of a land contract which Purdy purchased the remaining \$6,000 balance of. As far as our research shows its was owned by them until purchased by Fred Duby 1949 to be a Coca-Cola Bottling Company.

The Duby Family sold the build to Miles and Betty Ludlow for \$50,000 on land contract in 1987. Ludlow purchased the building to produce their own meats fresh daily for their restaurants throughout northern Michigan. In 1987 it was opened a USDA food manufacturing plant. Which it operated until Miles death in 1999. Soon there after the building was solely used for storage by the family and a warehouse for their area business.

In 2010 Nowicki's relocated from Rogers City where they had been since 1917. They continued there Sausage making operation here. With a little remodeling for their specific needs, (addition of a smoke house) and specific sausage make related equipment. They are on their 5<sup>th</sup> generation of the trade. In May 2018 Nowicki's was sold to Brian Peterson and Jeff Idalski. In 2020 they purchased Arbeiter Hall from Phil Ludlow & are currently doing renovations to be able to reopen the ballroom on the 2nd floor to events again. Brian is the son of Michelle & Phil Nowicki. Jeff and Brian grew up together in Rogers City.

**City of Alpena**  
**Ordinance No. \_\_\_\_ of 2023**

**An ordinance to amend the City of Alpena Zoning Ordinance Article 2 (Construction of Language and Definitions) and Article 4 (Signs).**

City of Alpena, Alpena County, Michigan ordains:

**SECTION 1: AMENDMENT TO THE CITY OF ALPENAZONING ORDINANCE**

**That the City of Alpena Zoning Ordinance, Section 2.1 (Definitions) is hereby amended to repeal all definitions related to signs and replace with the following definitions related to signs:**

**SIGN:** Any structure or wall or other object used for the display of any message. Murals are not considered a sign.

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

**Figure A**

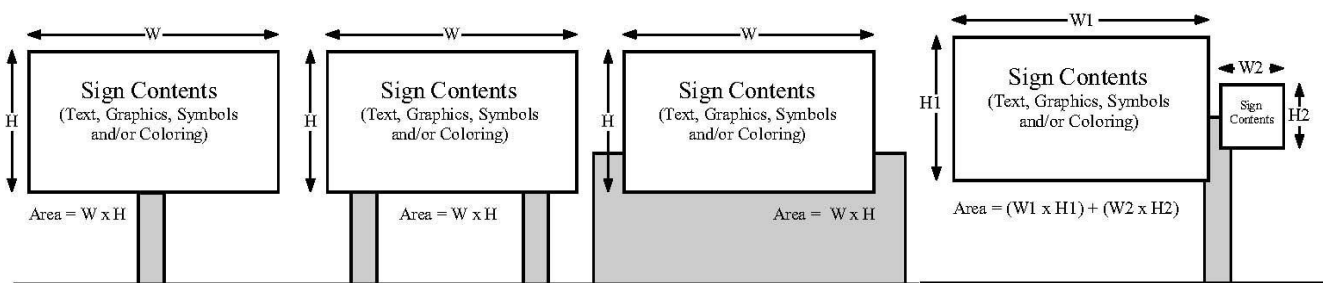
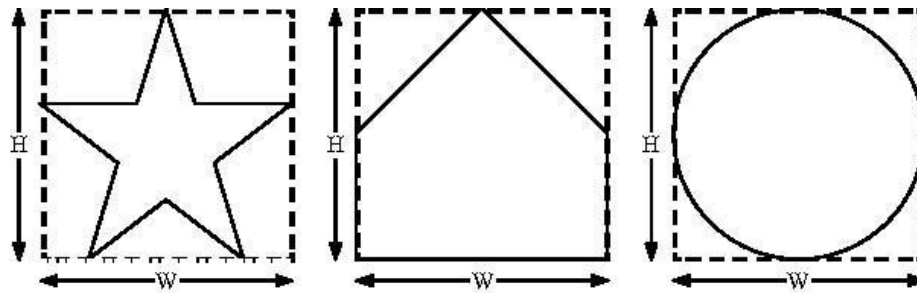


