

CITY OF OAK PARK, MICHIGAN

LIQUOR LICENSE APPLICATION PROCESS



The information herein is a good faith effort to briefly summarize an extensive set of laws, regulations and procedures. Persons seeking additional information may want to consult with a private attorney. It is the responsibility of the liquor license holder, their agents and employees to comply with the Code of Ordinances, City of Oak Park, Michigan and the Michigan Liquor Control Code, Administrative Rules and Related Laws available from the Michigan Liquor Control Commission, Department of Licensing and Regulatory Affairs

The City of Oak Park, Michigan
City Clerk's Office
14000 Oak Park Blvd.
Oak Park, MI 48237

Dear Liquor License Applicant:

Opening a business that requires a liquor license is a challenging yet rewarding endeavor, and the City is committed to helping you succeed. Please carefully review the attached City of Oak Park, Michigan Liquor License Application Process packet for an overview of the City's liquor license application process as well as the municipality's forms necessary to apply for such a license. This step-by-step guide will lead you through the City's requirements for obtaining a liquor license.

Obtaining a liquor license is a comprehensive process that involves both community input and facilities inspections. Whether you are looking to open a restaurant or are ready to acquire a business, the guide will provide you with the information you need to ensure that you make the right decisions. Pursuing a liquor license is a time-consuming process that generally takes 45 to 90 days, sometimes longer, to complete. Therefore, it is imperative that applicants contact the City Clerk far in advance of the business opening. In addition, an applicant is well-advised to research proposed locations prior to taking ownership and/or possession of a property. While the guide contains information about the major issues related to obtaining a liquor license from the City of Oak Park, it is recommended that you review the ordinances and statutes pertaining to the retail sale of liquor, beer and wine by the glass directly by consulting the Code of Ordinances, City of Oak Park, Michigan and the Michigan Liquor Control Code, Administrative Rules and Related Laws available from the Michigan Liquor Control Commission, Department of Licensing and Regulatory Affairs. **You will need to contact the Michigan Liquor Control Commission to determine what steps you will need to complete to obtain approval from them in conjunction with the approval being requested by the Oak Park City Council. The Michigan Liquor Control Commission Licensing Division can be reached at (517) 322-1408.**

After you complete and submit a liquor license application to the City Clerk's Office along with the applicable license fee(s), (the City Clerk's Office cannot accept or process an incomplete application or those lacking the required fee(s)) the City's review process is commenced. Our office will forward your application for review to the City Manager's Office as well as various departments including but not limited to Public Safety and Technical and Planning. Representatives from those departments as well as others will be in contact with you.

Upon approval from all necessary departments, liquor license applications will be placed on the appropriate City Council agenda for consideration of approval; applicants will be notified in advance of the scheduled meeting date.

Fees related to the Liquor License process:

- New on-premises consumption or full transfer of ownership: \$800
- Adding additional owners to a liquor license for on-premises consumption: \$200
- Special Land Use Site Plan Review: \$600
- Background Check: \$75
- Annual Renewal: \$150

We recognize the importance of providing you with prompt service and a response as quickly as possible. The appointed and elected officials of the City of Oak Park and its staff are committed to working with you diligently. Representatives of the municipality are available to assist you with the application process but cannot provide legal advice. Therefore, an applicant may want to consult an attorney regarding any legal questions they have pertaining to obtaining a liquor license. Should you have any concerns or questions please do not hesitate to contact a representative of the Clerk's Office at your earliest convenience.

Best wishes in your entrepreneurial endeavors, and thank you for choosing Oak Park.

Very truly yours,

T. Edwin Norris
City Clerk

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I. The Application Process

The details of the liquor license application process are outlined below.

Due to notification requirements embedded within the City of Oak Park liquor license ordinance, actual issuance of a new liquor license takes a minimum of 45 – 90 days from the date the City receives payment of the applicable fee(s). Furthermore, payment may not be accepted until the location and plans for your business have been reviewed and approved by the Technical and Planning Department and/or the Community and Economic Development Department due to the special land use requirements attributed to having a liquor license.

Step 1: Getting Started

The first step in applying for a new license is to complete an Application and submit it along with the applicable fee(s) to the City Clerk's Office. This form is available online at the City of Oak Park website, as well as at the City Clerk's Office in City Hall. You may request an application in person, by mail or over the phone. It is highly recommended that interested business owners discuss the application process in detail with a representative of the **Community and Economic Development Department or a representative of Planning?**

We are located at the following address:

Department of Community & Economic Development
14300 Oak Park Blvd., Oak Park, MI
48237

(248) 691-7404

Determine if your business is located in a restricted area

Prior to initiating the application process we recommend that you contact the Community & Economic Development Department to confirm the zoning classification of your business location and for assistance in determining if your business is located in an area where liquor sales are restricted. A representative from the Community & Economic Development Department can also assist you with building permits, occupancy restrictions, other types of permits that may be required, or other city services that may be necessary.

Office hours for the Community & Economic Development Department are 8:00 A.M. to 5:00 P.M. Monday – Thursday, and the phone number is (248) 691 – 7404.

You are strongly encouraged to determine if a liquor license is permitted in a location prior to investing in any business. There are various restrictions that may prevent you from obtaining a liquor license in the City of Oak Park.

Step 2: Complete a Background Check – (Appendix A)

Liquor license applicants are required to be investigated by a representative(s) of the Department of Public Safety for certification that they are of good moral character and are in compliance with all applicable fire safety regulations. This process has its own application and fee. All liquor license applicants are required to undergo a thorough background

investigation. Spouses of owners with a 5% or greater share of the business are required to submit a Spousal Affidavit.

The appropriate representative(s) of the City will review the financial and business information provided in the application file, and the results of the criminal background investigation to determine if the owner(s)/officers of the business are eligible to hold a liquor license. An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or Administrative Rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, cannabis, narcotics or other controlled substances, gambling or wagering or who has forfeited a bond to appear in court to answer charges for any such violations or similar violation(s) of another state or country is prohibited from obtaining a liquor license from the City of Oak Park. A prior conviction record for certain offenses is not an automatic impediment to obtaining a liquor license. The seriousness of the offense(s) committed, ones that involve the misuse of alcohol, violence, pandering or other offenses opposed to decency and morality as well as the total record of the applicant, and whether the person has been sufficiently rehabilitated to warrant the public trust are some of the specifics the City takes into consideration when making a determination as to the suitability for licensure.

Step 3: Complete the Special Land Use Site Plan Review (Appendix B)

You are required to submit this application and copies of your site plans to the Technical and Planning Department. You should also be prepared to submit a detailed floor and business site plan. The Technical and Planning Department will review those documents to determine if liquor, beer and wine sales are allowed at your business location based on whether the business location is within 500 feet or adjacent to a place of worship or school regardless of community boundaries.

Step 4: Complete and file the Liquor License application (Appendix C)

Once you have completed all the necessary prior steps and have paid the applicable license application fee(s) a representative of the Clerk's Office will commence the processing of your application(s) including preparation of the required public notifications, including but not limited to a notice of public hearing for a Class "C" liquor license that is to be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the City.

The City Clerk's Office is open for walk-in assistance, Monday – Thursday 8:00 A.M. to 5:00 P.M. The staff of the Clerk's Office is available during those hours to answer your questions and assist you with the application process. You may also schedule an appointment by calling (248) 691-7544.

Step 5: Inspections It may be necessary for representatives of the Departments of Public Safety and/or Technical and Planning to perform inspections of the premises. A representative of the business must be available at the scheduled time for any necessary inspections.

Step 6: Public Notifications

When a completed application(s) has been filed with the City Clerk and all applicable fees have been paid, the City Council will schedule a public hearing to consider the request for a new license and related permit(s), the transfer of ownership of an existing license, or the transfer of a license into the City. Notice of the public hearing will be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the City. In addition, notice of the public hearings will be provided to all current liquor license holders located in the City, school districts, private schools, public school academies, and churches located in the City. The public and the property owners and entities described above have the opportunity to appear at the hearing to provide comments or may submit written comments including objections prior to the hearing. **The applicant will be notified in writing of the date of the hearing and the applicant or the applicant's representative must attend the hearing.**

Step 7: Submit Required Documents

Once you have filed your written application with the City Clerk's Office, you will have 60 days in which to submit all applicable documentation that is required as part of the application process. We recommend that you retain copies of all of the documentation you file with the City related to your efforts to obtain a liquor license. Failure to submit all of the required documentation within 60 days of the filing of your application(s), will suspend further processing of your application(s). Applicants will have the option to reactivate the application by submitting a \$150 reactivation fee. You will have up to 6 months from the filing of the application(s) to reactivate your application. If you fail to reactivate your application within 6 months; you will forfeit your license application fee(s). In order to apply for a liquor license after the 6-month period has lapsed, you must submit a new application(s) and start the process over again. You will not be eligible for a refund/credit of any previously paid application fee(s).

IV. Making Changes to a Business with a Liquor License

Change of Officer/Shareholders

Businesses holding a liquor license must report changes in ownership or corporate officers to the City of Oak Park within 30 days of the change by completing a Change of Officer(s)/Shareholders Application.

Any of the following changes to a business holding a liquor license requires that a Change of Officer(s)/Shareholders Application be filed with the City Clerk's Office.

A change of officers of a legal entity (if the officers have no ownership interest in the licensed business). If your business is simply removing an officer and you are not seeking to replace that officer, please submit a notarized letter to the City Clerk detailing the change.

If your business is removing an officer and you are seeking to replace that officer, you must file a Change of Officer(s)/Shareholders Application. The Application requirements include copies of the corporate minutes reflecting election/resignation of officers, Individual History Form and Photo Identification for each new officer. Fee: \$ 75.00.

A change in the owners or shareholders with 5% or more interest in the business. If the ownership of your business has changed, you are required to file a Change of Ownership/Shareholder Application. The process to apply for a change of ownership/shareholders is largely the same as the new liquor license application process except for the requirements provided for in Sections 1930 – 1401 of the City of Oak Park Zoning Ordinance (copies of which are attached hereto, pages 29-39). Fee: \$200

V. Required Documents

The following is a comprehensive list of documentation that is required to be submitted when filing a liquor license application. The documentation must be submitted to the Clerk's Office so it can be reviewed for accuracy by the appropriate representatives of the City. Documents that are in **bold** are documents that you provide to the City; documents that are underlined are forms that the City provides to you for your completion. The underlined forms are available in the City Clerk's Office or on line at www.ci.oak-park.mi.us

1. Liquor License Application: For any individuals who have a 5% interest or more in the business and officers of the applicant entity, or any corporate officers or members that the City determines need to be represented on the liquor license issued by the City. (Appendix C)
2. **Photo Identification**: Driver's License, State ID or Passport for each person required to complete an Individual History Form, for the spouse of any individual with 5% interest or more in a liquor establishment, or for any individual who will manage the operations.
3. Spousal Affidavit: For spouses of individuals who have a 5% or more interest in a liquor establishment. (Appendix D)
4. **Deed or Lease for the Property**: Any lease must be for the duration of one year or more with the liquor license applicant identified as the lessee. If the liquor license applicant is the owner of the property a copy of the deed is required.
5. Financial Disclosure Form: Detailing the source of funds used to establish the business (included in the Liquor License Application).

