

**VILLAGE OF LAKE ODESSA
IONIA COUNTY, MICHIGAN**

Trustee _____, supported by Trustee _____, moved for the adoption of the following ordinance:

ORDINANCE NO. 2023-

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE VILLAGE OF LAKE ODESSA BY AMENDING SECTIONS 5 AND 35 OF CHAPTER 36, "ZONING," AND BY ADDING A NEW SECTION 102, TO REGULATE TATTOO PARLORS AND BODY PIERCING ESTABLISHMENTS.

THE VILLAGE OF LAKE ODESSA ORDAINS:

Section 1. Amendment of Section 36-5. That Section 5, "Definitions," of Article I, "In General," of Chapter 36, "Zoning," of the Lake Odessa Village Code is hereby amended to read as follows:

Sec. 36-5. Definitions.

(a) *Usage.*

- (1) For the purpose of this chapter, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means in this chapter; the word "regulation" means the regulations of this chapter; and the words "this chapter" shall mean "the ordinance text, tables and maps included herein, as enacted or subsequently amended."
- (3) A "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club; "shall" is always mandatory; a "lot" includes a plot or parcel; a "building" includes a structure; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (4) The "village" is the Village of Lake Odessa in the County of Ionia, State of Michigan; the "village council," "board of appeals", and "planning commission" are respectively the village council, board of appeals, and planning commission of the Village of Lake Odessa.

(b) *Words and terms defined.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "A"

Accessory building means a building or structure located on the same lot with the principal or main building, or a portion thereof. An accessory building is detached from the main building. Where a structure is attached to a main building in a manner by a wall or roof, it shall be considered a part of the main building.

Accessory use means a use customarily incidental and subordinate to the principal use or structure, and located in the same lot with such principal use or structure.

Agriculture means raising of crops, animals and animal products, forestry and commonly accepted agricultural operations for commercial purposes including the sale of products grown on the premises.

Animal clinic means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Automobile dealership means the use of a building, land area, or other premises for the display and sale of new or used automobiles, but may include light trucks or vans, trailers, or recreational vehicles; and which may include vehicle preparation or repair work conducted as an ancillary use.

Automobile service station means any building, land area, or other premises or portion thereof, used for the retail dispensing or sales of vehicular fuels; and which may include as an ancillary use the servicing and repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Automobile wash means any building or premises or portions thereof used for washing automobiles.

(2) "B"

Bed and breakfast means a private residence that offers overnight accommodations to lodgers in the innkeeper's (owner or operator) principal residence and serves breakfasts at no extra cost to its lodgers, provided that:

- a. For the purpose of this definition, a lodger means a person who rents a sleeping room in a bed and breakfast establishment for fewer than 30 consecutive days;
- b. Off-street parking shall be provided in addition to that required for residential purposes at a rate of one vehicle space per sleeping room, and shall be located and screened so as to minimize negative impacts on adjacent lands;
- c. The bed and breakfast shall have no more than five guest sleeping rooms; and,
- d. Meals may be served only to the operator's family and overnight guests of the establishment.

Boardinghouse (or lodginghouse), residential means a year round residential dwelling having one kitchen and used for the purpose of providing lodging, or both meals and lodging to three or more persons for a fee. The term "boardinghouse (or lodginghouse),

residential" does not include motels, motor hotels, tourist rooms, mobile homes or recreation vehicles, all of which are deemed to be transient and commercial oriented.

Body-Piercing means the perforation of human tissue other than an ear for a nonmedical purpose.

Body-Piercing Establishment means an establishment where the perforation of human tissue other than an ear for nonmedical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.

Building means any structure having a roof.

Building height means the elevation measured from the average finished lot grade at the front of the building, to the highest point of the roof.

(3) "C"

Church means a building or structure, or groups of buildings or structures, that by design and construction are intended and used for conducting organized religious services.

Commercial greenhouse means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale.

Construction means the building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot shall constitute construction.

Convenience/grocery store means an establishment offering for sale prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, for off-site consumption.

(4) "D"

Dwelling, multiple family, means a building or portion thereof, used or designed for occupancy by more than two families living independently of each other. This definition does not include single-family attached dwellings or two-family dwellings.

Dwelling, single-family attached, means a group of three or more single-family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling. Each unit shall have its outside entrance. For the purposes of this chapter, dwellings such as semi-detached and rowhouses, shall be deemed a single-family attached dwelling.

Dwelling, single-family detached means a unit exclusively for use by one family which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family means a detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

Dwelling unit or *dwelling* means a dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or temporarily, but in no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a

dwelling. In case of a partial occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this chapter and shall comply with the provision thereof relative to dwellings.

(5) "E"

Efficiency unit (studio) means a dwelling unit for one individual or small family consisting of one room, exclusive of bathroom, hallway, closets and the like.

Essential public services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission, or distribution system, collection, communication, supply, or disposal system (including towers, structures, poles, wires, drains, sewers, traffic signals, pipes, conduits, cables, fire alarm boxes, police call boxes, hydrants, electric substations, gas regulator stations, and other similar equipment and accessories (in connection therewith)) reasonably necessary for the furnishing of adequate service by such public utilities or municipal department of commissions for the public health, safety or general welfare.

(6) "F"

Family means one or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than six persons (exclusive of domestic servants), of whom are not related by blood, marriage or adoption, shall not be considered to constitute a family.

Farm animal means any horse, swine, goat, llama, mink, fowl, or any other animal typically raised for commercial profit or slaughter.

Flood hazard area means that area subject to flooding on the average of once in every hundred years based on information supplied by the U.S. Department of Housing and Urban Development, Federal Insurance Administration.

Floor area means the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls or from the center line of wall separating two buildings. The floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level, or finished lot grade, whichever is higher. The term "floor area" shall not include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, porches or attached garages are not included.