Figure B



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

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

A. **ATTENTION-GETTING DEVICE:**

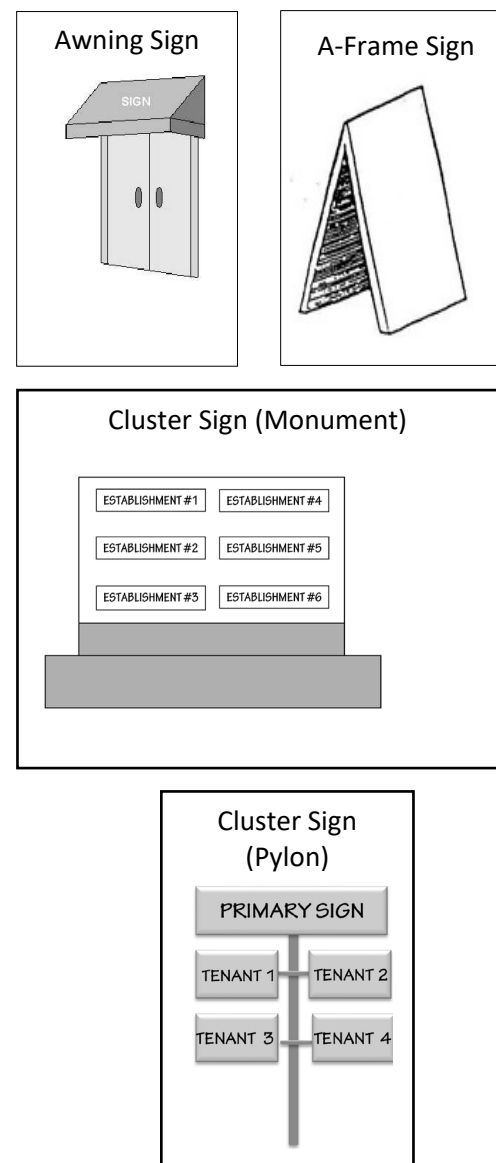
1. **FEATHER BANNER OR SAIL SIGN:** A temporary banner made of flexible material and typically shaped like a sail or feather that is usually placed in an upright position.
2. **AIR DANCERS:** A tall inflatable model, usually of a person or an animal, that appears to move around due to air being blown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

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

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

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

- E. **CLUSTER SIGN:** An on-premises sign which identifies a complex of establishments/tenants on one (1) lot and



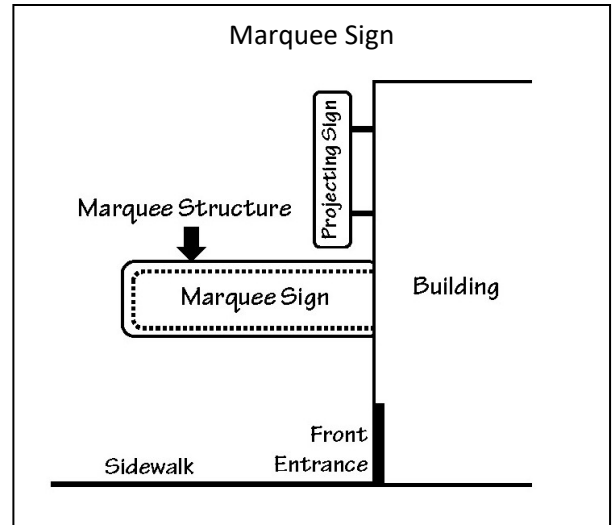
contains multiple signs on one structure including one for each establishment and one for the complex as a whole.

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

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

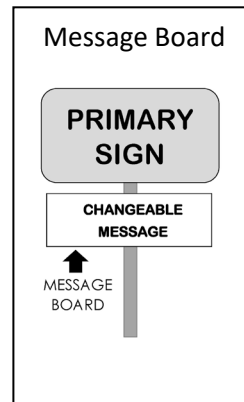
H. **LIGHTED SIGN**: Any sign having a conspicuous, continuous, or intermittent variation in the illumination of the physical position of any part of the sign.

