

City of Alpena
Ordinance No. ____ of 2022

An ordinance to amend the City of Alpena Zoning Ordinance Article 3 (General Provisions), Article 4 (Signs), Article 5 (Zoning Districts) and Article 7 (Supplemental Development Regulations).

City of Alpena, Alpena County, Michigan ordains:

SECTION 1: AMENDMENT TO THE CITY OF ALPENA ZONING ORDINANCE

(Additions in red text)

That the City of Alpena Zoning Ordinance, Article 3 (General Provisions) is hereby amended to read as follows:

Section 3.28 Fences and Walls

B. **Commercial and Industrial Fences and Walls:** Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

Table 3.28B: Add footnote to Front Yard: **Front yard fence setbacks do not apply to the Downtown Overlay District.**

That the City of Alpena Zoning Ordinance, Article 4 (Signs) is hereby amended to read as follows:

Section 4.5 Regulations by Zoning Districts: Office, Business and Industrial Districts

E. Temporary Signs

1. **Number and Size of Temporary Signs:** No more than two (2) temporary signs shall be allowed per commercial or industrial establishment for a total of thirty (30) square feet in sum. The larger of any one (1) temporary sign shall be no greater than twenty (20) square feet.
2. **Portable Signs:** One (1) portable sign shall be considered the same as two (2) temporary signs and shall be no greater than thirty (30) square feet. The portable signs shall be permitted as a temporary sign for a period not to exceed fourteen (14) days in a one (1) year period. In no instance shall such sign be located so as to obstruct automobile or pedestrian travel lanes. Such signs shall neither be illuminated nor connected to an energy source. Such signs shall not constitute a safety hazard to the public.

(Re-number the following (A-Frame Signs) to #3 instead of "a" because A-Frame Signs will no longer fall under #2 (Portable Signs) above.

3. **A-Frame Signs:**

- (1) Shall be permitted by right in all **the DOD, CBD, WD, CCD, OS-1, B-1, B-2, B-3, P-1, I-1, I-2, and PUD** districts. ~~May be permitted in the B 1, B 2, B 3 and the OS 1 districts upon submittal of a request to the Zoning Administrator or Planning Director per the criteria listed below.~~

- (2) No more than one (1) sign per business per street frontage shall be allowed.
- (3) ~~An annual no fee permit is required.~~ No permit is required.
- (4) Must be constructed of durable materials
- (5) Sign shall be removed when business is closed.
- (6) Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. ~~Maximum spread between the two panels at the base shall be 2'6".~~ A-frame signs located entirely on private property may be a maximum of 3' in width.
- (7) Must be located on or adjacent to the lot in which the business is located. Exception: If a building has no front yard the sign may be located on the sidewalk. ~~upon approval of the Zoning Administrator so long as the sign is not an obstacle to either pedestrians or vehicles. If located within the DDA District the Zoning Administrator must receive a recommendation from the DDA Director before acting.~~ Signs located on the sidewalk shall provide at least three (3) feet of continuous pedestrian clearance.

Sign shall not be illuminated.

- (8) **Off-Premise A-Frame Signs:** Sign may be located in a right-of-way as a directional off-premise sign upon approval by the Zoning Administrator. ~~and DDA Director if necessary~~ approval is also required if the sign is proposed within the DOD. See **Section 4.8.**
4. 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.

That the City of Alpena Zoning Ordinance, Article 5 (Zoning Districts) is hereby amended to read as follows:

Section 5.13 Downtown Overlay District

B. Design Standards

14. Sidewalk Encroachment

- a. **Outdoor Seating:** ~~An outdoor seating area on the public right of way may be allowed if approved by City Council.~~ See **Section 7.28 (Outdoor Seating and Dining Service).**
- b. **Awnings:** First floor awnings may encroach upon the frontage line and public sidewalk but must avoid street trees. At least eight (8) feet of clearance must be provided above the sidewalk and set back a minimum of two (2) feet from the curb.
- c. **Street Furniture:** Benches and trash receptacles may be permitted in areas where feasible.

That the City of Alpena Zoning Ordinance, Article 7 (Supplemental Development Regulations) is hereby amended to read as follows:



Section 7.28 Restaurants with Outdoor Dining

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

- ~~A. Outdoor seating/dining shall be included as part of an approved site plan.~~
- ~~B. An outdoor cafe shall be allowed during normal operating hours of the establishment.~~
- ~~C. An outdoor cafe may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m. (Ord. No. 94-242).~~
- ~~D. The exterior of the premises shall be kept clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the Health Department.~~
- ~~E. Any outdoor seating located within the public right-of-way must be approved by the City Council.~~

Section 7.28 Outdoor Seating and Dining Service

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

- A. Private Property and Public Right-of-Way:**
 - 1. The request for outdoor seating or dining service may be included as part of the original site plan review for the business. If the request is made subsequent to the original site plan approval, a review and approval of a plot plan (at no cost to the applicant) is required prior to placement of any fixtures.
 - 2. A zoning permit and/or building permit may be required, depending on the plot plan.
 - 3. The exterior of the premises shall be kept clean, orderly, safe, and maintained.
 - 4. Exterior food preparation may be permitted if approved by the Health Department.
 - 5. Outdoor seating and service shall be allowed during normal operating hours of the establishment.
 - 6. Outdoor seating and service may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m.
- B. Additional Requirements for Outdoor Seating and Service on the Public Right-of-Way:**

1. Requests for outdoor seating on a public right-of-way (e.g. sidewalk, alley) may require review by City Council as determined by City Staff.
2. Fences or railings are discouraged on sidewalks.
3. A clearance minimum of three (3) continuous feet for pedestrian traffic is required on a public right-of-way.

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 2022 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.