

City of Alpena Ordinance No. 21-465

An ordinance to amend the City of Alpena Zoning Ordinance Article 2 (Construction of Language and Definitions), Article 5 (District Regulations), 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 2 (Construction of Language and Definitions) is hereby amended to read as follows:

Section 2.1 Definitions

(Add the following)

FOOD TRUCK. Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a mobile business to sell prepared food or drink for human consumption from a stationary location during serving hours. Food trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. Also called a Mobile Food Vendor. This definition does not include mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck).

FOOD TRUCK PARK. A lot or lots under the control of a person or entity upon which two (2) or more Food Trucks are located on a continual basis and which is offered to the public for the purpose of conducting commerce relating to the sale of prepared food or drink.

That the City of Alpena Zoning Ordinance Article 5.26 (Use Matrix) is hereby amended to read as follows:

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	
ACCOMMODATION AND FOOD SERVICES																		
<i>Food Trucks/Food Truck Parks</i>							R*	R*	R*	R*	R*	R*	R*		R*			
AGRICULTURE/FOREST PRODUCTS																		
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>								S		S	S	R						

Section 5.11 (WD) Waterfront Development District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	WD
ACCOMMODATION/FOOD SERVICES	
Bakeries (goods produced & sold on-site)	R
Bed & Breakfasts	R*
Coffee Shops	R
Convention Centers/Conference Centers/Banquet Halls	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
Resorts with ancillary uses other than swimming pools	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants w/ Outdoor Dining(public ROW)</i>	S*
Wholesale trade of fresh fish	R

Section 5.12 (CBD) Central Business District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
ACCOMMODATION AND FOOD SERVICES	
Bakeries (goods produced & sold on-site)	R
Bed & Breakfasts	R*
Coffee Shops	R
Convention Centers/Conference Centers/Banquet Halls	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
Resorts with ancillary uses other than swimming pools	S
<i>Restaurants with Drive-Through</i>	S*
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*

Section 5.14 (CCD) Commercial Corridor District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services and Agriculture/Forest Products sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
ACCOMMODATION AND FOOD SERVICES	
Bakeries (goods produced & sold on-site)	R
Bed & Breakfasts	R*
Caterers/Food Service Contractors	R
Coffee Shops	R
Convention Centers/Conference Centers/Banquet Halls	R
Drinking Establishments	R
Food Trucks/Food Truck Parks	R*
Hotels & Motels & Resorts (attached or detached units)	R*
Microbreweries	R
Resorts with ancillary uses other than swimming pools	S
Restaurants without Drive-Through	R
Restaurants with Outdoor Dining (Dining on private property)	R*
Restaurants with Outdoor Dining (Dining public right-of-way)	S*
AGRICULTURE/FOREST PRODUCTS	
Veterinary Services/Animal Clinics/Animal Hospitals	S

Section 5.16 (B-1) Local Business District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B1
ACCOMMODATION AND FOOD SERVICES	
Bakeries (goods produced & sold on-site)	R
Coffee Shops	R
Drinking Establishments	R
Food Trucks/Food Truck Parks	R*
Restaurants without Drive-Through	R
Restaurants with Outdoor Dining (Dining on private property)	R*
Restaurants with Outdoor Dining (Dining public right-of-way)	S*

Section 5.17 (B-2) General Business District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services and Agriculture/Forest Products sections)

R = Permitted by right	B2
S = Permitted with a Special Use Permit	
*uses with Supplemental Regulations -Article 7	
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Drive-Through</i>	R*
<i>Restaurants with Drive-Up (eat in car)</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public ROW)</i>	S*
AGRICULTURE/FORREST PRODUCTS	
<i>Agricultural Equipment Dealers</i>	R
<i>Greenhouses/Nurseries/Landscaping</i>	S*
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	S

Section 5.18 (B-3) Commercial District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations - Article 7	B3
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Drive-Through</i>	R*
<i>Restaurants with Drive-Up (eat in car)</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*

Section 5.19 (I-1) Light Industrial District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations - Article 7	I1
ACCOMMODATION AND FOOD SERVICES	
<i>Caterers/Food Service Contractors</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Microbreweries</i>	R

Section 5.20 (I-2) General Industrial District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations - Article 7	I2
ACCOMMODATION AND FOOD SERVICES	
<i>Food Trucks/Food Truck Parks</i>	R*

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

(ADD NEW SECTION)

Section 7.42 Food Trucks and Food Truck Parks

- A. **Scope.** Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck). These regulations apply to food trucks on private property. Food trucks on public property are not regulated by this Ordinance.
- B. **Approval.**
1. A zoning permit is required for food trucks. The food truck may apply for a zoning permit for a permanent, stationary location or to rotate between multiple, stationary locations. The zoning permit shall state all locations at which the food truck is permitted to operate. If the location changes, they may apply for an amended zoning permit.
 - a. The Zoning Administrator is authorized to review the plot plan and issue approval, approval with conditions, or disapproval in instances in which one (1) food truck is planned for one (1) property or for multiple properties.
 - b. The Planning Commission is authorized to review the plot plan and issue approval, approval with conditions, or disapproval in instances in which a food truck park is planned for one (1) property.
 2. The property owner shall submit a plot plan pursuant to **Section 6.1**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating.
 3. A zoning permit may be transferred to a new food truck that is replacing the one designated in the zoning permit. The new food truck shall comply with all standards and conditions as the original food truck.
 4. A food truck shall not operate on private property without first obtaining written consent to operate from the affected private property owner.
 5. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.

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

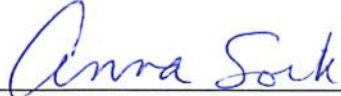
The City of Alpena Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or 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



~~Leilan Bruning, Deputy Clerk/Treasurer~~
Anna Soik

I, ~~Leilan Bruning~~, ^{Anna Soik} Deputy Clerk/Treasurer for the City of Alpena, hereby certify that the foregoing is a true and correct copy of Ordinance No. 21-465 of the City of Alpena, adopted at a meeting of the Alpena City Council held on December 6, 2021.

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 Presented: November 15, 2021
Adopted: December 6, 2021
Published: _____ Effective: _____, subject to PA 110 of 2006 as amended.