

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

**ORDINANCE NO. O-15-616**

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS; ARTICLE VII, B-1  
NEIGHBORHOOD BUSINESS DISTRICTS; ARTICLE XII, PCD PLANNED CORRIDOR  
DEVELOPMENT DISTRICTS; ARTICLE XVII, GENERAL PROVISIONS; AND ARTICLE  
XIX, SPECIAL LAND USES, APPENDIX A, ZONING, OF THE CODE OF  
ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

**SECTION 1.** Article II, Definitions, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Sec. 204. – Definitions N through S, with the following:

Sec. 204. - Definitions N through S.

*Nonconforming building (nonconforming structure).* A building or structure (or portion thereof) lawfully existing at the time of adoption of this ordinance or a subsequent amendment thereto, that does not conform to the provisions of this ordinance.

*Nonconforming lot.* Means a lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of this ordinance, which does not conform to the lot requirements of this ordinance.

*Nonconforming sign.* A sign existing at the effective date of the adoption of this ordinance which does not adhere to the provisions contained in this ordinance.

*Nonconforming use.* A use of a building or structure or of a parcel, or tract of land, lawfully existing at the time of adoption of the ordinance or a subsequent amendment thereto, that does not conform to the regulations of this ordinance for the zoning district in which it is situated.

*Nonconforming use and building.* A use and a building lawfully existing at the time of adoption of this ordinance or a subsequent amendment thereto which does not conform to the regulations of this ordinance for the zoning district in which it is situated.

*Nuisance.* An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, and (o) invasion of non-abutting street frontage.

*Nursery, plant materials.* A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

*Nursery school (day care center).* See "Group child care facilities."

*Nursing home.* See definition of "Convalescent or rest home."

*Occupied.* Used in any way at the time in question.

*Off-street parking lot.* A facility other than for single- or two-family dwellings providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

*Outdoor dining.* An area not enclosed in a building and which is intended as an accessory area to a restaurant which provides food and/or drink to customers for consumption on the premises. The outdoor dining area shall be subject to the same restrictions as an indoor dining area including state regulations regarding smoking.

*Owner.* The person or persons, firm, entity, or corporation having legal or equitable title to a lot or parcel of land, or their leases or agents.

*Park.* A public or private park for outdoor recreation, such as a playground, sports playing field, picnic area, day camp of a church group or other quasipublic organization, or similar use, which does not include overnight camping facilities or outdoor lighting for use of the park property after dark.

*Parking space.* An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, fully accessible for the parking of permitted vehicles.

*Pawnbroker.* Any person, corporation or member, or members of a copartnership or firm, or other entity which loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or which deals in the purchasing of personal property or other valuable thing on condition of selling the same back at a stipulated price.

*Pawnshop.* Any shop, store, building or other location at which a pawnbroker conducts business.

*Planning commission.* The planning commission of the City of Oak Park.

*Porch, open.* A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

*Portable structure.* A trailer or similar type of structure designed and used for hauling and/or storing inventory, merchandise or equipment, and not designed to be a permanent structure.

*Primary caregiver.* A person who is at least 21 years old, who has agreed to assist with a patient's medical use of marihuana and who has been issued and possesses a registry

identification card from the State of Michigan under the Michigan Medical Marihuana Act of 2008.

*Principal use.* The primary use to which the premises are devoted and the primary purpose for which the premises exist.

*Projections.* Part of a structure that is exempt, wholly or in part, from the setback requirements of the zoning ordinance.

*Public utility.* A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

*Recreational vehicles and camping equipment.* This term includes any of the following:

1. Boats and boat trailers, which shall include floats and rafts, plus the normal equipment used to transport the same on the highway.
2. Folding tent trailer, which is a folding structure mounted on wheels and designed for travel and vacation use.
3. Motorized home, which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. Pickup camper, which is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
5. Travel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and either licensed as a trailer or permanently identified travel trailer by the manufacturer, or a movable or portable dwelling, constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year-round living.
6. Utility trailer, which is a vehicle licensed as a trailer used to transport motorcycles, snowmobiles, go-carts or stock cars or equipment.
7. Any other vehicle which is not licensed for road use which is primarily intended for off-road pleasure activities.

*Restaurant, sit-down.* An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.

*Restaurant, carry-out.* An establishment that offers quick food service, which is accomplished through a limited menu of items, already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. These facilities may or may not have a drive-thru pick-up window.

*Restaurant, drive-in.* A business establishment serving food and/or beverages that is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons who will

consume the food and/or beverages in the motor vehicles while on the premises of the drive-in establishment.