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

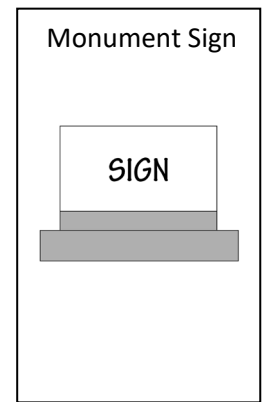


J. **MESSAGE BOARD, STATIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

K. **MESSAGE BOARD, ELECTRONIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.



L. **MONUMENT SIGN**: Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material.



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

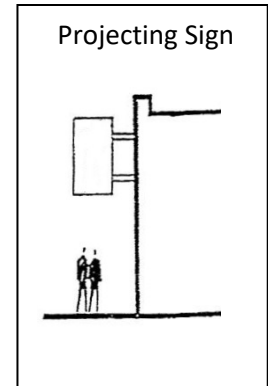
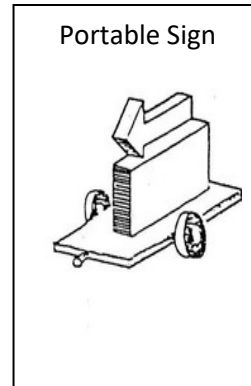
N. **MURAL**: Any message, or image painted directly onto the wall of a building. Decorative art elements attached to a mural are considered part of the mural.

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

P. **OFF-PREMISE ADVERTISING SIGN**: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.

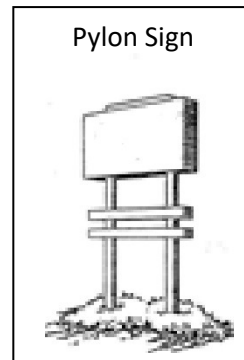
1. **SMALL OFF-PREMISE SIGN:** An off-premise sign which does not exceed six (6) square feet in area.
2. **LARGE OFF-PREMISE SIGN (BILLBOARD):** An off-premise sign which is larger than six (6) square feet in area.

Q. **PORTABLE SIGN:** Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed.

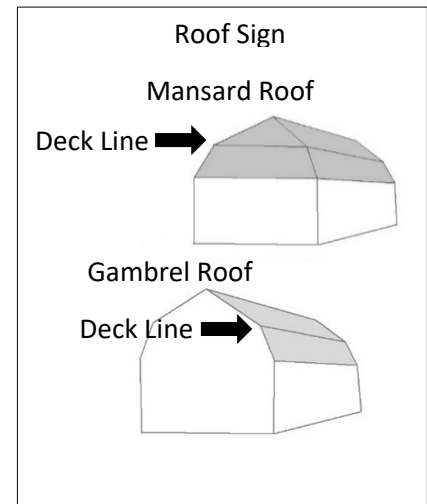


R. **PROJECTING SIGN:** A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure.

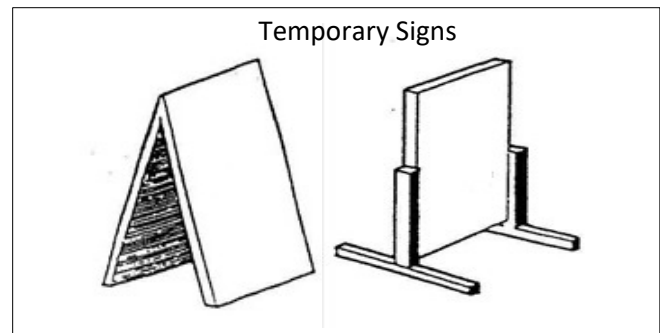
S. **PYLON SIGN:** A sign which is an elevated sign supported by one (1) or more bearing columns.



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

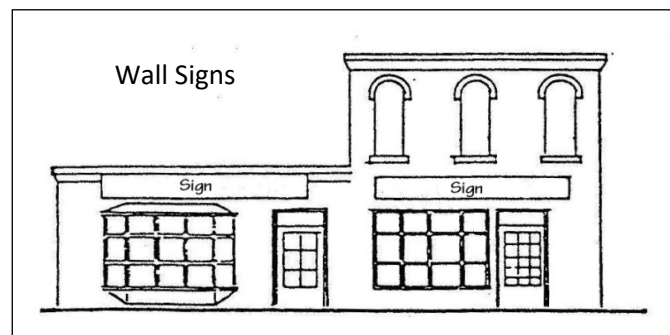


U. **TEMPORARY SIGN:** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this ordinance. A temporary sign is one that is not affixed to the ground permanently and can easily be moved.



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

W. **WINDOW SIGN:** A sign installed inside or projected upon a window and intended to be





viewed from the outside.