Florist shop means an establishment engaged in selling floriculture or related merchandise to the general public.

Freestanding ground sign means a sign which is supported by one or more poles, posts or braces or which rests on the ground or near the ground or on a foundation on the ground. Such sign shall be located outside any street right of way, not block driver vehicle visibility, not be higher than six feet and not exceed 12 square feet.

Freestanding outdoor furnace means any device, apparatus or structure that:

- a. Is designed, intended or used to provide heat and/or hot water to any residence or structure; and
- b. Operates by burning wood or other solid fuel such as, but not limited to, coal, paper or agricultural products; and
- c. Is not located within the residence or structure for which it is providing heat and/or hot water.

Funeral home means a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

(7) "G"

Garage, public, means a public building used for the care, repair, or storage of automobiles.

Garage sale means home sale, basement sale, attic sale, rummage sale, yard sale, or other type of so-called residential sale of used tangible personal property such as, but not limited to, clothing, household effects, tools, garden implements, toys, recreation equipment or other used or secondhand items customarily found in and about the home and advertised in a manner whereby the public at large is, or can be, aware of such sale.

(8) "H"

Home occupation means a legal activity, profession or other occupation not otherwise permitted in the district, which is conducted as an incidental, secondary accessory use on a residential lot by at least one member of the family residing on the premises, does not change the general character of the area, and which conforms to the provisions of this chapter.

Hotel means a facility offering transient lodging accommodations to the general public and travelers, containing sleeping units with or without meals or kitchens, for compensation on a transient basis and which may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

(9) "I"

Inn (or lodge) means a building for the transient accommodation of sleeping units for guests or travelers with or without kitchens for compensation on a transient basis and which may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

(10) "J"

Junkyard means any land over 200 square feet in area including buildings thereon used primarily for the collecting, storage, and abandonment of waste paper, rags, scrap metal, or discarded materials which is for sale; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

(11) "K"

(12) "L"

Laundromat means an establishment providing washing, drying, or dry-cleaning machines on the premises for use to the general public.

Light industry means any industrial or warehousing operation that meets the performance standards of this chapter; and which is totally contained inside an enclosure of whose operation or storage is totally screened from view, and which does not create excessive demands on public roads, water and sewage facilities or other community facilities.

Lodger means a person who rents a room in a public transient overnight facility such as a hotel, motel, inn or lodge. ~~b2;~~

Lot means a parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision or condominium unit intended for individual ownership and use and is also land occupied, or designed to be occupied by one principal building and the accessory buildings and structures customarily incidental in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat. If more than one lot of record is held in common ownership and said lots are contiguous, undeveloped, and substandard in size to the minimum lot size in the zoning districts, they shall, for the purpose of this chapter, be held as one lot or as many lots as shall leave no lot substandard. When adjacent lots under common ownership cannot be combined due to legal or other lawful means, then they may be considered a "zoning lot" for construction permits. Adjacent lots under common ownership may be considered together as part of the primary lot with the principal building to obtain construction permits for accessory uses. Multiple adjacent lots may also be considered one zoning lot in consideration for a zoning or building permit and setbacks are measured from the outside perimeter as if they are one lot (example: multiple platted lots where a house is constructed over the interior boundary lines or a house is on one lot and accessory uses such as a garage or pool are proposed for an adjacent lot). Adjacent lots are defined as lots that share common boundary lines.

Lot area means area of a lot bounded by lot lines.

Lot, corner, means a lot whose lot lines form an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting on a current street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of 135 degrees.

Lot coverage means the amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

Lot line means the boundary of a lot, as defined herein:

Lot line, front, means the exterior line or right-of-way of a road on which a lot fronts or abuts.

Lot line, rear, means any lot line, other than a front lot line, which is parallel or nearly parallel at the front of the line.

Lot line, side, means any lot line not a front or rear lot line.

A corner lot and a through lot shall have two front lot lines and front yards. Notwithstanding section 36-63(d)(3), corner lots and through lots shall have a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines for a corner lot. For a through lot, the principal front lot line shall be the lot line parallel to and adjacent to the street where the street address is taken; if the lot has not been assigned a street address, the principal front lot line shall be consistent with the majority of surrounding properties.

Lot, through, means any interior lot having frontage on two parallel streets.

Lot width means the horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum required building setback line.

(13) "M"

Marihuana, also known as *Medical Marihuana*, also known as *Marijuana*, also known as *Cannibis*: that term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d), as amended. Any other term pertaining to marihuana used in this chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marihuana collective or cooperative means any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "collective" or "cooperative" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marijuana collective or cooperative" shall not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the village.

Marihuana dispensary or dispensary means any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such

an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marihuana dispensary" shall not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the Village.

Medical use of marihuana means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq., as amended.

Mobile home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated thereunder. The term "mobile home" does not include a recreational vehicle. See Public Act No. 96 of 1987 (MCL 125.2301 et seq.)

Mobile home park means a parcel or tract of land, under the control of a person, upon which three or more mobile homes are located on a continual, nonrecreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as a recreation vehicle trailer park. See Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Mortuary means a place for the storage of human bodies prior to their burial or cremation.

Motel means an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

(14) "N"

Net buildable area means contiguous land excluding land subject to flooding six months of the year, poor drainage, steep slopes, rock out crops and land encumbered by easements.

Nonconforming lot of record (substandard lot) means a lot lawfully existing at the effective date of the ordinance from which this chapter is derived, or affecting

amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Nonconforming structure means a structure, or portion thereof, lawfully existing at the effective date of the ordinance from which this chapter is derived, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

Nonconforming use means a use lawfully existing in a building or on land at the effective date of the ordinance from which this chapter is derived, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

(15) "O"

(16) "P"

Personal service business means an establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel, but not including a tattoo or piercing parlor.

