



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

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Legislative File No: 2015-0094 V2

TO: Mayor and City Council Members

FROM: Ed Anzek, Director of Planning and Economic Development, ext. 2572

DATE: May 8, 2015

SUBJECT: Acceptance for First Reading – An Ordinance to amend Chapter 138, Zoning of the Code of Ordinances to add alcoholic beverage sales for on-premises consumption to the Table of Permitted Uses by district, repeal inconsistent provisions and prescribe a penalty for violations.

REQUEST:

To accept for First Reading amendments to *Sections 138-4.300, 138-4.302 and 138-8.200* of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to add alcoholic beverage sales for on-premises consumption to the Table of Permitted Uses by district.

BACKGROUND:

The proposed amendments to the Zoning Ordinance add a category entitled “Alcoholic Beverage Sales for On-premise Consumption Accessory to a Permitted Use” under Commercial and Retail Uses as Conditional Uses. It was brought to staff’s attention by Mr. Staran that the Michigan Liquor Control Commission (LCC) no longer requires local approval for issuing liquor licenses and as a result, municipalities no longer have the same level of involvement or control over the transfer of liquor licenses into the community. In line with what other communities have done, Mr. Staran drafted a proposed ordinance to regulate liquor-licensed establishments through zoning by requiring them to obtain conditional use approval. This will be a zoning process which will allow the Planning Commission and City Council to evaluate a proposed new liquor licensed business before it is established and to impose appropriate conditions (i.e., seating, hours, outdoor services, noise, etc.).

If Council adopts the amendment, it will not apply to existing licensed establishments. It will require a liquor license (either quota or transferred) to go through the conditional use review and approval. As Mr. Staran points out in his letter dated April 16, 2015, “it will be a means to restore local control, awareness and approval of new businesses requiring a new or transferred in on-premises liquor license before they become established in the city.” Please be advised that it does not regulate party store or packaged liquor sales, but that licenses can be associated with hotels, golf courses and other uses. The only district where there would be no on-premise liquor consumption establishments would be in the B-5 district. If something was lawfully established before the ordinance changed, it could continue as a matter of law. Temporary licenses for an event or a banquet would not require a permit.

A public hearing was held at the April 21, 2015 Planning Commission meeting, at which the proposed ordinance was unanimously recommended for approval. Please refer to those minutes for further details.

RECOMMENDATION:

That City Council accepts for First Reading amendments to several Sections of Chapter 138, Zoning, of the Code of Ordinances regarding alcoholic beverages sales for on-premises consumption, as defined in the attached ordinance amendment.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		

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