*Restaurant, serving alcoholic liquor.* An establishment that serves food and is licensed by the Michigan Liquor Control Commission for the sale of on-premises consumption. Such establishment shall be subject to the requirements of section 1930.

*Right-of-way line.* The dividing line between the public street (including adjacent publicly owned land) and a lot.

*Rubbish.* Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprise, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combination thereof.

*Setback.* The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

*Setback line, required.* A line marking the setback distance from the street right of way or lot lines, which establishes the minimum required front, side or rear open space of a lot.

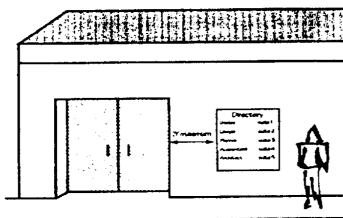
*Signs.* The term "sign" shall mean the use of any words, numerals, figures, sculpture, devices, designs, insignia, imprints or trademarks by which anything is made known, advertised, or to promote the interests of any person, firm or corporation when the same is placed in view of the general public, whether displayed on a permanent or portable structure attached or not attached to a building, including painted directly on an exterior building wall or awning, and shall include, but not be limited to, all of the following:

- (a) Accessory sign: A sign, the language of which is incidental to the use of the principal building on the premises.
- (b) Advertising sign (non-accessory sign): A sign relating to a business activity, use or service not performed on the premises or to a product not fabricated, produced, handled or sold on the same premises upon which the sign is displayed.
- (c) Awning: A roof-like cover, typically constructed of canvas, vinyl or similar fabric stretched over a framework, and that projects from the wall of a building for the purpose of shielding a doorway, window, or pedestrians from the elements.
- (d) Awning sign: A sign panel affixed to, sewn into or painted on an awning.
- (e) Billboard sign: An advertising sign upon which a display is pasted, painted or otherwise affixed in a manner which is readily changed.
- (f) Blade sign: A sign which is oriented perpendicular to the building façade and which is suspended under a bracket, armature, or other mounting device.
- (g) Decorative banner or flag: A banner or flag containing no words, symbol, log, emblem or trademark naming, describing, or otherwise related to any business located or conducted on the premises.
- (h) Directional sign: Indicating ingress and egress for parking lots, may also bear the name of the operator of the lot and enterprise it is intended to serve.



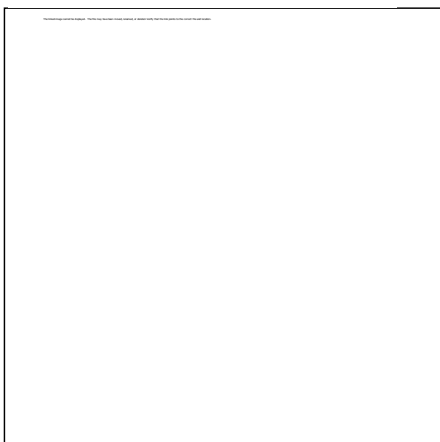
Directional Signs

- (i) Directory sign: A wall-mounted sign, subordinate to a building identification sign, stating only the name and suite number of each tenant.



Directory Sign

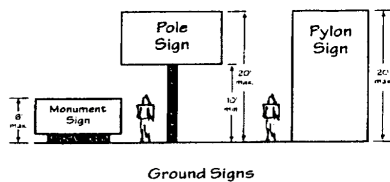
- Maximum Total Area: 30 sq. ft.
- Maximum Tenant Area: 6 sq. ft.



- (j) Display window: Shall include any window area designated to permit customers outside the building to view merchandise inside a store or that displays store merchandise in a

specially designed area immediately inside the window glass, whether or not the rest of the store interior is visible.

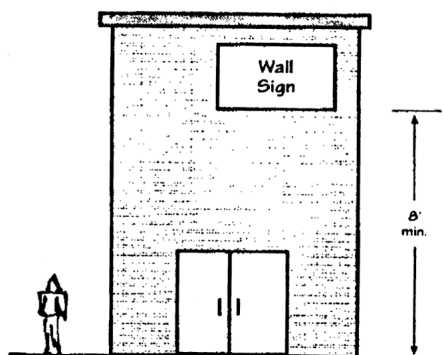
- (k) Freestanding sign: A sign supported by one or more uprights, poles or braces placed in the ground surface and not attached to any building or other structure. Freestanding signs may include monument, pylon, and pole type signs.