Private road means a private road or street shall be defined as a street or drive which provides access to two or more adjacent properties which is constructed and maintained by the owner or owners, and which is not dedicated for the general public use.

Professional office means the office of a member of a recognized profession maintained for the conduct of that profession, which may include banks and medical and dental establishments, provided that such medical and dental establishments provide services on an out-patient basis.

(17) "Q"

Quarry or quarrying operation means any place where stone, sand, gravel, minerals, or other natural materials, including topsoil, is removed for the purpose of sale or any other commercial purposes, other than such as may be incidental to excavating or regarding in connection with or in anticipation of building development or landscaping on the site.

(18) "R"

Recreational vehicle means a vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. See Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Restaurant means an establishment where food and drink are prepared, served and consumed.

Retail commercial means an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Road frontage means the length of the lot line which borders a public road.

(19) "S"

Setback means the horizontal distance from a lot line inward toward the foundation wall of the building nearest to that lot line or the roof overhang if it is over one foot from the foundation wall.

Sexually-oriented business means an establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Sidewalk café means an accessory use to a principal use such as a restaurant, café, bakery, coffee shop or similar establishment that serves food and drinks in a specified enclosed adjacent outdoor area.

Sign means any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used or intended to be used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, symbols, figures, design, fixtures, colors, illumination, or projected images, including the following sign types:

- a. *Awning sign* means a sign that is mounted, painted or attached to the front of an awning or canopy.
- b. *Banner sign* means any sign on paper, cloth, fabric or other flexible or combustible material of any kind, either with or without frames.
- c. *Billboard sign* means a pole sign intended to direct attention to a business, commodity, service, establishment, activity or entertainment that is conducted, sold, or offered at a location other than the premises on which the sign is located.
- d. *Electronic message board* means a sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.
- e. *Ground sign* means any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six feet in height.
- f. *Non-conforming sign* means a sign lawfully existing prior to the effective date of this chapter, or affecting amendment thereto, which fails to meet the current location, size, height or other standards required under this chapter.
- g. *Pole sign* means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.
- h. *Projecting sign* means a sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.
- i. *Portable sign* means any temporary sign constructed to be readily movable from one location to another and not permanently affixed to a building, structure or the ground, for the purpose of advertisement or promotion of a special event at an established business.
- j. *Suspended sign* means a sign hanging down from a marquee, awning, canopy or porch that would exist without the sign.

- k. *Wall sign* means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.
- l. *Window sign* means a sign indoors attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside; excluding decorative painting applied to the glass.
- m. *Village identification sign* means a sign that identifies the village borders or village property, which may include announcements of special events, dates, times or other related information.

Sign area means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of straight lines which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces or uprights, of the sign. When two sign faces are back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart at any point, the sign area shall be computed by the measurements of one of the faces.

Sign height shall mean the vertical dimension from the median natural grade to the highest point of the highest attached component of the sign. A sign shall not extend beyond the edge of the wall to which it is affixed nor above the roof line of a building to which it is attached.

Site plan review means the submission of plans for review, as part of the process of securing zoning approval.

Special use permit means a permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the village, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this chapter for them are met.

Specified anatomical areas means:

- a. Less than completely and opaquely covered human genitals, anus and female breasts at or below the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or

- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in (a), (b) or (c) above.

Sports and recreational facility means an establishment designed and equipped for the conduct of sports and leisure-time activities, such as aerobic exercises, jogging tracks, game courts, bowling facilities, swimming and exercise equipment; and which may also include ancillary uses, such as locker rooms, showers and saunas.

Structural changes or alterations means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

Swimming pool or pool, spa or hot tub. The terms "swimming pool" or "pool" or "spa" or "hot tub" shall mean artificially constructed, portable above-ground or permanent below-ground pools or spas and hot tubs, including wading pools, which are capable of being used for swimming or bathing.

(20) "T"

Tattoo parlor means an establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

Tattoo, tattooed, tattooing means any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring.

(21) "U"

(22) "V"

Variance means a varying or relaxation of the dimensional standards of the zoning ordinance by the zoning board of appeals; and where such variance will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in practical difficulty.

Vehicle repair shop means any building, premises, and land in which or upon which a business, service or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

(23) "W"

When fronting on this phrase shall mean that the building shall be oriented such that the required front yard abuts M-50 or Jordan Lake Avenue; and further, that the use would not encroach into a residential neighborhood.

(24) "X"

(25) "Y"

Yard means an open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter.

Yard, required front, means the minimum required yard measured from the front lot line into the interior lot area (the minimum setback area).

Yard, required rear, means the minimum required yard measured from the rear lot line into the interior lot area (the minimum setback area).

Yard, required side, means the minimum required yard measured from the side lot line into the interior lot area (the minimum setback area).

(26) "Z"

Zoning permit means a permit signifying compliance with the provisions of this chapter as to use, activity, bulk, and density.

Section 2. Amendment of Section 36-35. That Section 35, "Zoning District Regulations," of Article II, "Establishment of Districts," of Chapter 36, "Zoning," of the Lake Odessa Village Code is hereby amended to read as follows:

Sec. 36-35. Zoning district regulations.