- 6. Certificate of Liquor Liability Insurance:** or Dram Shop Insurance issued by carriers accepted by the Michigan Liquor Control Commission issued to the business for the premises in the aggregate amount per occurrence as required by state law. The policy should cover the business for a minimum of one year from the date of the issuance of the liquor license. There must be a 30-day cancellation notice included on the certificate. The insurance should also identify the City of Oak Park, 14000 Oak Park Blvd., Oak Park, MI 48237 as an additional insured and provide that it will receive a copy of any cancellation notice.
- 7. Verification of Compliance with Michigan Liquor Control Commission Mandatory Server Training Requirements:** The Michigan Liquor Control Commission has implemented a mandatory server training requirement for licensees obtaining a new or transferring more than 50% interest in an existing on-premises license to have server trained supervisory personnel employed during all hours alcoholic beverages are served as provided in MCL 436.1501(1).
- 8. Business Structure Documents:**

Corporations

- Corporate Minutes (showing election of new officers and resignation of any previous officers)
- All issued Stock Certificates (cancelled and current, privately held corporation only)
- Articles of Incorporation
- Business Organization Chart

Limited Liability Companies/Corporations

- Operating Agreement
- Articles of Organization
- Business Organization Chart

Limited Partnership

- Partnership Agreement
- Business Organization Chart
- Certificate of Limited Partnership
- Partnership/Agreement

General Partnership

- Partnership Agreement (if applicable)
- Business Organization Chart
- Articles of Incorporation

Sole Proprietorship

- D/B/A Certificate

9. City of Oak Park Site Plan Application (Appendix B)
10. **Detailed Floor Plan of the Business**
11. Contract with the City of Oak Park (Appendix E)
12. **Food Service Menu**
13. **A statement whether the applicant has ever been convicted of or found responsible for a violation of any federal or state law or Administrative Rule of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country or convicted of a felony or misdemeanor, and/or is otherwise disqualified to receive a license by reason of any matter or thing contained in the Code of Ordinances, City of Oak Park, Michigan or the laws of the State of Michigan.**
14. **A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of its business.**
15. **An accurate record and history of any liquor license complaint violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five (5) years.**
16. **Plan of Operation:** A Plan of Operation shall contain an operational statement outlining the manner in which the establishment will be operated, including, but not limited to, the format, schedule of hours of operation, crowd control, security, alcohol management, staff training, use of the facilities, parking provisions, plan for interior use and layout, and any other pertinent information requested by the City. If at any time an admission fee or other entry fee is charged at the establishment, it must be detailed and outlined in the plan of operation. If it is not in the Plan of Operation the establishment must apply for a special event permit to charge an entry fee. This special event license must be approved by city council.
17. **A statement that the applicant, its principals/shareholders are not in default on any obligation including but not limited to real and personal property taxes, special assessments or water bills to the City of Oak Park.**
18. **Purchase/Sale Agreement:** If the applicant is purchasing an existing business.

VI. Inspections

Initial License Inspections: Any business filing an application for a liquor license is required to pass inspections from several city departments prior to obtaining a license. Once an application is

filed for a liquor license, the Technical and Planning Department may schedule your business establishment for inspection to determine if the location meets the requirements of the applicable building, electrical, mechanical, and plumbing codes as well as the applicable zoning regulations. In addition, a representative of the Department of Public Safety will schedule an inspection to confirm that the structure is in compliance with the applicable fire code. If the establishment does not pass the first inspections, you will have an opportunity to resolve any outstanding issues and schedule a re-inspection.

Periodic Annual Inspections: Once you have obtained a liquor license, the City will periodically inspect your establishment.

VII. Liquor License Eligibility

The City of Oak Park's liquor license application process is designed to ensure that liquor licenses are issued only to persons who meet the eligibility requirements of the Code of Ordinances, City of Oak Park Michigan and the Michigan Liquor Control Act. The following list is a summary of all classes of individuals who are prohibited from holding a liquor license:

1. An applicant or licensee whose license has been revoked for cause.
2. An applicant who at the time of application or at renewal of any license would not qualify or be eligible therefor.
3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A corporation if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license for any reason.
5. An applicant or licensee whose place of business is or will be conducted by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the applicant or licensee.
6. An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or Administrative Rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, cannabis, narcotics or other controlled substances, gambling or wagering or who has forfeited a bond to appear in court to answer charges for any such violations or similar violation(s) of another state or country.
7. An applicant or licensee who does not own the premises for which a license is sought or have a lease therefor for the duration of one year or more for which the liquor license is issued.

8. Any law enforcement official or any member of the City Council, or to any such official having interest in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic beverages.
9. An applicant or licensee who does not have substantial management experience with entities having liquor licenses, or who, for other similar reasons, in the discretion of the City Council, is not qualified to receive a license.
10. An applicant or licensee that has not submitted a site plan free from violations of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations.
11. Unless an applicant or licensee is selling beer, wine, or demonstrably in connection with, and incidental to, a bona fide restaurant operation.
12. An applicant or licensee that where the City Council has determined that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.
13. An applicant or licensee that where the City Council has determined that the location proposed for a liquor license will have an adverse effect on the community, with consideration given to traffic safety conditions, accessibility to major streets or highways, distance from public or private schools, impact on adjacent residential districts, zoning classifications and the availability of parking.
14. An applicant determined to have been untruthful in their application to the City or to have submitted an application or other documentation with material omissions of fact, false or incomplete information.
15. A prior conviction record is not an automatic impediment to obtaining a liquor license. The seriousness of the offense(s) committed, ones that involve the misuse of alcohol, violence, pandering or other offenses opposed to decency and morality as well as the total record of the applicant, and whether the person has been sufficiently rehabilitated to warrant the public trust are some of the specifics the City takes into consideration when making a determination as to the suitability for licensure.
16. A person who is not of good character and reputation in the community in which he resides or in the Oak Park community.
17. A person who is the spouse of or domestic partner of, an individual who is ineligible to hold a liquor license.
18. A person who is in default on any obligation including but not limited to real and personal property taxes, special assessments or water bills to the City of Oak Park

VIII. Restrictions and Special Regulations

Zoning

The City of Oak Park is divided into a variety of zoning districts that reflect the diversity of community and neighborhood uses. Each zoning district has different regulations regarding the type of business activities that are permitted. It is imperative that you confirm the zoning requirements of your proposed business location.

Proximity to Schools and Places of Worship

Liquor licenses will not be issued to any establishment within 500 feet of a school or place of worship, regardless of community boundaries without written permission from the entity. Measurement of distances between the proposed location for the liquor license and a school or place of worship shall be in conformance of General Rule MCL 436.1503 and in addition excludes any parcels adjacent to the proposed location.

Deleterious Impact on the Surrounding Neighborhood

Applications for a liquor license undergo review by the Technical and Planning Department to ensure not only the safety of the public patronizing the liquor license establishment, but also to ensure that the new establishment will not have a deleterious impact on the surrounding community. A liquor license can be denied for deleterious impact when it is determined that issuance of the license would have an adverse impact on the value of any property or increase the risk of violations of law, or create a risk of substantial increases in noise, litter, or vehicular congestion. The applicant does have an opportunity to devise and submit a plan for consideration by the City Council to address the specific negative impact concerns. The plan must provide reasonable assurance that the issuance of the liquor license will not negatively affect the community or surrounding neighborhood. The plan may include conditions upon the applicant's operation of the premises that are useful or necessary to mitigate a deleterious impact. Such conditions include, but are not limited to: providing security personnel, restricting hours of operation, installing outdoor lighting, displaying signs or any other reasonable restrictions on a business practice.

The primary method for determining whether a business with a liquor license will cause a deleterious impact is through community and law enforcement input and feedback. Part of the liquor license approval process requires that each property owner registered within 300 feet of a proposed liquor license establishment is notified when a new application is filed. In addition, notice of the public hearings will be provided to all current liquor license holders located in the City, school districts, private schools, public school academies, and churches located in the City.

Revocation and Non-Renewal

Each establishment within the City for which a liquor license or related permit is granted shall be operated and maintained in accordance with all applicable ordinances, laws and regulations of the City of Oak Park and the State of Michigan. Upon any violation of the Code of Ordinances, City of Oak Park, Michigan or the laws or regulations of the State of Michigan, the City Council may, after notice and hearing, request that the Michigan Liquor Control Commission revoke the liquor license or permit. The hearing process is outlined in Section 6-62 (c) of the Code of Ordinances,

City of Oak Park, Michigan and the criteria for non-renewal or revocation are found in Section 6-63.

Upon any violation(s) of the Code of Ordinances, City of Oak Park, Michigan or the laws or regulations of the State of Michigan, the City will notify the Licensee of the specific violation(s) and afford the licensee an opportunity to comply with the applicable ordinance, law or regulation. Licensee must comply in the time established by the City Manager, but in no event more than 10 days after notification to Licensee by the City of such violation(s). Absent compliance within the time established by the City Manager, the City may hold a hearing and request that the Michigan Liquor Control Commission not renew and/or revoke the liquor license and/or permit.

IX. Your Responsibilities as a Liquor License Holder

Liquor licenses in the City of Oak Park are responsible for adhering to all federal, state and local laws regarding the sale and service of liquor, beer and wine for the consumption on the premises. As a licensee you should be familiar with those requirements.

The following is a partial list of prohibited activities:

It is illegal for a licensee or his/her agent to:

- Sell, give, or deliver alcohol to a minor; under 21 years of age
- Allow a person under 21 years of age to consume or possess for consumption, alcoholic beverages on the licensed premises
- Sell, give or deliver alcohol to an intoxicated person
- Allow an intoxicated person to consume alcoholic beverages on the licensed premises
- Allow a person who is less than 18 years of age to sell or serve alcoholic beverages
- Fail to cooperate or obstruct a police officer or Michigan Liquor Control Commission investigator who is investigating the licensed premises for Liquor Code and Rule requirements
- Allow the sale, possession, or consumption of any controlled substances on the licensed premises
- Allow narcotics paraphernalia to be sold, exchanged, used or stored on the licensed premises
- Allow fighting, brawling, or the improper use of any weapons on the licensed premises
- Allow illegal gambling or gaming devices on the licensed premises
- Allow the annoying or molesting of customers or employees or allow the premises to be used for solicitation of prostitution by either customers or employees
- Allow topless activity or nudity on the licensed premises
- Sell alcoholic beverages on days and times prohibited by law or ordinance
- Sell or transfer an interest in a licensed business without the written approval of the Michigan Liquor Control Commission (MLCC) and the City
- Obtain a license for the use or benefit of a person whose name does not appear on the license
- Alter the size, rent, transfer or lease a portion of the licensed premises without MLCC and City approval

- Close the business for more than thirty days without returning the license for escrow
- Give away any alcohol of any kind or description at any time in connection with the licensed business
- Allow contests or tournaments in which alcoholic beverages are used or given as prizes
- Allow or advertise promotions that may encourage excessive alcohol consumption such as two-for-one drinks and all you can drink for one price

Be a Good Neighbor to Your Community:

As a liquor licensee, it is your responsibility, to operate and maintain a safe environment for your patrons. It is also your responsibility to be a good neighbor to the residents and businesses in your community. Maintain your business operations in a way that encourages your patrons to exit the establishment in a quiet and courteous fashion so as not to cause disturbances to nearby residents, litter or damage property. You are required to post your current license and occupancy placard in a visible location. You should also contact the Oak Park Department of Public Safety if violence and/or illegal activity occurs on or around the premises.