**That the City of Alpena Zoning Ordinance, Article 4 (Signs) is hereby repealed and replaced with the following:**

## **Section 4.0 Purpose**

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

## **Section 4.1 Sign Permit Procedure & Enforcement**

### **A. Approval.**

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

#### **1. When a Sign Permit is Required.**

- a. A sign permit is required when the sign structure is being removed and replaced or if any structural change is being made to the sign (including a change to a sign's size). A sign permit is not required if a sign's message is being changed by re-painting, changing lettering, or changing the sign's "skin" (non-rigid covering).
- b. A property owner may maintain an existing sign without a sign permit provided the type, size, shape, and height do not change and the use remains the same.

#### **2. Application for Sign Permit.** Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have the following information attached:

- a. Name, address, and telephone number of the applicant.
- b. Location of building, structure, or lot to which the sign or other advertising structure is to be attached or erected.
- c. Site plan showing the location of the sign and nearby structures.

- d. One (1) blueprint or drawing of the plans and specifications and methods of construction and attachment to the building or in the ground.
  - e. In some cases, the Zoning Administrator may request copies of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City. Provided, further, that where the Zoning Administrator deems it advisable, he/she may require the approval of the structural design by a registered architect or engineer.
  - f. Name of person, firm, corporation, or association erecting the structure.
  - g. Written consent of the owner where the sign is to be erected on vacant land.
  - h. In all cases where wiring is to be used in connection with the sign, it shall comply with the National Electrical Code and the necessary permits shall be obtained.
  - i. Such other information as the Zoning Administrator shall require to show full compliance with this and all other Ordinances of the City.
3. **Sign Permit Issued if Application in Order.** It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and, if it shall appear that the proposed structure is in compliance with all requirements of the City, the permit shall be issued. In the case of illuminated signs, an electrical permit shall also be issued. The Building Official shall be responsible for issuing building permits for signs that require a building permit.
4. **Sign Permit Fee.** Prior to the issuance of a sign permit, a sign permit fee shall be paid to the City according to the schedule as shall be established from time to time by resolution of the City Council.
5. **Sign Permit Revocable at Any Time.** All rights and privileges accrued under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under a sign permit has not been completed within four (4) months after date of issuance, the said permit shall become null and void. The Zoning Administrator may grant an extension if weather or other unforeseen circumstances impact the construction of the sign.
6. **Signs Excluded from Permits.** The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this Section and shall not require permits for erection.

### Signs Excluded from Permits

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

## 7. Prohibited Signs.

### Prohibited Signs and Devices

The following are prohibited within the City:

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

- f. Devices such as pennants, pinwheels, streamers, search lights, or other devices with similar characteristics.

## B. Enforcement.

See **Section 9.0** (Enforcement) and **Section 9.7** (Violations).

# Section 4.2 General Sign Standards

## A. Wind Pressure and Dead Load Requirements.

Freestanding, projecting, wall, and marquee signs shall be designed and shall be constructed to receive wind and dead loads as required in the City Building Code or other ordinances of the City.

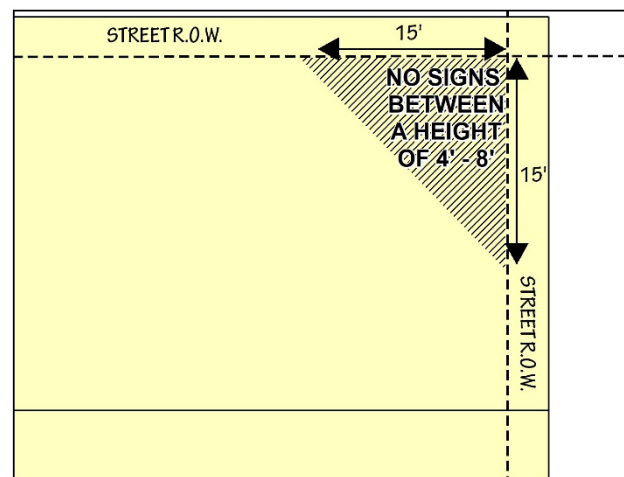
## B. Signs in Right-Of-Way.

1. Any sign except those established and maintained by city, county, state, or federal governments shall not be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance. If any sign is not claimed within fourteen (14) days, it shall be destroyed.
2. No sign or banner shall be placed across any public right-of-way except by permission of the City.
3. The right-of-way includes the **LAWN EXTENSION**.