- (l) Human sign: A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.
- (m) Icon sign: A pedestrian-oriented sign that advertises a particular good or service by means of a symbol associated with that good or service, i.e., a mortar and pestle to represent a pharmacy or by a similar simple message.
- (n) Inflatable advertising device: A device which is inflated with air or another gas, or which is activated by wind, air, or propelled gas, and used for outdoor advertising purposes.
- (o) Institutional sign: A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution, and the announcement of its services or activities.
- (p) Ladder board sign: shall mean a sign for a multitenant development with separate panels for each individual tenant. A ladder board sign shall also include a sign for a single tenant space that lists goods, services, and the like on a series of separate panels which may or may not be changeable.
- (q) Marquee: Canopy or other covered roof-like structure projecting from and supported in whole or in part by a building and extending beyond the building wall or building line. That part of the roof extending beyond the parapet or exterior, or columns of a flat-roofed building, if less than 20 feet above grade.
- (r) Marquee or canopy sign: An identification sign attached to, or inscribed on, fully supported by or made an integral part of the marquee.
- (s) Multi-tenant building: Shall mean any office, retail, or industrial building with two or more separate tenant spaces.

- (t) Parasite sign: A sign fastened to or hanging from an approved sign or the sign structure, or the attachment of any sign to a building or appurtenance other than a wall sign or an icon sign.
- (u) Portable sign: A freestanding sign or sign board not permanently anchored or secured to either a building, structure or the ground, such as, but not limited to, so-called "A" frame, "T" shaped or inverted "T" shaped stands, also any sign attached to a trailer or other vehicle not accessory to the vehicle or its use but used with the express intent of advertising.
- (v) Real estate sign: A business sign placed upon a property advertising that particular property for sale, rent or lease.
- (w) Replacement sign: Shall mean the lawful replacement of a sign panel within an existing sign or sign structure that does not increase sign area or otherwise modify the size of the sign.
- (x) Roof sign: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the peak of the roof or below the eaves and such that no part of the sign is separated from the rest of the roof by a space of more than 12 inches.
- (y) Sign area: Area of a sign shall be determined by multiplying the height, including ornamental features, times the length, including ornamental features, and for a circle the area shall be determined from the outer circumference. For a sign which consists of individual cut-out letters attached directly to a building or structure, the area shall be calculated by multiplying the height times the length of a rectangle that would fully enclose all the letters of the sign. For a sign which consists of parallel panels facing in opposite directions, the area of the largest of the panels shall be used in calculating the area of the sign. Any sign with panels facing in opposite directions that are not parallel shall be cause for both faces to be calculated as sign area.
- (z) Temporary signs: Any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, wood, metal, or other material intended to be displayed for a period of 30 days or less.
- (aa) Temporary and permanent banners: Shall refer to any plastic film, paper, cloth or similar material and its associated message area that is designed to be tied, or otherwise fastened to a building or other structure so as to constitute a sign.
- (bb) Temporary political sign: A sign relating to the election of a person to public office, to a political party, or a matter to be voted upon at any election called by a governmental body, intended for temporary display.
- (cc) Temporary window sign: Shall mean any paper, poster board, plastic film, cloth or similar material and its associated message area that is designed to be placed on or behind a display window for 14 days or less and visible from outside a business building.

- (dd) Wall sign: Any sign attached to or painted on or erected against a wall or parapet wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and projecting outward from the wall not more than 12 inches.



Wall Sign

**Self-storage warehouse.** A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

**Site condominium subdivision.** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act (P.A. 288 of 1967), as amended, and is subject to the requirements of the Condominium Act (Act 59 of 1978), as amended.

**Site plan.** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this ordinance.

**Soil removal.** Means the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

**Special land uses.** Certain uses which may be necessary or desirable to allow in certain locations in certain districts, which due to actual or potential impact on neighboring uses or public facilities, there is a need to specifically regulate them with respect to their design and location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

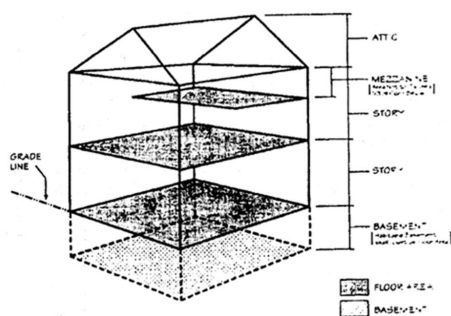
**State licensed residential facility.** A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 218 of the Public Acts of 1979, as amended, or Act No. 116 of the Public Acts of 1973, as amended, which provides resident services or care for six or fewer persons under 24-hour supervision for persons in need of that supervision or care, as provided for in Act No. 207 of the Public Acts of 1921, as amended. This section does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons



released from or assigned to adult correctional institutions. A proposed residential facility shall not be located within a 1,500 foot radius of another state licensed residential facility.