X. Fees related to the Liquor License process:

New on-premises consumption or full transfer of ownership:	\$800
Adding additional owners to liquor license:	\$200
Special Land Use Site Plan Review:	\$600
Background Check (per applicant):	\$75
Annual Renewal:	\$175
Outdoor Dining Permit (annual fee)	\$150

ARTICLE III. - REGULATION OF ON-THE-PREMISES CONSUMPTION

Sec. 6-51. - Short title.

This article shall be known and may be cited as the City of Oak Park on-the-Premises Consumption Ordinance.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-52. - Statement of purpose.

The purpose of this article is to allow the city to establish and administer a policy for the issuance and transfer of class C liquor licenses ("class C licenses") and related permits, to provide for the enforcement of liquor laws, regulations and ordinances, and to manage the number of class C licenses in the City of Oak Park.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-53. - Definitions.

The following definitions shall apply in this article:

Applicant means the individual(s); or for partnerships, all partners; for limited liability companies, all managers and members; and for corporations, all directors, officers and stockholders if the stock is not publicly traded, seeking to be licensees hereunder.

Licensee means and include all persons, including their agents, servants and employees, holding a license to sell alcoholic liquor in the city for consumption on the premises issued by the Michigan Liquor Control Commission.

Licensed premises means the Oak Park location at which a licensee is authorized to sell alcoholic liquor for consumption on the premises.

License means a license to sell alcoholic liquor for consumption on the premises issued by the Michigan Liquor Control Commission.

Related permit means any permit issued by the Michigan Liquor Control Commission to a licensee for entertainment or other activity at the licensed premises which legally requires such a permit.

Person means any person, firm, partnership, association or corporation.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-54. - Licensing policy.

(a) No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park without first obtaining a liquor license, as required by the statutes of the State of Michigan and the City of Oak Park Code of Ordinances.

(b) The city council may establish by resolution the number and type of establishments within the city in which the sale or consumption of alcoholic liquor shall be permitted for consumption on the premises. The number of such establishments may be less, but in no case greater than the number of such establishments permitted by Michigan law.

(c) New licenses and related permits, transfers of ownership of existing licenses, and transfers of licenses into the city shall require the prior approval, and is at the sole discretion of, the city council.

(d) An annual review shall be conducted of all existing licenses and related permits in the City of Oak Park.

(e) No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park without first obtaining a special land use approval, as required by the Zoning Act and entering into a contract with the City of Oak Park.

(f) Pursuant to the Michigan Liquor Control Code, liquor licenses issued by the Michigan Liquor Control Commission shall expire on April 30 of each year unless a different date is fixed by the commission.

(Ord. No. O-15-615, § 1, 7-6-15; Ord. No. [O-16-623](#), § 2, 1-19-16)

Sec. 6-55. - Restaurant requirements.

The city council shall not approve any application for a new, a renewal, or transfer into the city of a license to sell alcoholic liquor for consumption on the premises unless the use of the license is in connection with and incidental to a restaurant operation meeting the following requirements and performance standards:

(1) The proprietor shall make available a varied menu of food items consisting of not less than ten such food items cooked or prepared on the premises.

(2) Not more than 50 percent of the gross revenues of the establishment will be or is derived from the sale of alcoholic liquor. Sales of food or alcoholic liquor to hotel or motel guests for consumption within their private rooms shall not be considered in determining the percentage ratio of sales to alcoholic beverages.

(3) No admission fees or cover charges shall be levied on any patrons except as approved either through a special event permit or as outlined in the establishment's plan of operation as approved by the city council.

(4) Restaurants are required to operate consistent with the hours established by the liquor control commission for such establishments.

(Ord. No. O-15-615, § 1, 7-6-15; Ord. No. [O-16-623](#), § 3, 1-19-16)

Sec. 6-56. - Application for license.

(a) Each applicant for a new license and/or a new related permit, the transfer into the city of a license, or the transfer of ownership of an existing license shall submit to the city clerk an application, on a form provided by the city, containing:

(1) The name and address of the applicant, with age for an individual, as well as for each partnership, the persons entitled to share in the profits thereof; and also for a corporation, the purpose for which organized, the names and addresses of the officers and directors; and if a majority interest of the stock of such corporation is owned by one person or nominee, the name and address of such person.

(2) The citizenship of the applicant; place of birth; and, if a naturalized citizen, the time and place of naturalization.

(3) The nature or purpose of the applicant's business, and, in the case of a corporation, the object for which it was formed; applicant shall submit copies of business entity's organizational documents.

(4) The length of time the applicant has been engaged in the business of that character, or, in the case of a corporation, the date when its charter was issued.

(5) The location and description of the premises or place of business which is to be operated under such license; applicant shall submit copy of lease, deed, or other proof of applicant's right to use the property.

(6) A statement whether applicant has operated or made application for a similar or another license on any premises other than described in this application, and the disposition of such license or application.

(7) A statement as to whether the applicant has ever been convicted of or found responsible for a violation of any federal or state law or administrative rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar

violation of another state or country or convicted of any felony or misdemeanor, and/or is otherwise disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the State of Michigan.

(8) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of its business.

(9) An accurate record and history of any liquor license complaint violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five years.

(10) The application shall be accompanied by building and site plans showing the entire structure and premises, and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for sound barriers and noise control.

(11) The estimated total cost in dollars to be expended by the licensee for the licensed premises.

(12) A sample menu for the proposed licensed establishment, together with a breakdown of the anticipated revenues from food and nonalcoholic beverages, alcoholic beverages and other revenues.

(13) Other information requested on the form provided by the clerk.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-57. - Plan of operation required.

(a) Business operation. An application for a new license or related permit, an application for the transfer of ownership of an existing license or an application for transfer of a license into the city shall require submission of a plan of operation for review and consideration by the city council.

(b) Plan of operation. A plan of operation shall contain an operational statement outlining the manner in which the establishment will be operated, including, but not limited to, the format, schedule of the hours of operation, crowd control, security, alcohol management, staff training, use of the facilities, parking provisions, plan for interior use and layout, and any other pertinent information requested by the city.

(c) Compliance. A licensee shall comply with all applicable state and city regulations and the plan of operation as approved by the city council. A failure to so comply is a violation of this article and shall provide grounds for the city council recommending to the Michigan Liquor Control Commission that the license be revoked or not renewed.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-58. - Review procedures.

(a) City clerk processing. Upon receipt of an application and fee, as provided herein, the clerk shall distribute the application to appropriate departments within the city for certifications necessary for city council approval, as follows:

(1) Certification by the city clerk that the proposed licensee has a current valid license for operation of a restaurant at the proposed licensed premises or meets applicable requirements for the issuance of such a license.

(2) Certification by the director of technical and planning services that the buildings or structures to which the license will apply meet all applicable building and property maintenance

codes or that acceptable building plans for work which will satisfy all such codes have been submitted.

(3) Certification by the director of technical and planning services that the proposed licensed premises is appropriately zoned for the use and that any required zoning approvals, including site plan approval, have been applied for or obtained.

(4) Certification by the director of public safety based upon a finding that the proposed licensee or licensees are of good moral character.

(5) Certification by the director of public safety that the proposed licensed premises are in compliance with all applicable fire safety regulations.

(b) Public hearing.

(1) When a completed application and fee including public hearing and notice have been received, the city council shall schedule a public hearing to consider the request for a new license and related permit, the transfer of ownership of an existing license, or the transfer of a license into the city.

(2) Notice of the public hearing shall be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the city.

(3) Notice of the public hearing shall be provided to all current liquor license holders located in the city, school districts, private schools, public school academies, and churches located in the city.

(4) The applicant or an authorized representative shall appear at the city council hearing and make a written and/or oral presentation concerning the request.

(c) Review factors. In reviewing a request for a new license or related permit, a transfer of ownership of an existing license, or a transfer of a license into the city, the city council may consider and/or weigh the following factors:

(1) Total number of similar licenses in the city.

(2) Input from residents and surrounding business owners.

(3) Impact of the establishment on surrounding businesses and neighborhoods.

(4) Whether a proposed licensed premises is part of a multi-use project with substantial new retail, office, or residential components, and the size of the proposed licensed premises relative to the overall project or development.

(5) Crowd control.

(6) Parking availability.

(7) Preservation or restoration of historic buildings.

(8) Location in an underdeveloped area.

(9) Concentration of establishments and impact on policing requirements.

(10) Policing requirements.

(11) Business history.

(12) Business experience.

(13) Liquor control commission violation history.

(14) Percent of floor area devoted to dining versus bar area.

(15) Size of bar area.

(16) Overall benefit of the plan to the City of Oak Park.

(17) Nonpayment of taxes or other payment due to the city.

(18) Any other factor(s) that may affect the health, safety and welfare or the best interests of the community.

(d) Restrictions on licenses. No license shall be approved for:

- (1) An applicant or licensee whose license has been revoked for cause.
- (2) An applicant, who at the time of application or at renewal of any license issued hereunder, would not qualify or be eligible therefor.
- (3) A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
- (4) A corporation if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.
- (5) An applicant or licensee whose place of business is or will be conducted by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the applicant or licensee.
- (6) An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or administrative rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country.
- (7) An applicant or licensee who does not own the premises for which a license is sought or have a lease therefor for the full period for which the license is issued.
- (8) Any law enforcement official or any member of the council, or to any such official having interest in any way, either directly or indirectly, in manufacture, sale or distribution of alcoholic liquor.
- (9) An applicant or licensee who does not have substantial management experience with entities having liquor licenses, or who, for other similar reasons, in the discretion of the city council, is not qualified to receive a license.
- (10) An applicant or licensee that has not submitted a site plan free from violations of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations;
- (11) Unless an applicant or licensee is selling alcoholic liquor, demonstrably in connection with, and incidental to, a bona fide restaurant operation;
- (12) An applicant or licensee that where the city council has determined that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed;
- (13) An applicant or licensee that where the city council has determined that the location proposed for a licensed liquor establishment will have an adverse effect on the community, with consideration given to traffic safety conditions, accessibility to major streets or highways, distance from public or private schools, impact on adjacent residential districts, zoning classifications and the availability of parking.
- (14) An applicant or licensee unless a valid special land use approval is lawfully maintained for the premises.
- (15) An applicant or licensee unless a valid contract has been entered into with the city.
- (16) An applicant determined to have been untruthful in the application submitted to the city or to have submitted an application or other documentation with material omissions of fact.
- (e) Approval. After a review by staff and recommendation, and a public hearing, if the city council is satisfied that the establishment or operation will provide a benefit to the City of Oak Park and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution. Approval of a license shall

be conditioned on any necessary remodeling or new construction for the use of the license be completed within six months of the action of the city council or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

(Ord. No. O-15-615, § 1, 7-6-15; Ord. No. [O-16-623](#), § 4, 1-19-16)

Sec. 6-59. - Entertainment permits.