## C. Signs Not To Constitute a Traffic Hazard.

No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. At street intersections, no signs other than municipal traffic control signs shall be located in the clear-vision triangle formed by the property lines paralleling the streets and extending for a distance of fifteen (15) feet each way from the intersection of the right-of-way lines at the corner lot. This clear vision triangle shall be free of any pole, column, support, sign face, or other obstruction having a width exceeding eight (8) inches. The clear vision triangle shall consist of that space which is between four (4) feet and eight (8) feet in height as measured from the curb. This vision triangle does not apply in zoning districts that allow buildings to be constructed up to a corner property line.

**Figure 4.2A: Sign Visibility Triangle**



**D. Signs Affixed to Nontraditional Surfaces.**

No sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects except signs of any political subdivision of this State. No sign shall be affixed to a fence without first being approved by the Zoning Administrator as meeting a special purpose. No sign shall be affixed to a stationary motor vehicle or other similar object not usually used for signage and put on non-mobile display.

**E. Illumination/Glare.**

Internally and externally lighted reflective, glowing, and other forms of illumination shall be permitted on all signs except where specifically prohibited. All illumination shall be concentrated on the area of the sign or landscape feature or directed or shielded so as to not interfere with the vision of or become a nuisance to persons on the adjacent streets or adjacent property. Illumination shall not constitute a traffic hazard. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code. Any lighting used to illuminate signs shall be directed away from and shall be shielded from any adjacent residential zoning districts.

**F. Obstructions To Doors, Windows and Fire Escapes.**

No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

**G. Obscene Material.**

No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd or disgusting according to accepted moral standards.

**H. Sign Construction.**

1. No nails, tacks, or wires shall be permitted to protrude from the front of any sign.
2. Signs shall be comparable to a professionally designed and constructed sign.
3. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws, or other means as approved by the Building Official. In no case shall any wall sign be secured with wire, strips of wood, or nails.

**I. Sign Area Limitations.**

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

**J. Nonconforming Signs.**

1. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
2. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
6. If a nonconforming sign has been abandoned, then **subsection K** shall apply.
7. **Subsections 6** above shall not apply to signs contained on lots with seasonal businesses.

**K. Abandoned Signs.**

1. An abandoned sign is any sign to which any of the following applies:
  - a. The sign is located on a property on which the use has been abandoned for a continuous period of one (1) year. When determining the intent of the property owner to abandon a use, the Zoning Administrator shall consider the following factors:
    - (1) Whether utilities such as water, gas, and electricity to the property have been disconnected.
    - (2) Whether the property, buildings, and grounds have fallen into disrepair.
    - (3) Whether equipment or fixtures necessary for the operation of the use have been removed.
    - (4) Other information or actions that evidence an intention on the part of the property owner to abandon the use.



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

- b. The sign has remained blank over a continuous period of one hundred (180) days.
- c. The sign's message becomes illegible in whole or substantial part.
- d. The sign has fallen into disrepair.

2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have thirty (30) days to remove said sign and any remaining sign structure. Upon the expiration of thirty (30) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign and structure have not been removed upon the expiration of thirty (30) days from the date of the second notice, the Zoning Administrator is authorized to cause removal of such sign and structure and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the City shall have a lien on the property and such cost shall be added to the tax bill for the property.

#### **L. Unsafe, Damaged, and Illegal Signs:**

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

#### **M. Sign Maintenance.**

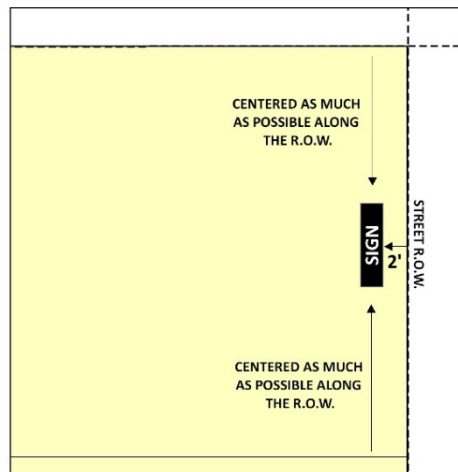
1. All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be maintained in good working order, and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes, and wiring used in the illumination of the sign must be well maintained and in good repair.

