

Charter Township of Alpena  
Ordinance No. 148 of ~~2021~~

An ordinance to amend the Charter Township of Alpena Zoning Ordinance Section 325 (Parking and Circulation), Section 413 (B-3 Community Business District) and Section 416 (Full Table of Permitted & Special Land Uses) to address parking flexibility and add Health Care/Dental/Optical Clinics/Medical Laboratories as a permitted use in the B-3 District.

Charter Township of Alpena, Alpena County, Michigan ordains:

Section 1: Amendment to the Charter Township of Alpena Zoning Ordinance

*That the Charter Township of Alpena Zoning Ordinance, Section 325 (Parking and Circulation) is hereby amended to read as follows:*

**A. Motor Vehicle Parking Requirements: Single-Family Attached, Multi-Family, and Non-Residential Uses.**

*(Subsections 1 – 7 will remain unchanged)*

8. **Excessive Parking Space.** The number of parking spaces provided for any particular use shall not exceed a maximum of one hundred fifty (150%) percent of the required number of spaces as noted in **Subsection A.10**. ~~Where the applicant has demonstrated by study that additional parking is necessary for the operation of the use, the Planning Commission may approve not more than an additional fifty (50%) percent of the minimum parking requirement.~~

~~9. **Reduction of Parking Spaces/Land Banking.**~~

- ~~a. For development in any zoning district, the Planning Commission may approve a total reduction of not more than thirty percent (30%) of the required number of off-street parking spaces, where the applicant has demonstrated by study that adequate parking would be provided for the proposed use and the customary operation of the use.~~
- ~~b. When such reduction is approved, an area of sufficient size to accommodate the number of minimum required parking spaces stated in **Subsection A.10** shall be designated on the site plan, and no structure or impervious surface shall be permitted within the designated area. The area shall not be included in any required buffer area. The area shall be reserved to accommodate additional parking if needed in the future.~~

*(Subsection 10 will remain unchanged)*

*(Subsections B and C will remain unchanged)*

*(Add Subsection D)*

**D. Flexibility in Parking Requirements.**

The Township recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to accommodate the

specific parking needs of a particular use, prevent traffic congestion, prevent unauthorized parking on adjacent streets or a neighboring site, prevent excessive paving and storm water runoff, and prevent the misuse of space which could otherwise be left as open space. For the purposes of this subsection, the approving authority is the Planning Commission for those uses which require Planning Commission approval and is the Zoning Administrator for those uses which require Zoning Administrator approval.

1. The approving authority for a specific use may permit deviations from the requirements of this Section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. The applicant may be required to provide documentation justifying the requested deviation.
2. The approving authority may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the approving authority may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed. No structure shall be permitted within the reserved area.
3. A deviation from this Section may only be granted upon the following findings:
  - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
  - b. Granting the deviation will not otherwise impair the public health, safety and general welfare of the residents.
4. If the approving authority declines to allow the requested deviation, the applicant may appeal the decision to the Zoning Board of Appeals.

***That the Charter Township of Alpena Zoning Ordinance, Section 413.B (B-3 Community Business District – Uses Allowed) is hereby amended to read as follows:***

Under the category of Human Care and Social Assistance, add “Health Care/Dental/Optical Clinics/Medical Laboratories” as a Permitted Use in the B-3 District.

***That the Charter Township of Alpena Zoning Ordinance, Section 416 (Full Table of Permitted & Special Land Uses) is hereby amended to read as follows:***

Under the category of Human Care and Social Assistance, add “Health Care/Dental/Optical Clinics/Medical Laboratories” as a Permitted Use in the B-3 District.

### **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 Charter Township 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 Charter Township of Alpena Ordinance to Amend Zoning Ordinance

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.

\_\_\_\_\_  
Charter Township of Alpena Supervisor      Charter Township of Alpena Clerk

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

A copy of the complete ordinance text may be inspected or purchased at the Charter Township of Alpena Offices, at 4385 US 23 North, Alpena MI 49707.

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