(a) Requests for permits for dance, entertainment, or dance and entertainment shall be reviewed and approved in the discretion of the city council after an evaluation of the factors listed in subsection 6-58(c). The city will not consider requests for topless entertainment permits.

(b) No licensee shall knowingly engage in, allow, or permit any of the following activities, without first being granted a permit by both the city and the Michigan Liquor Control Commission, which is in legal effect at the time of the occurrence of such activity, to be conducted by any person upon any licensed premises owned, occupied or controlled by such licensee:

(1) Dancing, monologues, dialogues, motion pictures, still slides, closed circuit television, contests or other performances for public viewing on the licensed premises.

(c) No nudity or topless activity shall be permitted on a licensed premises. As used in this section:

(1) Nudity means exposure to public view of the whole or part of the pubic region; the whole or part of the anus; the whole or part of the buttocks; the whole or part of the genitals; or the breast area including the nipple or more than one-half of the area of the breast.

(2) Topless activity means activity that includes, but is not limited to, or entertainment or work-related activity performed by any employee, agent, or contractor of the licensee or person acting under the control of or with the permission of the licensee, on the licensed premises in which the female breast area, including the nipple, or more than one-half of the area of the breast, is directly exposed or exposed by means of see-through clothing or a body stocking:

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-60. - Entertainment permit requests.

(a) The city will review each entertainment permit request to determine whether to approve the temporary permit and, if necessary, make a recommendation to the Michigan Liquor Control Commission regarding issuance of said permit, based upon a licensed establishment operation in a manner consistent with the provisions of this article and all other applicable laws, and regulations of the City of Oak Park and the State of Michigan.

(b) The city manager shall initiate an investigation and review of each request for an entertainment permit. The investigation and review may include, but not be limited to, the procedures listed in section 6-61.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-61. - Annual license review.

(a) The city will review each license to determine whether to make a recommendation to the Michigan Liquor Control Commission regarding renewal of said license, based upon a licensed establishment operation in a manner consistent with the provisions of this article and all other applicable laws, and regulations of the City of Oak Park and the State of Michigan.

(b) The city manager shall annually initiate an investigation and review of each on-premises licensed establishment shall cause an investigation to be made relative to each existing license for sales of alcoholic liquor on the premises in the city. The investigation and review shall include, but not be limited to, the following:

- (1) Current valid licenses from appropriate county, state or federal governments authorizing service of food at the establishment.
- (2) Inspection of the premises compliance with the license, its approved site plan and, if applicable, its plan of operation, as well as any conditions imposed by the city or the Michigan Liquor Control Commission or representations made by the licensee at the time of issuance or transfer of the license.
- (3) City records to determine that all taxes and other monies due the city are timely paid.
- (4) Police files or other sources of information to determine that no activity in connection with the licensed premises is in violation of the law, disturbs the public peace and tranquility, constitutes a nuisance, or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.
- (5) Continuous compliance with the applicable conditions or of the criteria as described in subsection 6-58(c) of this article.
- (6) The operation of the licensed establishment for compliance with any and all representations made by the licensee to the city or the city council.
- (7) Recommendations from city departments. Following receipt of a fully completed application, fees, and such other information as may be requested by the city, the city clerk shall forward the application to the department of public safety, department of technical and planning services, treasurer's office, and such other departments as required by the city manager, which departments shall make their reviews and recommendations prior to consideration by the city council. In conducting its review, the city may request other pertinent information from the licensee. The complete report shall be reviewed by staff prior to being submitted to the city council.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-62. - Revocation and nonrenewal.

- (a) Each establishment within the city for which a license or related permit is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Oak Park and the State of Michigan. Upon any violation of this article, the council may, after notice and hearing, request the Michigan Liquor Control Commission to revoke such license and/or permit.
- (b) Upon any violation(s) of this article, the city will notify the licensee of the specific violation(s) and afford the licensee an opportunity to comply with said article. Licensee must comply in the time established by the city manager, but in no event more than ten days after notification to licensee by city of such violation. Absent compliance within that time established by the city manager, the city may hold a hearing and request that the Michigan Liquor Control Commission not renew and/or revoke such license and/or permit.
- (c) Before filing any objection to renewal or request for revocation of a license or permit with the Michigan Liquor Control Commission, the city shall serve the licensee with notice and proceed in accordance with this article, as amended. The city shall serve the licensee by first-class mail mailed to the licensed premises at least ten days prior to the hearing with notice of hearing, which notice shall contain the following:
 - (1) Date, time and place of hearing.
 - (2) Notice of the proposed action.
 - (3) Reasons for the proposed action.
 - (4) Names of any witnesses known at the time who may testify.

(5) A statement that the licensee may present evidence or any testimony that may refute or respond to reasons for the proposed action.

(6) A statement requiring the licensee to notify the city attorney's office at least three days prior to the hearing date if they intend to contest the proposed action, and to provide the names of witnesses known at the time who will testify on their behalf.

(d) Upon completion of the hearing, the city council shall submit to the licensee and the Michigan Liquor Control Commission a written statement of the findings and determination. (Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-63. - Criteria for nonrenewal or revocation.

The city council may recommend nonrenewal or revocation of a license or related permit to the liquor control commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:

(1) Failure to comply with all standards, plans or agreements, entered into in consideration for the issuance, transfer or continuance of the license or permit, or failure to comply with all agreements or consent judgments entered into subsequent to the issuance of the license or permit.

(2) Failure to comply with an approved plan of operation and other plans, specifications, or representations made or submitted to the city by the licensee.

(3) Violations of the state liquor laws or regulations of the liquor control commission.

(4) Violations of state laws or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.

(5) Failure to meet the requirements of section 6-55 of this article.

(6) Maintenance of a nuisance upon or in connection with the licensed premises including, but not limited to, any of the following:

(7) Failure to correct, within a reasonable amount of time, violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, to include the history thereof.

(8) A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood, including types of police, fire or medical services related to this operation.

(9) Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties.

(10) Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.

(11) Licensee's hindrance or obstruction of inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this article.

(12) Failure to pay taxes or make other payments due to the city in a timely manner.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-64. - Employees to be 21.

(a) No person shall be employed to serve or handle any alcoholic beverage in any establishment where such beverage is sold for consumption upon the premises unless said person shall have attained the age of 21 years, provided, however, that persons under the age of 21 years but not under the age of 18 years may be employed to serve or handle alcoholic beverages by special permission of the director of public safety.

(b) All licensees must have in their possession a birth certificate or other official document showing the place and date of birth of each employee which shall be available for inspection by police officers at all times.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-65. - Sales restricted.

No licensee under this article, by himself, or another, shall sell, furnish, give or deliver any alcoholic beverage to any person:

(1) Who is so intoxicated as not to be in control of all his faculties;

(2) On any day during the hours not permitted by state law or the state liquor control commission.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-66. - Game devices prohibited; presence of devices as prima facie evidence.

No licensee under this article shall allow upon his licensed premises slot machines, pinball machines, baseball, football, golf or hockey machines, electric ray machines, baffle boards, punch or pull boards, dice games or any gambling or gaming devices or paraphernalia of any nature, type or description, machines or apparatus, or gambling or gaming of any kind whatsoever.

The presence of any such device, machine or apparatus, mentioned in subsection (a) above, upon the premises of any establishment shall be prima facie evidence of a violation of this section.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-67. - Maintenance of peace and good order.

No person having the management, ownership or control of any premises in the city wherein any alcoholic beverage is sold for consumption on the premises shall permit any boisterous conduct, or in any manner the disturbance of the peace and good order of the neighborhood.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 6-68. - Soliciting of drinks and fraternizing with customers by employees prohibited.

No person having the management, ownership, or control of any premises wherein any alcoholic beverage is sold for consumption on the premises, shall permit anyone employed in said business to drink alcoholic beverages with, visit or fraternize with any of the patrons of said establishment in said place of business; nor shall any licensee or person having the management, ownership or control of such premises solicit any customer or patron of such place to purchase any alcoholic or nonalcoholic beverage for himself or any other person therein; provided, however, that this provision shall not apply to any female waitress, manager or licensee regularly employed on the premises who accepts or serves an order to any customer or patron in the regular course of her employment.

(Ord. No. [O-15-615](#), § 1, 7-6-15)

Sec. 1930. - Restaurants serving alcoholic liquor. Modified

Restaurants serving alcoholic liquor may be permitted in certain districts specified in this section if the establishment is continually operated according to the following:

- A.

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.
- B.

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 aisleways. Public restroom facilities shall not be considered in this determination.
- C.

The proposed restaurant is not located within 500 feet of a church or school building. The distance between the church 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 church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. Notwithstanding the stated distance requirements, no proposed restaurant will be permitted to serve alcoholic liquor if the restaurant is located on a parcel of land adjacent to a parcel of land with a church 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 restaurant will not adversely affect the operation of the school or place of worship.
- D.

The layout of the site of the proposed restaurant serving alcoholic liquor and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed restaurant serving alcoholic liquor, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
- E.

The proposed restaurant serving alcoholic liquor will be compatible with adjacent uses of land, considering the proximity of residential dwellings, churches, schools, public structures, and other places of public gatherings.
- F.

The proposed restaurant serving alcoholic liquor will not be contrary to the public interest or injurious to nearby properties.

G.

The proposed restaurant serving alcoholic liquor will not have the possible effect of downgrading and blighting the surrounding neighborhood.

H.

The proposed restaurant serving alcoholic liquor will not reasonably be expected to diminish the value of properties in the immediate area.

(Ord. No. [O-15-616](#), § 5, 7-6-15; Ord. No. [O-16-622](#), § 1, 1-19-16)

Editor's note— Ord. No. [O-15-616](#), § 5, adopted July 6, 2015, amended [§ 1930](#) in its entirety to read as set out herein. Former [§ 1930](#) pertained to restaurants serving beer or wine and derived from Ord. No. O-13-597, § 1, adopted July 15, 2013.

Sec. 1929. Regulated uses.

It is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when concentrated in one area, and recognizing that such uses may have a deleterious effect upon adjacent areas, special regulation of these uses is necessary to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods and commercial districts. These special regulations are itemized in this section.

A. *Types of regulated uses.* The establishment of the following types of uses are declared to be potentially detrimental and to have the possible effect of downgrading and blighting the surrounding neighborhood, particularly when concentrated in one area:

1. Pawnbrokers or pawnshops.
2. Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission.

B. *Requirements.* All proposed regulated uses shall conform to the following requirements:

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.
2. The proposed regulated use is not located within 500 feet of a school, park, or place of worship, regardless of community boundaries. Establishments with 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 SDM license, are exempt from this spacing requirement.