2. The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

**N. Sign Setbacks.**

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

**Figure 4.2.B Sign Setbacks**



**O. Allowable Sign Size Increase.**

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

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

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

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

### **Section 4.3 District Regulations for Signs**

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

Table 4A: Residential District Sign Requirements

















|   |       |  |   |   |
|---|--|--|---|---|
|   | Single & Two-Family Uses   | Multiple Family, Subdivisions, Manufactured Housing Dev.   | Lots that contain a Home Occupation (additional signage allowed)  | Non-Residential   |
| <b>Free-Standing Signs</b><br>(permanent primary sign)  | <b>Number:</b> 1 per street frontage<br><b>Size:</b> 4 sq ft<br><b>Height:</b> 4 ft  | <b>Number:</b> 1 double-sided or 2 single-sided per entrance.<br><b>Size:</b> 24 sq ft<br><b>Height:</b> 6 ft                        | <b>Number:</b> 1<br><b>Size:</b> 8 sq ft<br><b>Height:</b> 4 ft<br>Allowed <u>either</u> an additional freestanding sign or an additional wall sign | <b>Number:</b> 1<br><b>Size:</b> 30 sq ft<br>If sign is located more than 50 ft behind the property line, may be increased by 5 additional sq ft for each additional 10 ft of setback. Shall not exceed 50 sq ft<br><b>Height:</b> 6 ft |
| <b>Wall Signs</b><br>(permanent primary sign)   | <b>Number:</b> 1<br><b>Size:</b> 2 sq ft per dwelling unit   | No sign shall exceed 25% of each wall area to a maximum of forty (40) sq ft. Wall sign increases may be permitted as per <b>§4.5</b> | <b>Number:</b> 1<br><b>Size:</b> 4 sq ft<br>Allowed <u>either</u> an additional freestanding sign or an additional wall sign                        | No sign shall exceed 25% of each wall area to a maximum of forty (40) sq ft. Wall sign increases may be permitted as per <b>§4.5</b><br>See <b>§4.5</b>   |
| <b>Projecting Signs</b>   | Not Allowed  |  |   | See <b>§4.6</b>   |
| <b>Marquee or Awning Signs</b>  | Not Allowed  |  |   | There shall be no limit to sign size when located on an awning or marquee. See <b>§4.7</b>  |
| <b>Temporary Signs</b>  | See <b>§4.4.</b>   |  |   |   |
| <b>Message Boards</b>   | Not Allowed  |  |   | See <b>§4.8</b>   |
| <b>Off-Premise Signs</b>  | Not Allowed  |  |   |   |
| <b>Roof Signs</b>   | Not Allowed  |  |   |   |
| <b>Illumination</b>   | Not Allowed  | External illumination only*  | Not Allowed   | External illumination only*   |
| <ul style="list-style-type: none"> <li>Sign numbers, sizes and heights are listed as the maximum allowed.</li> <li>Window signs (temporary or permanent) are regulated as wall signs in these districts.</li> <li>Unless otherwise indicated, lots may contain the maximum listed for each type of sign.</li> </ul> <p>*No internal illumination shall be allowed in residential districts except for electronic message boards on lots which contain churches and schools. Externally illuminated signs shall not glare onto or cross the property line onto residential lots.</p> |  |  |   |   |