- (a) *R-1, Low density residential district.* Zoning district regulations for the R-1, low density residential district shall be as follows:
- (1) *Intent and purpose.* The R-1 zoning district is characteristically a single-family housing area. While all of the village is serviced with utilities, the low density status is designed to preserve and protect those areas which have developed strictly as single-family detached units on separate lots. No further subdivision of single-family lots would be desirable or contributory to the existing residential character. The dwelling unit-density, however, would still be at a sufficient scale to support utility system operation and maintenance costs.
 - (2) *Uses permitted by right.* Uses permitted by right in the R-1 district shall be as follows:
 - a. Single-family dwellings.
 - b. Type 1 home occupations within a dwelling.
 - (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the R-1 district shall be as follows:
 - a. Churches;
 - b. Schools;
 - c. Parks and playgrounds;
 - d. Essential public services;
 - e. Type 2 home occupations within an accessory building.
 - (4) *Accessory uses permitted when located on the same lot as a permitted primary use.* Accessory uses permitted when located on the same lot as a permitted primary use in the R-1, low density residential district shall be as follows:

- a. Private auto garages, carports;
 - b. Child playhouses, swingsets, and similar apparatus;
 - c. Doghouses, pens, and similar structures;
 - d. Swimming pools and bathhouses;
 - e. Porches, gazebos, decks and similar structures;
 - f. One for sale or rent sign per lot.
 - g. Tennis, basketball or volleyball court and similar uses for private use;
 - h. Identification name plate not more than two square feet in size.
- (5) *Bulk Regulations.* Bulk regulations in the R-1 district shall be as follows:
- a. *Minimum lot area:* Single-family dwelling: 8,700 square feet; planned development: five acres; and all other permitted uses: two acres.
 - b. *Minimum lot width:* Single-family dwelling: 66 feet; planned development: 200 feet; and all other permitted uses: 150 feet.
 - c. *Required front yard:* Single-family dwelling: 15 feet set back; and all other non-residential permitted uses: 30 feet setback.
 - d. *Required side yard:* Single-family dwelling: six feet; and all other non-residential permitted uses: 25 feet.
 - e. *Total width for both required side yards:* Single-family dwelling: 12 feet; and all other non-residential permitted uses: 50 feet.
 - f. *Required rear yard depth:* Single-family dwelling: 20 feet; and all other non-residential permitted uses: 25 feet.
 - g. *Maximum building height:* All permitted uses: two and one-half story or 35 feet.
 - h. *Minimum floor area:* Single-family dwelling shall have a minimum finished living area of 864 square feet with minimum of 650 square feet on the other floor.
 - i. *Minimum off-street parking spaces:* One space (ten feet by 20 feet) per residence: one-half dwelling unit. For other permitted uses such as churches, public building, theaters, community and recreation building: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For schools and nursery schools: one space for each 12 seats or students.
- (b) *R-2, low density lake side residential district.* Zoning district regulations for the R-2, low density lake side residential district shall be as follows:
- (1) *Intent and purpose.* The R-2 zoning district is strictly characterized as a single-family housing area located along the shoreline of Jordan Lake. While most of the lake frontage is platted and developed, the low density status is intended to preclude further division into smaller and narrower housing sites and to preserve the existing lakeside residential character without loss of neighborhood appeal.
 - (2) *Uses permitted by right.* Uses permitted by right in the R-2 district shall be as follows:
 - a. Single-family dwellings and public parks and beaches.

- b. Type 1 home occupations within a dwelling.
- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the R-2 district shall be as follows:
 - a. Essential public services.
 - b. Type 2 home occupations within an accessory building.
- (4) *Permitted accessory uses.* Permitted accessory uses in the R-2 district shall be as follows:
 - a. Same as R-1; except
 - b. Private docks and boat launches.
- (5) *Bulk regulations.* Bulk regulations in the R-2 district shall be as follows:
 - a. *Minimum lot area:* Single-family dwelling: 8,700 square feet.
 - b. *Minimum lot width:* Minimum lot width in this district shall be 33 feet.
 - c. *Required front yard:* Minimum front yard set back in this district shall be ten feet.
 - d. *Required side yard:* Minimum side yard in this district shall be three feet. Total width of both required side yards shall be six feet.
 - e. *Required rear yard depth:* Minimum rear yard depth in this district shall be 30 feet.
 - f. *Maximum building height:* Maximum building height for permitted uses shall be 2½ stories or 35 feet.
 - g. *Minimum floor area:* Minimum floor area for a single dwelling shall be 864 square feet with minimum of 650 square feet on the ground floor.
 - h. *Minimum off-street parking spaces:* One space (ten feet by 20 feet) per residence: one-half dwelling unit.
- (c) *R-3 low/medium density residential (one-family and two-family) district.* Zoning district regulations for the R-3 low/medium density residential (one-family and two-family) district shall be as follows:
 - (1) *Intent and purpose.* The R-3 zoning district is primarily intended as a transitional buffer between the R-1, low density residential districts and the higher intensity central business district. It buffers the central business district on the west, south and east wherein the most of the commercial activity is located. The residential character is predominantly order, single-family homes located on individual lots. The basis for transition is the fact that this district encompasses mostly older homes located close to the downtown area. Because many of these homes are larger and represent sizeable maintenance and energy costs for a single-family, it is feared that restriction to only single-family use may foster inadequate maintenance or even abandonment. The possible consequences may be a general appearance of blight; which (if allowed to proceed in a downward trend) can erode the social stability of any neighborhood, as well as adversely affect the shopping appeal of the central business district. Based upon the above, the R-3 district is regarded as conducive for some conversion of

older, larger homes to two-family dwellings provided certain conditions to be developed for the health, safety and welfare of the neighborhood are met.