3. The layout of the site of the proposed regulated use and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from such proposed regulated use and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
4. The proposed regulated use will be compatible with adjacent uses of land, considering the proximity of residential dwellings, churches, schools, public structures, and other places of public gatherings.
5. The proposed regulated use will not contrary to the public interest or injurious to nearby properties.
6. The proposed regulated use will not have the possible effect of downgrading and blighting the surrounding neighborhood.
7. The proposed regulated use will not be contrary to any program of neighborhood conservation, nor will it interfere with any redevelopment projects.
8. The proposed regulated use will not reasonably be expected to diminish the value of properties in the immediate area.
9. The proposed regulated use will be in compliance with all other applicable regulations, City Codes and state and federal laws.

C. *Pawnbroker and pawnshops and residential areas.* No pawnbroker or pawnshop use shall be located on a parcel of land which is located such that a radius of 1,000 feet drawn from any point on that parcel contains at least 30 percent residential buildings, dwellings or rooming units of the total number of structures within such radius. This provision may be waived by the zoning board of appeals upon receiving a petition filed by the appellant which indicated approval of the proposed regulated use by 51 percent of all the adults residing within a radius of 1,000 feet of the location of the proposed use.

1. *Petition preparation.* The petitioner shall attempt to contact all adult residents within this radius and shall maintain a list of all addresses at which no contact was made or only a verbal response received. Signatures of a minimum of 51 percent of all the adult residents of the area are required for approval.
2. *Regulations of board.* The zoning board of appeals shall adopt rules and regulations governing the procedure for securing the petition of consent as provided for in this section. The rules shall provide that the circulator of the petition shall subscribe to an affidavit to the fact that the petition was circulated in accordance with the rules of the zoning board of appeals and that the circulator personally witnessed the signatures on the petition by the person whose name appeared therein.
3. *Filing and verification.* The zoning board of appeals shall not consider the waiver of location requirements until the above-described petition shall have been filed and verified.

D. *Measurement.* Measurement of distances between regulated uses and any other regulated or protected use shall be from the outermost boundaries of the parcel or lot of each use. In the

case of a regulated use within a shopping center with a minimum of at least 5,000 square feet of tenant space, the distance from the outermost boundaries of the tenant space proposed to contain the regulated use, shall be used as one measurement point

Sec. 702. - Special land uses.

The following uses may be permitted by the city council upon submission of a site plan and such additional information as may be necessary to document the scope and intensity of the proposed use. Said uses may be permitted upon a finding by the city council that the use will comply with any specific requirements contained herein, and that the proposed location of the use will be desirable to the public convenience or welfare and in harmony with the various elements and objectives of the master plan of the City of Oak Park, as from time to time amended:

- A. Vehicle convenience stations, subject to the provisions specified in section 1902.
- B. Vehicle service centers, subject to provisions of [section 1903](#).
- C. More than four mechanical amusement devices, as an accessory use to a permitted use, upon the following conditions:

Floor space required. Each mechanical amusement device shall be provided machine and operating space of at least 50 square feet, and each device shall have one foot of clear space on each side and to the rear, and five feet of clear space in front for the operator. The total floor space required for devices, including operating space, shall not exceed eight percent of the useable floor area of the establishment. In addition, total minimum useable floor areas shall be required as follows:

4,000 sq. ft. to 6,000 sq. ft., not permitted more than five devices.

6,000 sq. ft. to 8,000 sq. ft., not permitted more than six devices.

8,000 sq. ft. to 9,500 sq. ft., not permitted more than eight devices.

Over 9,500 sq. ft., not permitted more than ten devices.

- D. Local utility structures, subject to the provisions in section [1918](#).
- E. An establishment holding an SDD (specially designated distributor) or SDM (specially designated merchant) license from the Michigan Liquor Control Commission, subject to the provisions of section [1929](#).
- F. Restaurants serving alcoholic liquor, subject to the provisions specified in [section 1930](#).

(Ord. No. [O-15-616](#), § 2, 7-6-15)

Editor's note— Ord. No. [O-15-616](#), § 2, adopted July 6, 2015, amended [§ 702](#) in its entirety to read as set out herein. Former [§ 702](#) pertained to similar subject matter and derived from Ord. No. O-00-417, § 2, adopted Feb. 21, [2000](#); and Ord. No. O-13-597, § 4, adopted July 15, 2013.

• **Sec. 801. – Permitted uses.**

- A. Any use permitted in B-1 districts subject to the regulations applicable to such use.
- B. Publicly owned buildings, public utilities, including, but not limited to, telephone exchanges, wireless communications towers, transformer stations and substations with service yards, but without storage yards, water, sewage and pumping stations. Such permitted facilities shall be designed to complement other permitted uses and shall meet the design standards in [section 1916](#), [1918](#), and [1923](#), where applicable (special land use approval is not required).
- C. Stores and shops for the conducting of any retail business, but excluding establishments holding an SDD (specially designated distributor) or SDM (specially designated merchant) license from the Michigan Liquor Control Commission.
- D. Banks, offices, studios and hotels.
- E. Restaurants, tea rooms, cafes and other places serving food or beverage, including drive-thru facilities and drive-ins. Outdoor dining as an accessory area to a restaurant and subject to the provisions in [section 1709](#).
- F. Private schools.
- G. Mortuary establishments.
- H. Bus passenger stations.
- I. Vehicle convenience stations subject to the provisions of [section 1902](#) (special land use approval not required), community garages, public parking garages.
- J. Offices, showroom and workshop of a plumber, electrician, decorator or similar trade, or baking, confectionery, catering, dressmaking, dyeing, laundry, printing, upholstering, tailoring, and similar establishments and business of no more objectionable character than the aforementioned.
- K. Uses which, in the opinion of the planning commission based on findings of fact, are similar to the above-permitted uses.
- L. Accessory structures and uses customarily incidental to the above-permitted uses.
- M. Veterinary clinics, provided, that said veterinary clinics are hereby defined to mean the professional use of a building by a licensed professional veterinarian for rendering professional service to household pets; and, provided, further, that said veterinary clinics shall be subject to the following regulations:
 - 1. That any building designed or constructed to be used for a veterinary clinic shall be for the sole purpose of providing the necessary medical care for sick or diseased household pets, and shall not be constructed as a boarding establishment for household pets; and, provided further, that if animals eligible for treatment at such veterinary clinic, as herein defined, shall be kept overnight on the premises of such clinic, or for a period longer than regular, professional business hours, then and in such case a full-time, duly-qualified attendant shall be in charge of said premises.
 - 2. That in no case shall veterinary clinics have open or outdoor runways or pens.

3. That in no case shall there be, in connection therewith, the disposal of rubbish or litter in such manner as to be noxious or offensive; provided, that in no case shall there be any harboring of vermin or decaying matter on the premises.

4. That off-street parking, as required by [section 1726](#), for lawyers, engineers or similar professions, shall apply to veterinary clinics.

5. That all building setback lines, and area, height and bulk requirements as established by the City of Oak Park for the zoning in the district in which the building is located, shall be observed.

6. That the building housing said veterinary clinic, and the ventilating system used in connection therewith, shall be so constructed as to be soundproof; provided, that soundproofing be installed to the extent necessary to ensure the elimination of all noise from the area used for the treatment and temporary keeping of sick or diseased household pets.

N. Not more than four mechanical amusement devices, as an accessory use to a permitted use, upon the following conditions:

Floor space required. Each mechanical amusement device shall be provided machine and operating space of at least 50 square feet, and each device shall have one foot of clear space on each side and to the rear, and five feet of clear space in front for the operator. The total floor space required for devices, including operating space, shall not exceed eight percent of the useable floor area of the establishment. In addition, total minimum useable floor areas shall be required as follows:

1,000 sq. ft. to 2,000 sq. ft., not permitted more than one device.

2,000 sq. ft. to 4,000 sq. ft., not permitted more than two devices.

4,000 sq. ft. to 6,000 sq. ft., not permitted more than four devices.

O. Body art establishments.

(Ord. No. O-00-418, § 1, 2-21-00; Ord. No. O-02-461, § 1, 3-18-02; Ord. No. O-05-517, § 2, 11-7-05; Ord. No. O-13-597, § 5, 7-15-13; Ord. No. O-14-603, § 3, 6-2-14)

• **Sec. 802. - Special land uses. [Modified](#)**

The following uses may be permitted by the city council upon submission of a site plan and such additional information as may be necessary to document the scope and intensity of the proposed use. Said uses may be permitted upon a finding by the city council that the use will comply with any specific requirements contained herein, and that the proposed location of the use will be desirable to the public convenience or welfare and in harmony with the various elements and objectives of the master plan of the City of Oak Park, as from time to time amended:

A Wholesale, storage, self-storage and warehouse facilities, subject to the provisions in [section 1919](#).

- B. Vehicle service centers, subject to the provisions in [section 1903](#).
- C. Commercial indoor recreation uses, including theaters, assembly halls, concert halls, recreation centers, billiard or pool parlors, bowling alleys, skating rinks, archery ranges, dance halls, clubs, card parties, bingo games or similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building. The use or uses shall only be approved subject to the provisions in [section 1920](#).
- D. Commercial outdoor recreation subject to the provisions of [section 1909](#).
- E. More than four mechanical amusement devices, as an accessory use to a permitted use, upon the following conditions:

- 1. Floor space required. Each mechanical amusement device shall be provided machine and operating space of at least 50 square feet, and each device shall have one foot of clear space on each side and to the rear, and five feet of clear space in front for the operator. The total floor space required for devices, including operating space, shall not exceed eight percent of the useable floor area of the establishment. In addition, total minimum useable floor areas shall be required as follows:

6,000 sq. ft. to 8,000 sq. ft., not permitted more than five devices.

8,000 sq. ft. to 9,500 sq. ft., not permitted more than eight devices.

Over 9,500 sq. ft., not permitted more than ten devices.

- 2. Parking. For any location having more than four mechanical amusement devices, off-street parking of one parking space per four devices shall be required in addition to the required off-street parking for the principal use.

- F. Local utility structures and utility transmission structures subject to the provisions in [section 1918](#).

- G. Automobile wash facilities (self-service; automatic) in accordance with [section 1927](#).

- H. Home center stores subject to the provisions of [section 1921](#).

- I. Automobile dealerships, showrooms and used car lots subject to the provisions of [section 1914](#).

- J. Pawnbroker and pawnshops, subject to the provisions of [section 1929](#).

- K. An establishment holding an SDD ("specially designated distributor") or SDM ("specially designated merchant") license from the Michigan Liquor Control Commission, subject to the provisions of [section 1929](#).

- L. Restaurants serving alcoholic liquor, subject to the provisions specified in [section 1930](#).

(Ord. No. O-00-418, § 2, 2-21-00; Ord. No. O-13-597, § 6, 7-15-13; Ord. No. [O-16-622](#), § 2, 1-19-16)

Sec. 1202. - Special land uses.