Table 4B: Business &amp; Industrial District Sign Requirements

|   |           |
|---|--|
| Free-Standing Signs   | <b>Number: 1</b><br>Lots with at least 100 feet of frontage on each of 2 streets may have 2 signs. If sign is at intersection of 2 streets, only 1 sign is permitted.<br><b>Size: 64 sq ft</b>   |
|   | Pylon Sign Height Limit: 13 ft   |
|   | Monument Sign Height Limit: 6 ft   |
|   | Height shall not extend above the highest point of the principal structure.  |
| Wall Signs  | 25% of each wall area to a maximum of 75 sq ft per wall  |
|   | See <b>Section 4.5</b> for "Wall Sign Increase"  |
| Projecting Signs  | 1 at 40 sq ft<br>Bottom of the signs shall be at least 8 ft from the ground.<br>See <b>Section 4.6</b>   |
| Marquee or Awning Signs   | There shall be no limit to sign size when located on an awning or marquee. See <b>Section 4.7</b>  |
| Roof Signs  | Not Allowed (signs are allowed below the deck line of a mansard roof and a gambrel roof)   |
| Message Boards (Static & Digital)   | See <b>Section 4.8. Not allowed in DOD.</b>  |
| Temporary Signs   | See <b>Section 4.4</b>   |
| Off-Premise Signs   | See <b>Section 4.9</b>   |
| Cluster Signs   | A development containing multiple buildings, separate parties, tenants, or uses shall be considered as a single development and shall adhere to the freestanding sign regulations stated above, regardless of the number of buildings, separate parties, tenants, or uses contained therein.   |
| Window Signs  | Between 2 ft and 10 ft above the sidewalk:<br><b>DOD:</b> Only clear or lightly tinted glass shall be allowed in windows and doors. Windows shall not be blocked by an opaque treatment. Zoning Administrator may grant an exception if the applicant can demonstrate a unique business reason for the treatment and that it will not be a source of blight.   |
| <ul style="list-style-type: none"> <li>• Sign numbers, sizes and heights are listed as the maximum allowed.</li> <li>• Unless otherwise indicated, lots may contain the maximum listed for each type of sign.</li> <li>• Illuminated signs shall not glare onto or cross the property line onto residential lots. *No internal illumination shall be allowed on lots abutting residential lots except for lots which contain churches and schools.</li> </ul> |  |



## Section 4.4 Temporary Signs

### A. Residential.

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

- a. **Ground signs.** No more than twelve (12) square feet, in sum, of temporary signage shall be allowed per zoning lot. No individual temporary sign shall exceed four (4) square feet.
- b. **Window Signs.** No more than one (1) window sign at two (2) square feet shall be allowed per dwelling unit.
- c. From sixty (60) days prior until five (5) days after a national, state, or local election, the total square footage limit does shall be increased to forty (40) square feet. However, no individual sign shall exceed four (4) square feet.

#### 2. Individual Dwellings Units within Multiple-Family Dwellings.

No more than one (1) window sign at two (2) square feet shall be allowed per each dwelling unit within a multiple-family establishment. From sixty (60) days prior until five (5) days after a national, state, or local election, the total number limit shall be increased to forty (40) square feet. However, no individual sign shall exceed two (2) square feet.

#### 3. Multiple-Family Establishments as a Whole.

No more than two (2) temporary signs, erected by the owner or manager of the establishment shall be allowed per multiple-family dwelling establishment as a whole for a total of thirty (30) square feet in sum. The larger of any one (1) temporary sign shall be no greater than twenty (20) square feet. From sixty (60) days prior until five (5) days after a national, state, or local election, the total square footage limit shall be increased to forty (40) square feet. However, no individual sign shall exceed twenty (20) square feet.

### B. Non-Residential.

#### 1. Number and Limit.

No more than two (2) temporary signs shall be allowed per establishment for a total of thirty (30) square feet in sum. The larger of any one (1) temporary sign shall be no greater than twenty (20) square feet. From sixty (60) days prior until five (5) days after a national, state, or local election, the limit of two (2) signs and the total square footage limit shall be increased to sixty-four (64) square feet. However, no individual sign shall exceed thirty-two (32) square feet.

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

- (1) Sign shall be removed when facility is closed.
- (2) Shall be located on or adjacent to the lot in which the business facility is located.  
Exception: If a building has no front yard, the sign may be located on the sidewalk. Signs

located on the sidewalk shall provide at least three (3) feet of continuous pedestrian clearance.

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

a. **Portable Signs (Non-Residential and Multiple-Family Establishments).** One (1) portable sign shall be no greater than thirty (30) square feet. The portable signs shall be permitted for a period not to exceed fourteen (14) days in a one (1) year period. A no-fee permit is required. In no instance shall such sign be located so as to obstruct automobile or pedestrian travel lanes. Such signs shall neither be illuminated nor connected to an energy source. Such signs shall not constitute a safety hazard to the public. Portable signs do not count against the total allowable temporary sign limits of the zoning lot.

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

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

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

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

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

C. **Temporary Sign Covers.** Non-rigid material which is used to cover an existing permanent sign shall be placed on the sign on a temporary basis not to exceed six (6) months. Such material shall not be considered a temporary sign and shall not be affixed permanently to the sign. Fabric signs which are stretched across a sign frame and do not cover another existing sign do not fall under this subsection C.

