

**City of Alpena
Ordinance No. 22-470**

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

Section 2.1 Definitions

(Add the following definitions)

MARIHUANA ESTABLISHMENTS (ADULT USE): An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq.; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility.

- A. **MARIHUANA GROWER.** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- B. **MARIHUANA MICROBUSINESS.** A person licensed to cultivate not more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- C. **MARIHUANA PROCESSOR.** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- D. **MARIHUANA RETAILER.** A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.
- E. **MARIHUANA SECURE TRANSPORTER.** A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- F. **MARIHUANA SAFETY COMPLIANCE FACILITY.** A person licensed to test marihuana, including certification for potency and the presence of contaminants.

All other definitions pertaining to Adult Use Marihuana are defined by **Initiated Law 1 of 2018, MCL 333.27951 et seq., as amended.**

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

Section 5.14 CCD COMMERCIAL CORRIDOR DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*

Section 5.15 OS-1: OFFICE SERVICE DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	OS-1
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*

Section 5.17 B-2: GENERAL BUSINESS DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B-2
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*

Section 5.18 B-3: COMMERCIAL DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B-2
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*

Section 5.19 I-1: LIGHT INDUSTRIAL DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I-1
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Growers</i>	S*
<i>Marihuana Processors</i>	S*
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*
<i>Marihuana Secure Transporters</i>	S*

Section 5.20 I-2: GENERAL INDUSTRIAL DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I-2
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Growers</i>	S*
<i>Marihuana Processors</i>	S*
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*
<i>Marihuana Secure Transporters</i>	S*

Section 5.26 Use Matrix

Add 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																		
<i>Adult Use Marihuana Establishments:</i>																		
<i>Marihuana Growers</i>													S*	S*				
<i>Marihuana Processors</i>													S*	S*				
<i>Marihuana Retailers</i>						S*		S*		S*	S*		S*	S*				
<i>Marihuana Microbusiness</i>						S*		S*		S*	S*		S*	S*				
<i>Marihuana Safety Compliance Facilities</i>						S*		S*		S*	S*		S*	S*				
<i>Marihuana Secure Transporters</i>													S*	S*				

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

Section 7.41 MEDICAL MARIHUANA FACILITIES AND ADULT USE MARIHUANA ESTABLISHMENTS

A. Standards:

1. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located within one thousand (1,000) feet of any school.
2. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located within two hundred fifty (250) feet of any place of worship, child care centers, addiction clinics and treatment facilities, the Boys and Girls Club of Alpena, or McRae, Bay View, or Water Tower Parks, or be directly adjacent to Starlite Beach Park or Mich-e-ke-wis Park.
3. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located in the district or area known as the "Downtown Development Authority."
4. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall comply with the City of Alpena Ordinance No. 21-467 (Medical Marihuana Facilities and adult use marihuana establishments).

B. Submittal Requirements (in addition to submittal requirements in **Section 6.11**): Applicant shall submit the documentation contained in 1-3 below which will be reviewed by the Planning Commission. The Planning Commission shall also evaluate the site plan using the site plan review standards in **Section 6.6** and Special Land Use review standards in **Section 6.12**.

1. Applicant shall submit a plan which details economic benefits to the City by way of improvements to real property.
2. If an existing building is proposed to be utilized, applicant shall commit to physical improvements to exterior of existing building or structure. If no improvements are necessary, applicant shall include a statement indicating the reasons.
3. Applicant shall submit a maintenance plan that provides for upkeep of property, including exterior or 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



Deputy Clerk

I, Leilan Bruning, Deputy Clerk for the City of Alpena, hereby certify that the foregoing is a true and correct copy of Ordinance No. 22-470 of the City of Alpena, adopted by at a meeting of the Alpena City Council held on Tuesday, January 18, 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.

Adopted: 01/18/22 Published: _____ Effective: _____, subject to PA 110 of 2006 as amended.