

**ORONOKO CHARTER TOWNSHIP
BERRIEN COUNTY
ORDINANCE NO. 94**

AN ORDINANCE TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 5.06 TO AMEND THE TABLE OF USES AS IT PERTAINS TO EATING AND DRINKING ESTABLISHMENTS; TO AMEND SECTION 6.03 PERTAINING TO SPECIAL LAND USES IN THE AR DISTRICT; AND TO AMEND ARTICLE 18 TO ALLOW FOR AND REGULATE EATING AND DRINKING ESTABLISHMENTS IN THE AR ZONING DISTRICT.

ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Section 5.06. The table of uses in Section 5.06 is amended such that the rows containing “hotel or motel” and “eating and drinking establishment” are amended to read as follows:

Use	AR	E-1	R-1	R-2	R-3	B	U-C	M
Eating and Drinking Establishment	S					R		R

Section 2. Amendment of Section 6.03. Section 6.03 is amended such that the following land use is included in alphabetical order:

- Eating and Drinking Establishment

Section 3. Amendment of Article 18. Article 18 is amended to include a new section 18.37, which reads as follows:

18.37 Eating and Drinking Establishment

A. Eating and drinking establishments located within the A-R district shall comply with the following requirements. These requirements do not apply to eating and drinking establishments located within the B Business or M Manufacturing district.

1. Eating and drinking establishments in the A-R district shall be located on the same property as a winery/brewery as an accessory use.
2. The eating and drinking establishment shall comprise only a small part of the property, so that the winery/brewery and/or farm use of the site is predominant and eating and drinking establishment is secondary. The Planning Commission may approve a proposed departure from this requirement if it finds that the proposed eating and drinking establishment and its activities are substantially farm-related or that the establishment and its activities would not have impacts on the vicinity similar to impacts generated by a commercial business, including consideration of, but not limited to, traffic, light pollution, noise, signage, odor, and aesthetics.

3. Sites containing an eating and drinking and winery/brewery shall be designed and operated as a single, cohesive development.
4. Eating and drinking establishments shall be owned and operated by the same entity that owns and/or operates the winery/brewery.
5. The applicant shall demonstrate that all vehicular parking will occur on the site. The Planning Commission may allow a dustless pervious parking area depending on the anticipated level of use. Parking and loading areas must meet the standards for ingress and egress of emergency equipment as determined by the BSOT Fire Department.
6. The eating and drinking establishment shall be situated to minimize adverse impacts, such as noise, odors, dust, fumes or vibrations, upon neighboring properties. To protect neighboring properties from these or other impacts, the Planning Commission may require a greater setback than is required by the A-R district.
7. The Planning Commission may require additional landscaping and other features to screen the use from adjacent properties and the Planning Commission may impose limitations on the operation of the facility to protect adjacent properties from its impacts. Such limitations may pertain to hours of operation, outdoor lighting, outdoor seating or other activities, noise, and other elements as deemed necessary.
8. Eating and drinking establishments shall at all times comply with any and all requirements of the Berrien County Health Department and the Michigan Liquor Control Commission and evidence of applicable agency review and approval shall be provided to the Township.

Section 4. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 5. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 6. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in the Journal Era, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

MOTION TO ADOPT ORDINANCE:

Proposed by Board Member: Trustee Rich Albers

Supported by Board Member: Trustee Marc Kerlikowske

Roll Call:

Ayes: Trustee Richard Albers, Trustee Marc Kerlikowske, Trustee Robert Palmer, Treasurer Lawrence Schalk, Clerk Suzanne Renton, Supervisor Mike Hildebrand.

Nays: None.

Abstain: None.

Absent: Trustee Don Damron.

ORDINANCE DECLARED ENACTED

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 14th day of November 2017 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____
Michael Hildebrand, Supervisor

And

By: _____
Suzanne Renton, Clerk

First Reading: October 10, 2017
Second Reading: November 14, 2017
Publication of Notice: November 22, 2017