## Section 4.5 Wall Signs - Supplemental Regulations

### A. Wall Sign Increase.

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

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

### B. Limitation on Placement.

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

### C. Projection and Height.

No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached to the outer surface. Wall signs may project over the public right-of-way not to exceed twelve (12) inches and shall not extend below a minimum height of eight (8) feet above the ground level if such sign exceeds four (4) inches in thickness.

## Section 4.6 Projecting Signs - Supplemental Regulations

The Zoning Administrator may authorize a sign to project into the public right-of-way subject to the following conditions:

- A. One (1) projecting sign limited to not more than forty (40) square feet of sign area for each side of such sign.
- B. No projecting sign shall exceed a height greater than the front wall height of the building to which it is attached or extend below a minimum height of eight (8) feet above the ground level.
- C. In the case of a zero lot line establishment, a projecting sign may extend into the public right-of-way from the front property line to the edge of the street curb, unless otherwise restricted by ordinance. The Zoning Administrator has the discretion to limit the distance of the projection in the right-of-way.
- D. Any movable part of a projecting sign shall be securely fastened by chains or hinges.

## Section 4.7 Marquee or Awning Signs - Supplemental Regulations

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

## Section 4.8 Message Boards – Supplemental Regulations

### A. Static Message Boards.

One (1) static message board shall be allowed in addition to the primary freestanding or wall sign in the OS-1, B-1, B-2, B-3, CBD, CCD, I-1 and I-2 Districts and for non-residential uses in all districts.

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

### B. Electronic Message Boards.

One (1) electronic message board shall be allowed in addition to the primary freestanding or wall sign in the CCD, OS-1, B-1, B-2, B-3, I-1 and I-2 Districts and for churches and schools in all districts.



1. Message boards shall count toward the total available sign square footage allowed on the property.
2. Electronic message boards shall be an integral part of the primary sign.
3. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
4. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
5. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
6. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

#### C. Number Allowed.

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

## Section 4.9 Off-Premise Signs

#### A. Large Off-Premise Signs (Billboards).

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Off-premise sign regulations address the location, size, height and related characteristics of such signs.

1. **Area and Height Limitations.** No billboard may be erected or maintained of a greater surface area than three hundred (300) square feet for each side of such sign. The top of the sign shall be no more than fifteen (15) feet above the ground and the bottom of the sign shall be at least three (3) feet above the ground. Double-faced billboard structures (i.e., structures having back-to-back faces) and V-type structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.
2. **Location.** Static and digital billboards may be erected only in an Industrial District along a State trunkline. No billboard may be erected or maintained within five hundred (500) feet of any public park, recreation area, public reservation, bridge, school, or church nor within fifty (50) feet of street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet. No billboard shall be installed or placed on top of, cantilevered, or otherwise suspended above the roof of any building.

3. **Spacing.** Billboards shall be located no closer to one another than two thousand (2000) feet.
4. **Material Required.** All billboards shall have a surface or facing of non-combustible material.
5. **Illumination.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
6. **Digital Billboards.**
  - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be complete in one (1) second or less.
  - b. **Luminance.** The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of one hundred (150) feet for those sign faces less than or equal to three hundred (300) square feet.
  - c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.
7. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
8. A billboard established within an industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.

**B. Small Off-Premise Signs on Private Property (Permanent or Temporary).**

1. Small off-premise signs shall be no greater than six (6) square feet in area.
2. Small off-premise signs shall be no greater than four (4) feet in height.
3. Small off-premise signs must be located at intersections.
4. Small off-premise signs shall only be located on commercial or industrial property.
5. One (1) Small off-premise sign is permitted per commercial or industrial zoning lot.

6. Small off-premise signs on occupied lots shall NOT count toward that lot's sign size limitations.
7. A zoning permit is required if the sign is permanent.

## Section 4.10 Murals

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

## Section 4.11 Severability Clause for Signs

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

### **SECTION 2: SEVERABILITY**

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

### **SECTION 3: SAVING CLAUSE**

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

### **SECTION 4: EFFECTIVE DATE**

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I, \_\_\_\_\_, Clerk for the City of Alpena, hereby certify that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_ of 2023 of the City of Alpena, adopted by at a meeting of the Alpena City Council held on \_\_\_\_\_.

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

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