The following uses may be permitted by the city council upon submission of a site plan and such additional information as may be necessary to document the scope and intensity of the

proposed use. Said uses may be permitted upon a finding by the city council that the use will comply with any specific requirements contained herein, and that the proposed location of the use will be desirable to the public convenience or welfare and in harmony with the various elements and objectives of the master plan of the City of Oak Park, as from time to time amended:

A. Local utility structures and wireless communications towers, subject to the provisions in [section 1918](#).

B. Establishments holding an SDD (specially designated distributor) or SDM (specially designated merchant) license from the Michigan Liquor Control Commission, subject to the provisions of [section 1929](#).

C. Restaurants serving alcoholic liquor, subject to the provisions specified in [section 1930](#).

(Ord. No. [O-15-616](#), § 3, 7-6-15)

Editor's note— Ord. No. [O-15-616](#), § 3, adopted July 6, 2015, amended [§ 1202](#) in its entirety to read as set out herein. Former [§ 1202](#) pertained to similar subject matter and derived from Ord. No. O-00-419, § 2, adopted Feb. 21, [2000](#); and Ord. No. O-13-597, § 7, adopted July 15, 2013.

Sec. 1401. - Permitted uses. [Modified](#)

In the PUD, planned unit development district, the following uses shall be permitted:

A. Any of the following commercial uses when carried out entirely within an enclosed building:

1. Stores and shops for the conducting of any retail businesses.
2. Establishments which perform personal services on the premises, such as beauty parlors, barber shops, repair shops (including watches, radios, televisions, shoes, and tailor shops), and dry cleaning establishments, provided cleaning equipment is used to service only the premises at which it is located.
3. Photographic studios, interior decorating studios, and art galleries.
4. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, engineers and similar or allied professions, administrative and business offices.
5. Banks and similar financial institutions.
6. Restaurants, tea rooms, cafes and other places serving food or beverage, including drive-thru facilities and drive-ins. Outdoor dining as an accessory area to a restaurant and subject to the provisions in [section 1709](#).
7. Vehicle convenience station, subject to the provisions in [section 1902](#) (special land use approval not required), vehicle repair garage, subject to the provisions in [section 1903](#) (special land use approval not required), vehicle service center, subject to the provisions in [section 1904](#) (special land use approval not required).

B. Any of the following industrial uses when carried out entirely within an enclosed building, except as otherwise provided below:

1. The manufacturing, compounding, processing, packaging, treatment, or fabrication of such products as: bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceutical, toiletries, hardware, cutlery and pottery.
 2. The manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, textiles, wood, yarns, sheet metal, wax and wire.
 3. Research, experimental, film or testing laboratories.
 4. Assembly of electrical appliances, electronic instruments or precision devices, radios, phonographs (including the manufacture of parts), musical instruments, toys, novelties, sporting goods, and photographic equipment.
 5. Printing, lithographic, blueprinting and similar uses.
 6. Cold storage, warehousing and distribution uses, and similar businesses involved in the receipt, storage, sales, and delivery of products.
 7. Medical and dental clinics and laboratories.
 8. Meeting halls for industrial worker organizations.
 9. Offices of engineering, drafting, architectural, electrical, plumbing, or industrial design firm.
 10. Self-storage facilities.
 11. Tool, die, gauge, metal polishing, metal plating, and machine shops.
 12. Commercial uses which have an industrial character because of outdoor storage requirements or activities including a lumberyard, home center, building materials outlet, nursery or greenhouse, automobile or lawn and garden implements sales.
 13. Electronic data processing center.
 14. Showroom and workshop of a plumber, electrician, decorator or similar trade.
 15. Municipal buildings and uses including outdoor storage areas.
- C. Uses similar to the above, when located and arranged according to a plan demonstrating compatibility with other permitted commercial and industrial uses in the district.
- D. Outdoor storage which is clearly accessory to the permitted use, limited in scale, and incidental to the primary indoor use(s) of the site, subject to the provisions of [section 1925](#) (special land use approval not required).
- E. Accessory uses and buildings.
- F. Special land uses. The following uses may be permitted by the city council upon submission of a site plan and such additional information as may be necessary to document the scope and intensity of the proposed use. Said uses may be permitted upon a finding by the city council that the use will comply with any specific requirements contained herein, and that the proposed location of the use will be desirable to the public

convenience or welfare and in harmony with the various elements and objectives of the master plan of the City of Oak Park, as from time to time amended:

1. Restaurants serving alcoholic liquor, subject to the provisions specified in [section 1930](#).

(Ord. No. 0-01-447, § 1, 7-2-01; Ord. No. O-05-517, § 3, 11-7-05; Ord. No. O-13-597, § 8, 7-15-13; Ord. No. O-14-603, § 5, 6-2-14; Ord. No. [O-16-622](#), § 3, 1-19-16)

- **Sec. 1101. - Permitted uses. [Modified](#)**

In all planned technical, research, education development districts, no building or part thereof shall be erected, used or structurally altered, nor land nor premises used, in whole or in part, except for one or more of the following permitted uses or structures and only after approval of the development plan by the city council acting upon the recommendation of the planning commission:

- A. Educational, research and design facilities, charged with the principal function of research and development of new products and processes and technical training.
- B. Scientific, medical or commercial research, development and testing laboratories.
- C. Executive and administrative offices.
- D. Industrial, medical and dental clinics; medical, optical, pharmaceutical and dental laboratories.
- E. Data processing and computer centers, including service and maintenance of electronic data processing equipment.
- F. Legal, engineering, surveying, accounting, architectural and similar professional offices.
- G. Private, state-licensed educational institutions providing classroom training to a student body, and customary uses incidental thereto, but not including the boarding of students, faculty or other employees.
- H. Storage yards for contractor's equipment, vehicles, and materials but excluding junk, recycling, reclamation, or scrap yards, when adjacent to an LI, Light Industrial District. Storage yards to conform to the provisions of [section 1925](#) (special approval not required).
- I. Accessory uses customarily incidental to the above permitted uses.

(Ord. No. [O-13-591A](#), § 1, 4-1-13)

- **Sec. 1102. - Special land uses.**

The following uses may be permitted by the city council upon submission of a site plan and such additional information as may be necessary to document the scope and intensity of the proposed use. Said uses may be permitted upon a finding by the city council that the use will comply with any specific requirements contained herein, and that the proposed location of the use will be

desirable to the public convenience or welfare and in harmony with the various elements and objectives of the master plan of the City of Oak Park, as from time to time amended:

- A Commercial television and radio broadcasting towers: office buildings and broadcasting studios of radio and television stations. An application for such special land use shall be subject to the provisions in section 1923..
- B. Student dormitory rooms when constructed as part of an educational institution or campus. An application for special land use approval shall demonstrate compliance with the standards in [section 1924](#).
- C. Local utility structures and wireless communication towers, subject to the provisions in [section 1918](#)

Appendix A:

Background Check Application

CITY OF OAK PARK, MICHIGAN LIQUOR LICENSE APPLICATION

BACKGROUND CHECK

The information requested on the following pages is for use by the Oak Park Department of Public Safety as part of its investigation pertinent to the City of Oak Parks interests in this matter.

Please be aware that the processing of this application will not begin until all requested documents are submitted and all questions on the application answered. All paperwork is to be submitted to the City Clerk's Office with a \$75 fee per applicant and all applicable partners and must be submitted with a color photo copy of appropriate picture identification and two copies of passport size photos for each applicant and all applicable partners.

The following information is required for the applicant and all applicable partners.
(Please photocopy application as necessary)

1. Full Name of Applicant: _____

(Maiden Name) (Sex: Male/Female)

(Date of Birth) (Social Security Number) (Height) (Weight)

(Eye Color) (Hair Color) (Driver's License Number)

(Visa: Date and Place of Issue) (Citizenship) (Naturalization Identification No.)

2. Home Address: _____

3. Address of Establishment Proposed to be Licensed: _____, Oak Park, MI

4. Describe any physical characteristics (amputations, scars, tattoos, etc.): _____

5. Full name of spouse, including maiden name: _____

6. Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

7. Residence Addresses and Telephone Numbers for the past ten (10) years:

(Number and Street) (City, State and Zip Code) (Telephone)

(Number and Street) (City, State and Zip Code) (Telephone)

(Number and Street) (City, State and Zip Code) (Telephone)

(Number and Street) (City, State and Zip Code) (Telephone)

8. Provide a complete record of all arrests, whether convicted or not, including dates, places, circumstances and dispositions (Add additional pages if necessary):

9. List all civil cases which you have been a party to whether as a plaintiff or defendant including, court, case number, circumstances and final disposition(s) and describe the facts and circumstance pertaining to the case(s) in detail. (Add additional pages if necessary)

10. Do you associate, or have you ever associated, with an individual(s) who have been involved in, arrested, or convicted of gambling, narcotic, or vice activities? If yes, explain in detail. (Add additional pages if necessary):

BACKGROUND CHECK AFFIDAVIT

STATE OF MICHIGAN)
) SS
COUNTY OF _____)

I, _____, hereby authorize any bank, credit organization, lending institution, insurance company, educational institution, business firm or person to release any and/or all personal information regarding me relative to the liquor license for which I have applied for with the City of Oak Park, Michigan.

The above authorization is applicable only for release to the Director of the Department of Public Safety of the City of Oak Park, Michigan, and/or his representative(s) pertinent to the City of Oak Parks interests in this matter to seek and obtain documentation and conduct an investigation into the truth of the statements set forth in this liquor license application, and the qualifications of the applicant for the license, and I will execute waivers and/or authorization(s) for release of information upon request.

Signature of Applicant

On the _____ day of _____, 20____, _____
did appear personally before me, a Notary Public, in and for said County, and being duly sworn by me, did state (s)he is the applicant of the within liquor license application, and that the information contained within the application is true, correct and complete.

Notary Public
_____ County, Michigan
My Commission Expires: _____
Acting in: _____ County

Appendix B:

**Site Plan Review
Application – Special
Land Use**

CITY OF OAK PARK SITE PLAN APPLICATION

FEES

Site Plan Review (Commercial, Industrial, Multi-Family Residential) \$500.00

Special Approval Uses with Site Plan & Public Hearing \$600.00 

Revised Site Plans (changes of 30% or more) \$300.00

Application for Text or Zoning Amendments (Rezoning) \$600.00

Planning Commission Special Meeting \$600.00

FOR OFFICE USE ONLY

Date Received _____ Fee Paid _____ Site Plan No. _____

Site Plan Review is the process of reviewing drawings that illustrate the layout of land and structures for conformance with ordinance requirements and both on-site and off-site impacts. These requirements may include ingress/egress, traffic flow, landscaping, storm drainage, soil erosion, grading of land, parking, and signage. Developments requiring Site Plan Review include the following:

- ❖ All new construction
- ❖ Structural alteration or substantial changes in use
- ❖ All uses permissible on appeal
- ❖ Any use that requires a new, modified, or expanded parking lot
- ❖ The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easements

Site plan reviews are conducted by the Planning Commission and approved by the City Council. Parking lots and developments with an area less than 2,000 square feet require staff review only. A pre-application conference with the City Planner, may be requested by contacting the Department of Community and Economic Development at (248) 691-7450.

