

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. O-18-672

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE XV, MX-1 MIXED USE DISTRICT, ARTICLE IX, LIGHT INDUSTRIAL DISTRICT, ARTICLE XIX SPECIAL LAND USES, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article II, Definitions, Section 202, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following definition to Section 202, and re-alphabetize the remaining listed definitions:

Establishments Serving Alcoholic Liquor for Consumption on the Premises. An establishment that serves alcoholic liquor and is licensed by the Michigan Liquor Control Commission for the sale of on-premises consumption. Such establishment shall be subject to the requirements of section 1930. Alcoholic Liquor, as defined by the Michigan Liquor Control Commission, and includes beer, wine, and mixed spirits.

SECTION 2. Article XV, MX-1 Mixed Use Districts, Section 1502, Special Land Uses, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, and is hereby amended to read as follows:

- A. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor subject to provisions in Section 1930. Outdoor dining as an accessory area and subject to the provisions in Section 1709.

SECTION 3. Article IX, LI Light Industrial Districts, Section 902, Special Land Uses, F, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

- F. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor, located on industrial sites abutting the major thoroughfares of Eight Mile Road, Coolidge Highway and Eleven Mile Road, subject to the provisions in section 1930.

SECTION 4. Article XIX, Special Land Uses, Section 1929, Regulated uses, B, 1, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

- 1. The proposed regulated use is not located within 1,000 feet of any other regulated use, regardless of community boundaries. Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDD and SDM license, are exempt from the spacing requirement between regulated uses. Brew pubs, breweries, wineries and distilleries serving

alcoholic liquor with SDD and SDM licenses from the Michigan Liquor Control Commission, are exempt from the spacing requirement between regulated uses.

SECTION 5. Article XIX, Special Land Uses, Section 1930, Restaurants serving alcoholic liquor, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Sec. 1930. - Establishments Serving Alcoholic Liquor for Consumption on the Premises.

Establishments Serving Alcoholic Liquor for Consumption on the Premises may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. All Establishments Serving Alcoholic Liquor for Consumption on the Premises are subject to the following:
 1. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises is not located within 500 feet of a place of worship or school building. The distance between the place of worship or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the place of worship or school building nearest to the contemplated location and from the part of the contemplated location nearest to the place of worship or school building. Notwithstanding the stated distance requirements, no proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will be permitted to serve alcoholic liquor if the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises is located on a parcel of land adjacent to a parcel of land with a place of worship or school building. This provision may be waived by the City Council if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body, affirmatively waives, in writing, its right to object to the restaurant and the City Council determines that the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not adversely affect the operation of the school or place of worship.
 2. The layout of the site of the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises and its relationship to streets serving access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
 3. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will be compatible with adjacent uses of land, considering the proximity of residential dwellings, places of worship, schools, public structures, and other places of public gatherings.
 4. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not be contrary to the public interest or injurious to nearby properties.
 5. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not have the possible effect of downgrading and blighting the surrounding neighborhood.

6. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not reasonably be expected to diminish the value of properties in the immediate area.

B. For restaurants Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
2. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
3. Not less than 50 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

C. For brewpubs Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
2. Not less than 25 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
3. Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.
4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

D. For breweries, wineries and distilleries Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. Not more than 40 percent of the gross floor area of the facility shall be used for purposes other than the manufacturing of alcoholic liquor. The area not devoted to manufacturing may be used for the serving of alcohol, food preparation, seating for diners, entertainment, and retail sales. Public restroom facilities shall not be considered in this determination.
2. Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.

3. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

SECTION 6. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 7. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 8. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 7th day of May, 2018.

T. EDWIN NORRIS
City Clerk

MARIAN McCLELLAN
Mayor

I, T. EDWIN NORRIS, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on May 7, 2018.

T. EDWIN NORRIS, City Clerk

First Reading: April 16, 2018
Second Reading: May 7, 2018
Adopted: May 7, 2018
Published: May 16, 2018