**Story.** That part of a building, except a mezzanine or basement, as defined herein, included between the surface on one floor and the surface of the next floor above it, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least 50 percent of the usable floor area of the floor immediately below it.

**Story, half.** An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches. For the purposes of this ordinance, the usable floor area is only that area having at least four feet clear height between floor and ceiling.



Basic Structural Terms

**Street.** A public thoroughfare which affords the principal means of access to abutting property.

**Structure.** Any constructed or erected material, the use of which requires location on the ground or attachment to something having location on the ground, including but not limited to buildings, towers, sheds, and signs, but excepting walks, drives, pavements, fences, and similar access or circulation facilities.

(Ord. No. O-05-517, § 1, 11-7-05; Ord. No. O-10-570, § 2, 4-19-10; Ord. No. O-13-597, § 3, 7-15-13; Ord. No. O-14-603, § 1, 6-2-14; Ord. No. [O-15-611](#), §§ 2, 3, 4-20-15)

**SECTION 2.** Article VII, B-1 Neighborhood Business Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Sec. 702. – Special land uses, with the following:

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](#).

SECTION 3. Article XII, PCD Planned Corridor Development Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Sec.1202. – Special land uses, with the following:

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.

SECTION 4. Article XVII, General Provisions, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Sec.1709. – Outdoor dining, with the following:

Sec. 1709. - Outdoor dining.

Outdoor dining areas are permitted as an accessory use for restaurants subject to the following:

- A. *Approval process.*
  - 1. Outdoor dining areas proposed as part of a new restaurant use, an addition to an existing restaurant, a restaurant that serves alcoholic liquor or a dining area on a public sidewalk or right-of-way, shall require site plan review and approval by the planning commission and city council as outlined in section 1725.
  - 2. Outdoor dining areas proposed to be added to an existing restaurant with no other building or significant site modifications, shall submit a site development plan to the department of community and economic development for review and administrative approval.
    - a. The following information is required on the site development plan:
      - i) A completed application.
      - ii) A detailed plan showing the design, relevant details and location of all permanent and temporary structures such as decks, awnings, planters, landscaping, railings, tables, chairs, table, umbrellas, electrical outlets or appliances, hydrants, all ingress and egress, lighting and other equipment. The site development

plan shall be submitted on a sheet no smaller than 11 inches x 17 inches at a scale showing detail sufficient for proper review.

- iii) The applicant's entire property and adjacent properties on a location map with streets for a distance of at least 25 feet.

**B. General standards.**

1. Outdoor dining shall only be permitted between March 1 and November 30 with all furniture and fixtures including, but not limited to, tables, chairs and waste receptacles removed from the exterior premises after November 30.

The hours of operation for the outside dining area shall be consistent with the hours of operation inside the restaurant.

3. For plans showing more than 20 occupants within the outdoor dining area, additional off-street parking shall be provided as required in subsection 1726.G(39) Restaurants - Sit down.
4. Tables, chairs, umbrellas and any other objects provided with outdoor dining areas shall be of good quality and of a durable material such as wood or metal. The design, materials and workmanship of these items should ensure the safety and convenience of the users and enhance the visual and aesthetic quality of the outdoor area.
5. No table umbrella or other outdoor fixture in the outdoor dining area shall contain any sign or advertising matter.
6. Lighting for the outdoor dining area shall be shielded downward and away from adjacent properties and installed so that the surface of light shall not be visible from adjacent properties or to passing traffic.
7. The restaurant shall clean the entire outdoor dining area and all other adjacent landscaped and sidewalk areas by removing debris, trash, sweeping and washing down the area each day. The cleaning shall be conducted as frequently each day as necessary to prevent debris and trash from being blown or scattered onto other properties. A thorough sweeping and cleaning shall be conducted at the close of business each day.
8. Outdoor dining areas shall be enclosed in instances where there is alcoholic liquors service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable materials approved by the planning commission, city council or administratively, as applicable.
9. No food preparation, preparation equipment or bars shall be permitted in the outside dining area, including heating or cooking on open flames.

