

**City of Alpena
Ordinance No. 22-474**

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

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

Section 5.11 WD Waterfront District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	WD
ACCOMMODATION AND FOOD SERVICES	
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S R*

Section 5.12 CBD Central Business District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
ACCOMMODATION AND FOOD SERVICES	
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S R*

Section 5.14 CCD Commercial Corridor District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
ACCOMMODATION AND FOOD SERVICES	
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S R*

C. Development Standards

8. Sidewalk Encroachment

- a. **Outdoor Seating:** 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.

Section 5.16 B-1 Local Business District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B1
ACCOMMODATION AND FOOD SERVICES	
Restaurants with Outdoor Dining (Dining public right-of-way)	S* R*

Section 5.17 B-2 General Business District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B2
ACCOMMODATION AND FOOD SERVICES	
Restaurants with Outdoor Dining (Dining public right-of-way)	S* R*

Section 5.18 B-3 Commercial District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B3
ACCOMMODATION AND FOOD SERVICES	
Restaurants with Outdoor Dining (Dining public right-of-way)	S* R*

Section 5.26 Use Matrix
 Change the following uses:

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM 2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
COMMERCIAL/BUSINESS/SERVICE																	
Restaurants with Outdoor Dining (Dining public right-of-way)							S*	S*	S*	S*	S*				S*		

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.

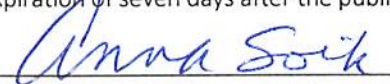
SECTION 3: SAVING CLAUSE

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.


 Matthew J. Waligora, Mayor


 Anna Soik, Clerk

I, Anna Soik, Clerk for the City of Alpena, hereby certify that the foregoing is a true and correct copy of Ordinance No. 22-474 of the City of Alpena, adopted by at a meeting of the Alpena City Council held on May 2, 2022.

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

First Reading: April 18, 2022 Adopted: May 2, 2022 Published: _____

Effective: _____, subject to PA 110 of 2006 as amended.