- (2) *Uses permitted by right.* Uses permitted by right in the R-3 district shall be as follows:
 - a. Single-family dwellings.
 - b. Two-family dwellings.
 - c. Type 1 home occupations within a dwelling.
- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the R-3 district shall be as follows:
 - a. Two-family conversions subject to section 36-92.
 - b. Churches.
 - c. Adult foster care facilities of seven or more clients.
 - d. Nursing homes, convalescent homes, housing for the elderly.
 - e. Essential public services.
 - f. Type 2 home occupations within an accessory building.
- (4) *Permitted accessory uses.* Permitted accessory uses in the R-3 district shall be as follows:
 - a. Private garages (noncommercial);
 - b. Lawn sheds;
 - c. Swimming pools;
 - d. Private accessory parking;
 - e. Porches, decks and similar structures;
 - f. Doghouse;
 - g. One for sale or rent sign per lot;
 - h. Tennis, basketball or volleyball court and similar uses for private use;
 - i. Identification name plate not more than two square feet in size.
- (5) *Bulk regulations.* Bulk regulations in the R-3 district shall be as follows:
 - a. *Minimum lot area:* Single-family dwelling: 8,700 square feet; for other permitted use such as churches, adult foster care facilities, nursing homes, and convalescent homes, two acres lot size shall be required.
 - b. *Minimum lot width:* For single-family dwelling, the lot width shall be 66 feet and for other permitted uses such as churches, adult foster care facilities, nursing homes and convalescent homes, the lot width shall be 200 feet.
 - c. *Required front yard:* For single-family and two-family dwelling, the front yard (setback) shall be 15 feet and for other non-residential permitted uses, 30 feet.
 - d. *Required side yard depth:* For single-family and two-family dwelling the side yard depth shall be six feet and for other non-residential permitted uses the side yard depth shall be 30 feet. Total width of both side yards for a single-family and

two-family dwelling shall be 12 feet and for other non-residential permitted uses, 60 feet.

- e. *Required rear yard depth:* 20 feet rear yard depth is required for single-family and two-family dwellings. 30 feet rear yard shall be required for other non-residential permitted uses.
- f. *Maximum building height:* Maximum building height for all uses shall be two and one-half stories or 35 feet.
- g. *Minimum floor area:*
 - 1. Each new single-family detached dwelling shall have a minimum finished living area of 864 square feet of floor area with a minimum of 650 square feet on the ground floor for units of more than one story.
 - 2. Attached single-family including two-family and townhouses, each new dwelling unit shall have a minimum finished living area of 800 square feet with a minimum of 600 square feet on the ground floor for units of more than one story.

(6) *Other permitted uses and permitted conversions.* Other permitted uses and the permitted conversion of older dwellings shall follow the following floor area requirements:

For	Floor Area/Unit
Efficiency	375 sq. ft.
1 bedroom	600 sq. ft.
2 bedroom	780 sq. ft.
3 bedroom	940 sq. ft.
In the excess of 3 bedroom	940 + 80 sq. ft. for each additional bedroom.

(7) *Minimum off-street parking:* One space (ten feet by 20 feet) per residence: one-half dwelling unit. For other permitted uses such as church public building, adult foster care facility, nursing and convalescent houses and essential public services: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For school and nursery schools, one space for each 12 seats or students.

(d) *MF, Medium/high density: Multiple family residential district.* Zoning district regulations for the MF, medium/high density: multiple family residential district shall be as follows:

- (1) *Intent and purpose.* The multiple family residential district is intended for new uses and structures such as apartment buildings of three or more dwelling units, specialized housing for seven or more unrelated individuals and senior citizen housing.
- (2) *Uses permitted by right.* Uses permitted by right in the MF district shall be as follows:
 - a. Single-family dwellings.
 - b. Two-family dwellings, duplexes.

- c. Type 1 home occupations within a dwelling.
- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the MF district shall be as follows:
- a. Multiple family dwellings.
 - b. Essential public services.
 - c. Residential planned developments. See section 36-94.
 - d. Nursing homes, convalescent homes, housing for the elderly.
 - e. Type 2 home occupations within an accessory building.
- (4) *Permitted accessory uses.* Permitted accessory uses in the MF district shall be as follows:
- Private garages (noncommercial), lawn sheds, swimming pools, and accessory private parking.
- (5) *Permitted accessory signs.* One ground sign or one wall sign is permitted, with a maximum permitted sign area of 25 feet. The minimum sign setback for ground signs shall be one-half the required setback for the yard in which the sign is located. Only signs identifying the use and occupant are permitted. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.
- (6) *Bulk regulations.* Bulk regulations for the MF district shall be as follows:
- a. *Minimum lot area:* The minimum lot area for multiple family development shall be 4,000 square feet per unit or eight units per acre. For single-family and two-family development lot size shall be 8,700 square feet. All other uses permitted by special use permit, the lot size shall be nine acres.
 - b. *Minimum lot width:* The minimum lot width for single-family and two-family dwellings shall be 66 feet and for other permitted uses, 200 feet.
 - c. *Required front yard:* The required front yard shall be 25-foot setback for single-family and two-family dwelling and 30 feet for all other permitted uses.
 - d. *Required side yard:* Six feet minimum side yard is required for both single-family and two-family dwellings and for other permitted uses it shall be 30 feet. Total width for both required side yards: The total minimum width of both required side yards for single-family and two-family dwellings shall be 12 feet. For all other permitted uses the total width shall be 60 feet.
 - e. *Required rear yard depth:* Minimum rear yards for single-family and two-family dwellings shall be not less than 20 feet, for all other permitted uses, 30 feet.
 - f. *Maximum building height:* The maximum building height for all uses shall be 2½ stories or 35 feet. Accessory buildings shall not exceed a height of 15 feet.
 - g. *Minimum dwelling floor area:*
 - 1. Each new single-family detached dwelling shall have a minimum finished living area of 864 square feet of floor area with a minimum of 650 square feet on the ground floor for units of more than one story.