**C. Additional requirements for outdoor dining areas located on a public sidewalk.**

1. Outdoor dining areas, on a public sidewalk, shall be located in a manner to maintain a minimum pathway width of five feet (clear of structures such as light poles, trees and hydrants) so as not to interfere with pedestrian traffic moving around the outdoor dining area.  
Outside dining areas located on a public sidewalk or within any public right-of-way requires approval by the corresponding jurisdiction (City of Oak Park, MDOT, Road Commission of Oakland County). A license agreement in a form deemed acceptable to the city attorney's office shall also be required.
3. Any restaurant approved to operate an outdoor dining area on a public sidewalk shall pay to the city treasurer a license fee in the amount established by resolution of the city council.
4. Outdoor dining areas located on a public sidewalk are required to provide a policy or certificate of insurance, in an amount acceptable to the city, including workers compensation, naming the city as additionally insured. Establishments serving alcoholic liquors shall provide a liquor liability policy or certificate of insurance naming the city as additionally insured. A company authorized to do business in the state shall issue such insurance. Required insurance amounts shall be set by resolution of city council. The policy or certificate shall contain a clause requiring the insuring company to give 15 days' written notice to the city manager prior to cancelling the policy. The required insurance certificate shall be in effect for any period during which the outdoor dining area is in operation. No establishment shall operate an outdoor dining area on a public sidewalk without filing proof of proper insurance. Failure to provide a current insurance certificate shall be cause for immediate discontinuation of use of sidewalk for an outdoor dining area.
5. The owner of the restaurant with the outdoor dining area on a public sidewalk assumes full responsibility for damage to public property caused by the placement and operation of the outside dining area. The restaurant will also repair any damage to public property at their own expense.

(Ord. No. O-14-603, § 7, 6-2-14)

SECTION 5. Article XIX, Special Land Uses, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Sec.1930 with the following:

Sec. 1930. - Restaurants serving alcoholic liquor.

**Commented [FM1]:** Regulating liquor licenses via zoning is one of the best ways to exercise authority over the liquor licensure process.

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

- A. There shall at all times be maintained and provided culinary facilities to cook or prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 40 patrons at any time.
- B. 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.
- C. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
- D. During any 90-day period, no more than 50 percent of the gross revenues of the establishment shall be derived from the sale of alcoholic liquor. Admission charges or cover charges which exceed ten percent of the establishment's gross revenues shall be considered as derived from the sale of alcoholic liquor for purposes of determining the percentage of sales 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 of alcoholic liquor.
- E. Restaurants, serving alcoholic liquor are required to stop serving alcoholic beverages no later than 12:00 a.m. (midnight), and otherwise operate consistent with the hours established by the Liquor Control Commission for such establishments.
- F. The proposed restaurant serving alcoholic liquor is not located within 500 feet of a school, park, or place of worship, regardless of community boundaries. Measurement of distances between restaurants, serving alcoholic liquor and a school, park, or place of worship shall be from the outermost boundaries of the parcel or lot of each use.
- G. 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.
- H. 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.

**Commented [FM2]:** Is this provision desired? If not, removal should be considered.

**Commented [FM3]:** The administrative rules allow a business to be open until 2:00 a.m. Monday through Saturday, and on Sunday if an entity has a Sunday Sales Permit. R 436.1403, 436.2115. As an FYI, it is possible that this could be challenged in Court as violating the establishment's rights to operate within the hours prescribed by the MLCC.

**Commented [FM4]:** R 436.1503(1) provides that a "new application for a license to sell alcoholic beverages at retail, or a request to transfer location of an existing license, shall be denied if the contemplated location is within 500 feet of a church or school building." There is no requirement that the location not be within 500 feet of a park.

- I. The proposed restaurant serving alcoholic liquor will not be contrary to the public interest or injurious to nearby properties.
- J. The proposed restaurant serving alcoholic liquor will not have the possible effect of downgrading and blighting the surrounding neighborhood.
- K. The proposed restaurant serving alcoholic liquor will not reasonably be expected to diminish the value of properties in the immediate area.

(Ord. No. O-13-597, § 1, 7-15-13)

**SECTION 6. SEVERABILITY.** No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective ten (10) days from the date of its passage or upon expiration of seven (7) days after its publication, whichever is later.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 6th day of July, 2015.

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**T. Edwin Norris**  
City Clerk

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**Marian McClellan**  
Mayor

I, T. Edwin Norris, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on July 6, 2015.

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T. Edwin Norris, City Clerk

First Reading: June 15, 2015  
Second Reading: July 6, 2015  
Adopted: July 6, 2015  
Published: July 15, 2015