Submit completed application package to Department of Community and Economic Development including:

- ❖ Application
- ❖ Plans (18 sets) (folded)
- ❖ Review Fee

Once the site plans are reviewed and preliminary approval is granted by the Planning Commission, recommendation is forwarded to the City Council for final action.

Name of Proposed Development:

Property Address/Sidwell # and/or Legal Description:

Proposed Land Use (detailed description):

Owner Name:

Owner Address:

City:

State:

Zip:

Phone:

Signature of Owner of Property:

Applicant Name:

Applicant Address:

City:

State:

Zip:

Phone:

Signature of Applicant:

Required information to be included on Site Plans (Section 1725, G):

1. Name of development and title block.
2. Location map at a scale of one inch equals 2,000 feet, showing site location, major roads, and railroads.
3. A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if there are three acres or more.
4. Date, north point, and scale (graphic and written).
5. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
6. Location of all existing and proposed structures, uses, number of stories, gross building area, setback lines, distances between structures, and location of loading areas on the subject property.
7. Location of all existing structures within 100 feet of the subject property lines.
8. All existing and proposed aisles, drives, pedestrian paths, roadways, parking areas and number of parking spaces on the subject property.
9. All existing and proposed roadways, drives, parking areas, and pedestrian paths within 100 feet of the subject property.
10. Location and height of all walls, fences, and screen planting, including a plan for landscaping of the development and the method by which landscaping is to be maintained.
11. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavements.
12. Types of existing and proposed surfacing, such as asphalt or concrete paving.
13. Types of facing materials to be used on structures.
14. Elevations (front, sides, and rear views) of all sides of the building(s).
15. A floor plan drawing showing the specific use areas of all existing and proposed building on-site.
16. Seal of registered architect, landscape architect, land surveyor, or civil engineer who prepared the plan. In cases of minor structural alterations where professional services are not required, additions of 300 square feet or less, or for changes in the use of existing buildings, the department of technical and planning services may waive this requirement.
17. Density calculations (for multiple family projects).
18. Principal and accessory buildings.
19. Designation of units by type of buildings.
20. Interior walks and pedestrian or bicycle paths within right-of-way.
21. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
22. Trash receptacle and transformer locations and method of screening.
23. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
24. All utilities located on or serving the site, including sizes of water and sewer lines.

25. Loading and unloading areas.
26. Designation of fire lanes.
27. Estimated number of full-time and part-time employees.
28. Address location on building and size of numbers.
29. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, noise, vibration, and emission levels, and other data of all such equipment or machinery.
30. Location and boundaries of wetlands, lakes, streams, rivers, detention basins, drainageways, or other bodies of water, with water elevation levels indicated.
31. Boundaries of 100-year flood plain, if any flood plains are located on the property.
32. Soil types and characteristics using the U.S. Soil Conservation Service "Soil Survey of Oakland County, Michigan, 1980" or more detailed surveys if available. (If required by the city engineer).
33. General location and types of proposed signs for all buildings and uses on site.
34. All of the following information:
 - (a) If connected to a city water system, show existing invert elevation or lateral at proposed tap manhole and approximate invert; otherwise, Location of existing or proposed well.
 - (b) If connected to a city sanitary system, show existing invert elevation or lateral at proposed tap man-hole and approximate invert: otherwise, location of existing or proposed septic tank and field(s).
 - (c) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - (d) Typical cross-sections for streets, roads, alleys, parking lots, etc., as applicable.
 - (e) Existing and proposed ground contours at intervals of one foot.
35. Such other reasonable and relevant information as may be required by the city to assist in the review of the proposed development.
36. Proposed fire lanes and fire lane signs.
37. Proposed signs and specifications for control of traffic flow.
38. Seal and signature of engineer, land surveyor, or architect responsible for preparation of the plans.
39. Measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
40. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.
41. Proposed signs for all buildings and uses on site, including character, size, letters, symbols, and lighting.
42. Final site plan approval will not be granted until all approvals have been obtained from outside agencies.

City of Oak Park

Frequently used development requirements from the City of Oak Park Zoning Ordinance

*Please note: It is **strongly recommended** that applicants review the Zoning Ordinance in its entirety. Access the Zoning Ordinance on the City's web site (City Code, Appendix A) at www.ci.oak-park.mi.us*

Lighting

Exterior lighting shall be shielded downward and away from adjacent property, and installed so that the surface of the source of light shall not be visible from any bedroom window. Lighting shall be arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five feet above the ground in a residential district. (Section 1715, G)

Landscaping

All required landscape areas shall be irrigated with an in-ground water irrigation system to assist in maintaining a healthy condition for all landscape plantings and lawn areas. All site plans shall note installation of required irrigation system. (Section 1716, A, 2)

All required landscape areas which abut vehicular drives, parking or other use areas shall be separated from the vehicular use area with a six-inch minimum curb of concrete or asphalt construction. (Section 1716, A, 4)

All unpaved portions of the site shall be planted with grass ground cover, shrubbery, or other suitable live plant material. (Section 1716, A, 5)

Interior landscaping

For every new development, except in R-1 and R-2 residential districts, interior landscaping areas shall be provided, equal to at least ten percent of the total lot area. These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways, service areas or adjacent to fences, walls, or rights-of-way. All interior landscaping shall be designed to the following general design standards, subject to planning commission approval:

- (a) One two-inch caliper deciduous tree, or one five-foot high evergreen tree, for every 400 square feet of required interior landscaping area.
- (b) Two eighteen-inch high or wide shrubs shall be required for every 400 square feet of required interior landscaping area.

- (c) The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above. (Section 1716, B, 5)

Parking lot landscaping

Within every parking area containing ten or more spaces there shall be parking lot landscaping in accordance with this section. These landscaping areas shall be located so as to divide and break up the parking area and to better define the parking area. All required parking lot landscaping shall conform with the following:

- (a) Any off-street parking areas containing ten or more parking spaces shall have parking lot landscaping according to the following schedule:

<u>Use</u>	<u>Square Feet of Required Parking Lot Landscaping Per Parking Space</u>
Commercial/Office	15
Residential (Multiple)	10
Industrial	5

- (b) All required parking lot landscaping shall be designed to conform with the following requirements, subject to planning commission approval:

1. One two-inch caliper deciduous tree shall be required for every 100 square feet of required parking lot landscaping area.
2. Parking lot landscaping areas shall be curbed with six-inch concrete or asphalt curbing. (Section 1716, B, 6)

Open storage, trash receptacle, transformer, and mechanical equipment screening.

In all districts except single-family residential and for all special approval uses, the following standards shall apply:

- (a) Open storage.

The open storage of any industrial or commercial equipment, vehicles, and all materials, including wastes, except new vehicles for sale and/or display, shall be screened from public view, from a public street, and from adjoining properties by an obscuring wall or fence not less than six feet nor more than eight feet high. The required height of the wall shall be determined by the planning commission so as to properly screen all materials, vehicles and wastes. Materials shall not be stored higher than the wall and shall be completely screened if they are stored within 20 feet of the screen wall or fence. All wastes must be completely obscured from view. In no instance shall any open storage of equipment, vehicles and/or materials be permitted within a required front yard in any zoning district.

(b) Dumpsters and trash storage enclosures.

All areas used for the storage of trash and other waste products shall be completely screened from view. The following standards shall apply to all such trash enclosures:

1. Enclosure shall be screened from public view by a masonry wall of brick, stone or poured concrete with a decorative pattern, with exterior materials of the same or similar type as the principal building.
2. Enclosures shall be at least six feet but not more than eight feet high and shall obscure all wastes and/or containers within. An obscuring gate shall be installed which forms a complete visual barrier which is the same height as that of the other three sides of the enclosure.
3. No enclosures shall be located in a required front or side setback.
4. All dumpsters shall be located on a six-inch concrete pad.

(c) Transformer and mechanical equipment screening.

1. All ground mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by a dense landscaped planting approved by the planning commission.
2. All rooftop climate control equipment, elevator towers, transformer units, and similar equipment shall be screened from view of any street or adjacent property. The materials used to screen the equipment shall be compatible in color and type with exterior finish materials of the building. Where possible, a parapet wall or similar architectural feature should be selected as the preferred method. All rooftop equipment shall conform to the maximum height regulations of this ordinance. (Section 1717, E)

Screen Walls

Wherever a nonresidential use adjoins a residential district, and wherever a parking lot of eight or more spaces adjoins a single-family residential district, a screen wall shall be provided by the nonresidential use. (For purposes of this section, a parking lot of eight or more spaces shall be considered a nonresidential use).

1. All required screen walls shall be six feet in height, unless otherwise specified, and shall be placed along the lot line of the nonresidential use.
2. Where a public alley separates the nonresidential use from the residential use, the planning commission shall determine the location of the wall so as to best protect the residential district.
3. Required screen walls shall not be extended into a required front setback area to insure proper visibility of pedestrians and vehicles by drivers exiting the nonresidential site.
4. Required screen walls shall be of masonry construction, decorative in nature, of either face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick.

5. The planning commission may:
 - (a) Approve a partial or complete substitution of the wall(s) using existing or proposed topography, dense vegetation, or other natural or man-made features that would produce substantially equivalent results of screening and durability;
 - (b) Approve reduction or increase in wall height where a greater or lesser height is found appropriate based on consideration of topography, sight lines, and distances;
 - (c) Approve variations in design standards for reasons of topography or characteristics peculiar to the site, its usage and environs;

In taking such actions, the planning commission shall take into account the principal purpose of the wall(s) is to screen nonresidential activities, including parking, loading and noise, from nearby residential districts. In such cases where the planning commission finds that there would be no substantial need for a screen wall, the requirements may be reduced or substituted in accordance with the table in section 1716C above. The basis for such decision shall be recorded in the minutes of the planning commission.

(Section 1716, B, 7)

Off-Street Parking

1. Off-street parking minimum requirements:

<u>Parking Pattern (Degrees)</u>	<u>Maneuvering Lane Width (Feet)</u>	<u>Parking Space Width (Feet)</u>	<u>Parking Space Length (Feet)</u>
0	12	8	23
30--53	12	9	20
54--74	15	9	20
75--90	22	9	20

2. All spaces shall be provided adequate access by means of on-site maneuvering lanes. Backing directly onto a street shall be prohibited. All parking spaces and associated maneuvering lanes shall be located on private property. No such facilities may be located partially or wholly in any right-of-way.
7. All parking areas shall be provided with asphalt or concrete surfacing in accordance with the specifications approved by the city engineer.
8. Each entrance and exit to and from any off-street parking area located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.