2. Attached single-family including two-family and townhouses, each new dwelling unit shall have a minimum finished living area of 800 square feet with a minimum of 600 square feet on the ground floor for units of more than one story.
3. Other permitted uses shall follow the following floor area requirements:

For	Floor Area/Unit
Efficiency	375 sq. ft.
1 bedroom	600 sq. ft.
2 bedroom	780 sq. ft.
3 bedroom	940 sq. ft.
In the excess of three bedroom	940 + 80 sq. ft. for each additional bedroom.

- h. *Minimum off-street parking:*
 1. One space (ten feet by 20 feet) per residence: one-half dwelling unit. For other permitted uses such as a church, public building, adult foster care facility, nursing and convalescent homes and essential public services: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For school and nursery schools, one space for each 12 seats or students.
 2. Nonresidential parking requirements of this chapter may be satisfied by participation in a municipal or joint community parking program designed to serve a larger area, provided all plans for such community parking have been first approved by the planning commission.
- (e) *MH, mobile home park (medium/high density residential district).* Zoning district regulations for the MH, mobile home park (medium/high density residential district) shall be as follows:
 - (1) *Intent and purpose.* The mobile home park zoning district is designed for those who prefer mobile home living. Although a single-family unit, the mobile home park has essentially a higher density impact than the conventional single-family development. In order not to adversely affect other areas, of the village, certain land areas are hereby recognized as appropriate for continued mobile home use, provided that the proper site design standards and requirements are met.
 - (2) *Uses permitted by right.* None.
 - (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the mobile home park zoning district shall be as follows:
Mobile home park developments.
 - (4) *Permitted accessory uses.* Permitted accessory uses in the mobile home park zoning district shall be as follows:

- a. Park store.
 - b. Community building.
 - c. Laundry facilities.
 - d. Playground area.
- (5) *Permitted accessory signs.* One ground sign or one wall sign is permitted, with a maximum permitted sign area of 25 feet. The minimum sign setback for ground signs shall be one-half the required setback for the yard in which the sign is located. Only signs identifying the use and occupant are permitted. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.
- (6) *Bulk regulations.* Bulk regulations for mobile home park developments are listed in section 36-93.
- (f) *CBD, central business district.* Zoning district regulations for the CBD district shall be as follows:
- (1) *Intent and purpose.* The central business district refers to the Fourth Avenue shopping district which is also identified as the center or "Hub" of Lake Odessa's daily activity. It is through this area that local traffic passes and villagers shop for everyday needs. The prevailing appearance of the village as a rural farm oriented country village is a major theme for this area, and it is the intent of the village to promote, preserve, and enhance that character in accordance with the development goals and policies previously discussed in article I of this chapter. The kinds of uses to be encouraged are generally retailing, personal services, offices and all such uses which are conducive to a "pedestrian scale and sidewalk shopping." The only exception to this would be the very northern part of the central business district, where additional commercial uses such as grain elevators, farm supplies and other uses requiring a railroad orientation would also be encouraged.
 - (2) *Uses permitted by right.* Uses permitted by right in the central business district shall be as follows:
 - a. Retail commercial excluding automobile commercial.
 - b. Personal services establishments.
 - c. Professional offices.
 - d. Restaurants and food service establishments.
 - e. Taverns.
 - f. Public parking lots.
 - g. Essential public services.
 - h. Churches.
 - i. Residence located at the second story level (or higher).
 - j. Hotels, motels, lodges and inns, subject to the requirements of subsection 36-95(3), section 36-132 and section 36-133.
 - k. Sidewalk cafés, subject to the requirements of subsection 36-35(f)(9).

- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the central business district shall be as follows:
- a. Residence below street level, provided same shall be handicapped accessible.
 - b. Residence on the same street level as commercial business use, provided:
 1. Usable commercial space shall be not less than 750 square feet, and must have a depth of 30 feet or half the total depth of the building, whichever is greater.
 2. Usable commercial space must face a major commercial street, with residential space located behind on the alley side, and in no event shall street level residential space abut a major commercial street.
 3. Deliveries to commercial businesses with residences on the same floor shall not be permitted from either Fourth Avenue or Tupper Lake Street.
 4. There shall be no existing violations currently on file with respect to subject property which have not been removed or remedied to the satisfaction of the zoning administrator. However, an applicant may be required by the planning commission to remove or remedy said violation as a condition of securing a special use permit.
 5. For each block in the zoning district, the maximum percentage of commercial structures which may be converted to provide residence facilities on the same floor as a commercial business is 20 percent. For the purpose of this chapter, a percentage greater than the above shall be construed as detrimental and threatening to the existing character, health, safety, and welfare of the district.
 6. Each structure proposed for conversion must provide or be designed to provide a minimum number of square feet per dwelling unit, as set forth in subsection (f)(8)g., of this section.
 7. The planning commission is authorized to impose additional reasonable conditions in order to protect the intent and purpose of this option in the central business district.
 8. All requirements, changes and conditions imposed by the planning commission shall be met before occupancy of the newly created residential unit is allowed.
 - c. Entertainment and commercial recreation.
 - d. Grain elevators, sales and service.
 - e. Meeting halls and community centers.
 - f. Mini-malls and supermarkets.
 - g. Signs wherein the gross area of all signs total more than 100 square feet.
 - [h. Tattoo parlors and body piercing establishments, subject to the requirements of section 36-102.](#)

- (4) *Permitted accessory uses.* Permitted accessory uses in the central business district shall be as follows:

Parking lots.

