

AN ORDINANCE

Of the Council of the City of Berkley, Michigan
Amend Section 138-32 and Section 138-417 of Chapter 138, Zoning,
Of the City of Berkley Code of Ordinances
To Add Definition for Entertainment Establishments,
Add Entertainment Establishments to the Principal Permitted Uses in Downtown District,
And Provide Penalties for Violations

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-32 of Chapter 138 of Berkley Code of Ordinances shall be amended to add the definition for Entertainment Establishments as follows:

Sec. 138-32. – Definitions

Entertainment Establishments: any indoor establishment where entertainment is provided as an experience of enjoyment of the patrons. Such uses may include, but not limited to, art, photography, music, craft, ceramic, glass, or cooking studios for the purposes of hosting classes, providing live-action entertainment, or conducting group or independent activities. Such uses may be in conjunction with another use, if deemed compatible by the Zoning Officer.

SECTION 2: Section 138-417 of Chapter 138 of Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-417. – Principal permitted uses.

Principal uses permitted in the downtown district are as follows:

1. Restaurants, carryout or standard, except drive through uses
2. Bars, cocktail lounges, or taverns
3. Retail uses, dealing with the sale of new merchandise, such as, but not limited to the following:
 - a. Gift shops
 - b. Clothing stores, including shoes, hats and accessories
 - c. Jewelry store
 - d. Kitchenware, small appliance stores
 - e. Furniture stores
 - f. Toy stores
4. Retail uses, dealing with the sale of previously owned merchandise, such as, but not limited to the following:
 - a. Antique shops
 - b. Art galleries
5. Personal service uses, including the following:
 - a. Hair salons
 - b. Nail salons
 - c. Tanning salons
6. Dance studios and health clubs

7. Food uses, not including convenience stores, such as, but not limited to the following:
 - a. Produce markets
 - b. Specialty food stores
 - c. Wine shops
 - d. Butcher shops
 - e. Bakeries
8. Movie theaters, stage theaters, and comedy clubs
9. Residences, when located above the first floor
10. Offices or agencies, when located above the first floor
11. Marihuana retailers and medical marihuana provisioning centers
12. Entertainment Establishments, not including outdoor sales or service or activity areas

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine or not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

SECTION 4: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1992, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Meeting on Monday, September 20, 2021.

Passed on the Second Reading at the Regular City Council Meeting on Monday, October 4, 2021


Daniel J. Terbrack, Mayor

Attest:


Victoria Mitchell, City Clerk