Required off-street parking:

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
------------	---

Multiple-family residential	Two for each unit.
Offices under 50,000 square feet GFA of GFA.	Four and one-half (4.5) for each 1,000 square feet
Professional offices of doctors, dentists	One for each 35 square feet of usable floor area in waiting rooms (28.6 spaces per 1,000 square feet) and one for each examining room, x-ray room, dental chair or other similar use area.
Industrial	Five plus one for each employee in largest working shift, or five plus one for each 500 square feet GFA, whichever is greater.
Warehouses	Five plus one for every one employee in the largest working shift, or five plus one for each 1,700 square feet of GFA, whichever is greater.
Planned commercial or shopping center	One for each 200 square feet of GFA (five spaces per 1,000 square feet).
Retail stores except as specified herein	One space for each one 150 sq. ft. of GFA.
Beauty and barber shops	Three for each chair, tanning station, or other similar use area.
Restaurant - Sit down	One for each 75 square feet of GFA (13.3 spaces per 1,000 square feet).
Restaurant - Carry Out	One for each 100 square feet of GFA (ten spaces per 1,000 square feet) plus a minimum of eight automobile standing spaces for drive-up window (if provided).
(Section 1726)	

Appendix C:

Liquor License

Application

CITY OF OAK PARK, MICHIGAN LIQUOR LICENSE APPLICATION

1. I, _____, do hereby apply to the City of Oak Park, County of Oakland, Michigan, for a Liquor License to be located at the following address: _____, Oak Park, Michigan 48237.

2. Mailing Address of proposed/licensed establishment (if different from above):

(Number and Street) (City and State) (Zip Code)

3. Telephone Number of Proposed/licensed establishment: (____) _____

4. Name and Telephone Number of contact person (if different from above):

(Name) Telephone Number

5. E-Mail Address: _____

6. Relationship of Applicant to establishment: _____

7. Name of business which will own establishment (if different from applicant):

DBA: _____

8. Form of Business Enterprise:

- Sole Proprietorship (If doing business under an assumed name attach a copy of D/B/A Certificate)
- Partnership (General or Limited)
(Provide full names, dates of birth and home addresses of all partners and attach copy of Articles of Partnership/Agreement)
- Corporation (Attach a copy of Articles of Incorporation)
- Other (Provide details on a separate sheet of paper)

9. Federal Taxpayer Identification Number/Social Security Number: _____

10. The following questions 10-19 must be answered:

- If the Applicant is a Sole Proprietorship;
- If the Applicant is a Corporation, by each shareholder/stockholder owning 5% or more of the Corporation; (attach additional pages if necessary)
- If the Applicant is a General Partnership, by each partner; (attach additional pages if necessary)
- If the Applicant is Limited Partnership, by each general partner; (attach additional pages if necessary)
- If the Applicant will not devote full-time to the business, by Manager or Operator

(First Name) (Middle Name) (Last Name)

(Position held in Organization) (Amount of Stock Owned)

(Address: Number and Street) (City, State) (Zip Code)

(Date of Birth) (Home Telephone) (Business Telephone)

11. Length of time you have resided in the State of Michigan? _____

12. List all other names used at any other time: _____

13. Have you or any company in which you were the sole proprietor, partner, general partner, or owner of 5% or more of the stock ever filed for protection under the bankruptcy laws?

14. If the answer to Question 13 was “yes” please provide details below including but not limited the name of the petitioner(s), court(s) and case number(s):

15. List all employer(s) and occupations during the last ten (10) years:

16. Provide names, addresses and telephone numbers of five individuals who know your reputation in the community in which you have lived and done business during the previous ten (10) years:

(Name) (Telephone Number) (Complete Address)

17. Do you or any member of your family hold a license for the sale of alcoholic beverages at the present time, either as an individual, member of a partnership, or stockholder in a licensed corporation? _____. If yes, list type of license: _____ and list the name in which the license is issued and their relationship to you:

Name and Nature of Relationship

Contact Information including complete address and telephone number

18. Have you, or any member of your family, previously held a license or any interest in a license for the sale of alcoholic beverages in the State of Michigan? _____. If yes, list the type of license: _____ and provide the name in which the license was issued and the relationship to you:

Name and Nature of Relationship

Contact Information including complete address and telephone number

19. Have you, or any member of your family, ever held a license for the sale of alcoholic beverages anywhere else in the United States? _____ If yes, provide the name, address, city and State in which the licensed was issued:

Name

Complete address including City, State and Zip Code

20. Financial Qualifications Statement

- A. Do you presently own the building? _____ If not, provide the name and address of the owner, and a copy of the lease agreement.

Name of Owner	Owner's Telephone Number	Complete Address of Owner
---------------	--------------------------	---------------------------

If at the present time you own the building, but it is subject to a mortgage or being purchased under a land contract provide copies of the land contract or mortgage and any promissory note.

Name of Lender/Land Contract Vendor

Complete Address of Above	Telephone Number
---------------------------	------------------

Balance Owing

Repayment Terms (Including Interest Rate)

- B. What is the total price of the building? \$ _____
- C. What is the total down payment? \$ _____
- D. What is your share of the down payment? \$ _____
- E. Balance of loan to be paid off (per month) \$ _____
- F. Interest rate of loan (Annual) _____
- G. Duration of the Loan (Number of Years): _____

H. Are all of your local including city and county personal and real property taxes including special assessments and statements for water and sewer services paid to date? _____

I. Are you borrowing money to finance the purchase of this business? _____ If yes, from whom? (Attach copies of any financing or lending agreement)

Name	Address	Telephone Number
------	---------	------------------

Amount(s) Borrowed

Terms of Repayment

J. If you are not borrowing the entire amount of money, state the specific source from which the money was obtained:

Source	Means	Amount
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

K. Do you currently own the fixtures? _____ If not, provide the following:

Name of Owner	Address	Telephone Number
---------------	---------	------------------

L. Do you plan on purchasing the fixtures? _____ If yes, provide the following:

Purchase Price

Terms

15. The business is presently operating, or will be operated as: _____

16. List the days and hours of operation: _____

17. Are you going to devote full time to the operation of this business? _____
If not, provide the following information:

A. Who will serve as manager of the business?

(Name) (Telephone Number) (Complete Address)

B. Who will be authorized to sign checks and pay bills in connection with the operation of the licensed business?

(Name) (Telephone Number) (Complete Address)

18. Describe the proposed facilities in some detail (square footage, seating capacity, parking capacity, etc.) and attach copy of any site plan and a diagram which does not have to be scale of the premises.

19. Does the applicant intend to have dancing and/or entertainment? ____ If yes, briefly describe what type of entertainment is planned.

20. Provide the following documents with your application:

- Liquor License Application (for each applicant)
- Photo Identification (Color Copy for each applicant)
- 2 passport size photos (for each applicant)
- Spousal Affidavit (for each applicant if applicable)
- Deed or Lease for the Property
- Financial Disclosure Form (included on Liquor License Application)
- Certificate of Liquor Liability Insurance
- Verification of Compliance with Michigan Liquor Control Commission Mandatory Server Training Requirements
- Business Structure Documentation

- City of Oak Park Site Plan Application
- Detailed Floor Plan of Establishment
- Contract with the City of Oak Park (signed)
- Food Service Menu
- Record of any previous Liquor License Complaint Violations for applicant, owners or stockholders of applicant or by a corporation or entity that the applicant has previously worked for or had a substantial interest in or any parent company
- Plan of Operation
- Purchase/Sale Agreement
- Statement or Documentation that each applicant (if applicable) is not in default on any obligation to the City of Oak Park
- Current valid licenses from appropriate county, state or federal governments authorizing service of food at the establishment

APPLICANT AFFIDAVIT

I, _____, hereby authorize the agents and employees of the City of Oak Park, Michigan to seek and obtain documentation and conduct an investigation into the truth of the statements set forth in this liquor license application, and the qualifications of the applicant for the license, and I will execute waivers and/or authorization(s) for release of information upon request.

STATE OF MICHIGAN)
) SS
COUNTY OF _____)

I, _____, hereby declare under penalty of perjury that the foregoing information in the liquor license application is true and correct, and understand that any falsification or omission is grounds for denial or if issued grounds for revocation or recommendation for non-renewal.

I further declare that I will not violate any of the laws of the State of Michigan or the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of the business

Signature of Applicant

On the _____ day of _____, 20____, _____ did appear personally before me, a Notary Public, in and for said County, and being duly sworn by me, did state (s)he is the applicant of the within liquor license application, and that the information contained within the application is true, correct and complete.

Notary Public
_____ County, Michigan
My Commission Expires: _____
Acting in _____ County

Appendix D:

**Spousal
Affidavit
(if applicable)**

SPOUSAL AFFIDAVIT

FORM REQUIRED: For the current spouse of any individual owning 5% or more, either directly or indirectly, of a liquor license establishment or proposed liquor license establishment located within the City of Oak Park, Michigan.

INSTRUCTIONS: Provide the requested information below. If more space is needed to complete any of the following sections, **include an attachment**. This form must be signed and notarized by the spouse whose information is provided on this form.

Address of Liquor License Establishment or Proposed Liquor License Establishment

PERSONAL INFORMATION ► PLEASE PROVIDE THE PERSONAL INFORMATION REQUESTED BELOW

First Name (Spouse) Middle Name (Spouse) Last Name (Spouse)

Social Security Number (Spouse) / /
Date of Birth (Spouse)

Applicant's First Name Applicant's Middle Name Applicant's Last Name

PROHIBITED ACTIVITIES ► REVIEW THE FOLLOWING CRIMINAL CHARGES AND/OR CONVICTIONS WHICH YOU ARE REQUIRED TO DISCLOSE

1. Any felony under federal or state law;
2. Maintaining a house of prostitution;
3. Any violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or the forfeiture of bond to appear in court to answer charges for any such violation;
4. Any violation of any federal or state law concerning the manufacture, possession or sale of cannabis, narcotics or other controlled substances, or the forfeiture of bond to appear in court to answer charges for such violation;
5. Any gambling offense; or
6. Being the sole proprietor, partner, corporate officer, limited liability company member/participant, manager or shareholder owning 5% or more of a revoked liquor licensee.

LEGAL AFFIDAVIT ► Check One of the Two Following Statements That Best Describes Your Criminal Background/History

___ No, I have never been convicted of any of the above described crimes nor have I ever been charged with any of those offenses.

___ Yes, I have been convicted and/or charged of/with one or more of the above-described crimes, as follows:

<u>Type of Offense</u>	<u>Charge Date</u>	<u>Conviction Date</u>	<u>Penalty/Sentence</u>	<u>Jurisdiction (St. & Cty.)</u>
_____	___/___/___	___/___/___	_____	_____
_____	___/___/___	___/___/___	_____	_____
_____	___/___/___	___/___/___	_____	_____
_____	___/___/___	___/___/___	_____	_____
_____	___/___/___	___/___/___	_____	_____
_____	___/___/___	___/___/___	_____	_____

ACKNOWLEDGEMENT ► REVIEW THE FOLLOWING STATEMENT AND SIGN YOUR ACKNOWLEDGEMENT BELOW

I swear (or affirm) that I have read the foregoing statements contained herein that I understand the contents thereof, that they are true, accurate and correct to the best of my knowledge and belief; that I have been informed and understand that any material misrepresentation or omission of facts given by me may be cause for denial of a liquor license; or if a license is approved, it may later be cause for rescission or revocation of the license or denial of license renewal.

Signature of Applicant's Spouse

Date

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public in and for the County of _____, and State of Michigan.

(PLACE SEAL HERE)

Appendix E:

**Contract
For
Liquor License**

**To Be
Provided
At a Later Date**