- (5) *Permitted accessory signs.* Permitted accessory signs for each use in the central business district shall be as follows:
- a. Only signs identifying the use and occupant (and directional arrow if needed) are permitted.
 - b. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.
 - c. One window sign is permitted per window, with a maximum permitted four square feet of sign area per window sign.
 - d. No more than two signs of any kind shall face one street, notwithstanding the standards below:
 1. A maximum of two wall signs is permitted, but no more than one per wall. Each shall have a sign area up to 15 percent of the total area of the wall to which it is attached, not to exceed 40 square feet. Wall signs shall not project more than 15 inches from the wall to which they are attached. For multi-tenant buildings, either the above wall signage for consolidated identification or one wall sign each per tenant is permitted not to exceed 12 square feet.
 2. One awning sign per entrance is permitted. The maximum sign area permitted is four square feet.
 3. One projecting sign is permitted per entrance. The maximum sign area permitted is 12 square feet. A projecting sign shall not project more than four feet from the face of the building wall.
 4. One suspended sign is permitted per entrance. The maximum sign area permitted is four square feet.
 - e. Where a projecting sign, awning sign or suspended sign protrudes over any public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least nine feet from the sidewalk; except that on buildings with permanent roof/awning overhangs, where placing the sign above the overhang presents practical or visibility difficulties, then the bottommost point of the sign shall not be less than seven feet over the sidewalk or walking surface.
 - f. Where a business building location is beyond the street right-of-way by ten feet or more, a freestanding ground sign is permitted.
 - g. For a multi-tenant building, either one freestanding ground sign is permitted with each business identification consolidated on the sign not exceeding 30 square feet or other signage meeting the standards as described in subsections a.—f., above.
- (6) *Minimum off-street parking spaces.* Minimum off-street parking spaces in the central business district shall be as follows: One space (ten feet by 20 feet) shall be required per:

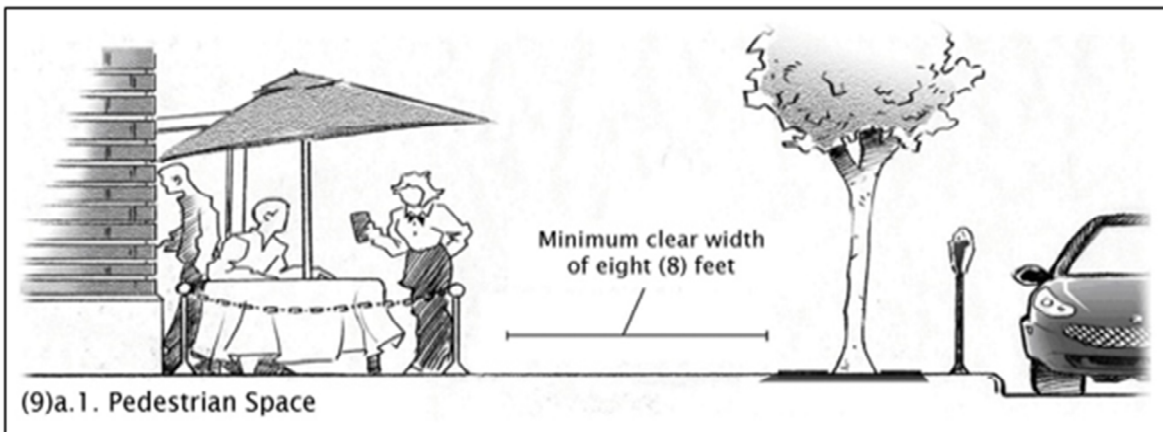
- a. Residences: one-half dwelling unit.
 - b. Public buildings, theaters, community and recreation buildings: 200 sq. feet of floor area, but not less than one space for each three seats where provided.
 - c. Churches: 200 square feet.
 - d. Retail and personal service uses not specifically listed in this district: 150 square feet of floor area in such uses.
 - e. Community parking option: Nonresidential parking requirements may be satisfied by participation in multiple or joint community parking program designed to serve a larger area, provided all plans for such community parking have been first approved by the planning commission. All new business buildings and additions to existing buildings in a commercial district within 300 feet of a community parking area shall be considered a participant in the program when such exists.
 - f. Restaurants: two seat capacity.
 - g. Outdoor automotive commercial: 600 square feet of display and sales area.
 - h. Hotels, motels, lodges and inns: each living unit, plus one space for each employee, owner, or manager. For accessory uses such as meeting rooms or public eating area, 50 percent of the closest related parking formula in the above uses.
- (7) *Minimum off-street loading berths.* Minimum off-street loading berths in the central business district shall be as follows: For all retail commercial and personal service establishments, one berth for the first 8,000 square feet of floor area, plus one additional berth for each additional 25,000 square feet or fraction thereof. One loading berth dimensions shall be 12 feet by 44 feet.
- (8) *Bulk regulations.* Bulk regulations in the central business district shall be as follows:
- a. *Minimum lot area:*
 - 1. For meeting halls, community centers, and mini-malls: 18,000 square feet.
 - 2. For supermarkets, mineral and grain elevators, sales and service: 25,000 square feet.
 - 3. For all other permitted uses: 2,700 square feet.
 - b. *Minimum lot width:*
 - 1. For meeting halls, community centers, supermarkets, mini-malls and grain elevators: 80 feet.
 - 2. For all other permitted uses: 20 feet.
 - c. *Required front yard:* None, except that where two adjacent lots are developed, the established setback shall apply.
 - d. *Required side yard:* When in or adjacent to a commercial or industrial zone or use, no side yard setback is required, but when provided, each side yard shall be five feet. When adjacent to a residential zone or use, the side yard shall be five feet. The street side setback of a corner lot shall be five feet.

