

**City of Alpena
Ordinance No. 23-487 of 2023**

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

- A. **MARIHUANA MICROBUSINESS.** A person licensed to cultivate marihuana plants in an amount defined by state law; 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.

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

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|---|-----|
| 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 Safety Compliance Facilities</i> | S* |

Section 5.15 OS-1: OFFICE SERVICE DISTRICT

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|---|------|
| 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 Safety Compliance Facilities</i> | S* |

Section 5.17 B-2: GENERAL BUSINESS DISTRICT

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| 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 Safety Compliance Facilities</i> | S* |

Section 5.18 B-3: COMMERCIAL DISTRICT

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| 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 Safety Compliance Facilities</i> | S* |

Section 5.19 I-1: LIGHT INDUSTRIAL DISTRICT

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

Section 5.20 I-2: GENERAL INDUSTRIAL DISTRICT

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

Section 5.26 Use Matrix:

| 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>Medical Marihuana Facilities:</i> | | | | | | | | | | | | | | | | | |
| <i>Provisioning Centers</i> | | | | | | S* | | S* | | S* | S* | S* | S* | | | | |
| <i>Safety Compliance Facilities</i> | | | | | | S* | | S* | | S* | S* | S* | S* | | | | |
| <i>Secure Transport Facilities</i> | | | | | | | | | | | | S* | S* | | | | |
| <i>Adult Use Marihuana Establishments:</i> | | | | | | | | | | | | | | | | | |
| <i>Marihuana Retailers</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, 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 not be located within five hundred (500) feet of another Medical Marihuana Facility or Adult Use Marihuana Establishment, with the exception of Marihuana Secure Transporters and Marihuana Safety Compliance Facilities.
5. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall comply with the City of Alpena Ordinance No. 23-484 (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

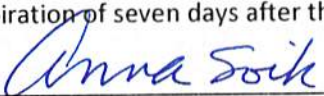
The City of Alpena Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or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



 Clerk

I, Anna Soik, Clerk for the City of Alpena, hereby certify that the foregoing is a true and correct copy of Ordinance No. 23-487 of 2023 of the City of Alpena, adopted ~~by~~ at a meeting of the Alpena City Council held on 3/20/23.

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: 3/20/23 Published: 3/24/23 Effective: 4/1/23, subject to PA 110 of 2006 as amended.