- e. *Required rear yard depth:* None if abutting an alley. Where the rear lot line abuts a residential district without an alley, the setback shall be five feet or as established in the same block.
- f. *Maximum building height:* 40 feet with the exception of grain elevators, which can be allowed as high as 125 feet.
- g. *Minimum floor area for residential use:*

For	Floor Area/Unit
Efficiency	375 sq. ft.
1 bedroom	600 sq. ft.
2 bedroom	780 sq. ft.
3 bedroom	940 sq. ft.
In the excess of 3 bedroom	940 + 80 sq. ft. for each additional bedroom

(9) *Sidewalk cafés.*

- a. Sidewalk cafés with and without alcohol service are subject to the following regulations:
 - 1. *Pedestrian space.* Sidewalk cafés shall not unduly obstruct pedestrian movement along the sidewalk and building entrances, nor diminish the safety of the general public. Tables, chairs and other facilities shall be compatible with the architectural character of adjacent buildings and shall be located near the building wall. A clear path of not less than eight feet shall be maintained along the full length of the sidewalk for general pedestrian use.



- 2. An application for a zoning permit shall be submitted to the zoning administrator, with a site plan identifying the location and dimensions of the outdoor seating area; the type and height of proposed outdoor barriers, the proposed location of all sidewalk café furniture and equipment; site dimensions of the building; and existing public improvements, such as fire hydrants, light poles, trees and tree grates; and photographs of the area. A

consultation with the street administrator may be sought before a permit is issued to determine if the proposed pedestrian area is sufficient for passage past the café area and any other potential issues. A sidewalk café area shall not be located in a clear vision intersection area.

3. The immediate area of the café shall be maintained free of litter and debris. Trash receptacles related to the sidewalk café area shall be placed outside of the public right-of-way during non-business hours.
4. Sidewalk cafés may only be located adjacent to the restaurant or food service business with which they are associated. This requirement may be waived, however, to extend the sidewalk café to an adjacent property, if deemed appropriate after review by the zoning administrator and agreeable to the adjacent property owner. Food preparation shall not be conducted on the sidewalk café area, but only inside of the adjacent restaurant or food service business. All food shall be brought outside to the patrons in the marked seating area, except drinks may be served from a rolling cart.
5. Hours of operation of the sidewalk café shall not be later than 10:00 p.m. Sunday through Thursday, and 11:00 p.m. on Friday and Saturday.
6. Days of operation of the sidewalk café shall not occur before April 1 or after October 31. Tables, chairs, portable signs, barriers and other equipment used in the operation of the café shall be removed from November 1 to March 31.
7. A sidewalk café permit shall be in effect as long as the restaurant or food service business has an active customer business.
8. A certificate of general liability insurance that names the village and its officers and agents as additional insureds, and provides for at least 15 days' notice of cancellation, must be submitted prior to issuance of the permit. The minimum amount of coverage required is \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate.
9. The village shall have the right to suspend the operation of a sidewalk café because of anticipated or actual problems or conflicts in the use of the public sidewalk. Such problems may arise from, but are not limited to, festivals and similar events, parades, or repairs to the street, sidewalk or utilities within the public right-of-way. To the extent possible, the café owner will be given prior written notice of any time period during which the operation of the sidewalk café may be suspended.
10. Violations of the permit requirements shall be given in writing to the owner and operator of the restaurant or food service business and sidewalk café with a reasonable time limit to correct the violation. All permits issued under this section are subject to immediate suspension or revocation by the village manager or his or her designee for failure to comply with any or all provisions of this section after the time limit to correct the violation. Revocation shall be reserved for third offense repeat violations and violations that present an egregious safety risk to the public.

11. Persons who have had their permit revoked may request in writing a hearing on that revocation before the village council. Requests for a hearing or an appeal must be made within five business days of the revocation.
- b. Sidewalk cafés with alcohol service are subject to the following additional regulations:
1. The operator of the sidewalk café shall take whatever steps are necessary to procure the appropriate license from the Michigan Liquor Control Commission if he or she intends to serve alcoholic beverages in the sidewalk café area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the State of Michigan.
 2. The sidewalk café area shall be separated from pedestrian traffic by an approved barrier, which can consist of planters, railings and other similar materials. All barriers used for sidewalk cafés serving alcoholic beverages shall also conform to Michigan Liquor Control Commission Regulations.
 3. A sign reading "No Food or Beverage Allowed Beyond Barrier," or words to that effect, shall be posted at a conspicuous location within the sidewalk café.
 4. All alcoholic beverages to be served at sidewalk cafés shall be prepared within the adjacent indoor restaurant or food service business, and alcoholic beverages shall only be served to patrons seated at tables. The drinking of alcoholic beverages by a member of the public while a patron at a sidewalk café within the confines of the sidewalk café area shall not be construed as a violation of any ordinance controlling open containers in a public area.
 5. Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required in the application package before a permit is issued by the village. Proof of this notice shall be provided to the village by the applicant.
 6. Sidewalk cafés serving alcohol shall be continuously supervised by employees of the establishment.
 7. To be eligible to apply for a sidewalk café, the adjoining restaurant or food service business from which the sidewalk café extends must provide a full-service menu for the on-site consumption of food.
- (g) *HC, highway commercial district.* Zoning district regulations for the HC, highway commercial district shall be as follows:
- (1) *Intent and purpose.* The highway commercial district is intended to provide highway orientated services to through traffic along M-50 southeast of the central business district. The character of this category is envisioned as a "limited commercial strip," which can supplement the needs of the village residents. The kind of uses found here are largely automobile oriented, having a high impact on "through" traffic in terms of turning movements and access/degrees into a high velocity roadway. Examples would be a gas station, car dealership, fast food restaurant, etc. Careful site planning and design to reduce impacts will be required. The mapped area of this category is purposely limited in order not to detract from the central business district and not to

degrade or encroach upon the established residential character of the homes located to the east and especially to the west.

(2) *Uses permitted by right.* Uses permitted by right in the highway commercial district shall be as follows:

- a. Animal clinic.
- b. Professional office.
- c. Funeral home.
- d. Mortuary.
- e. Florist shop.
- f. Bed and breakfast.
- g. Church.
- h. Essential public services.
- i. Personal service business.
- j. Residence located at the second story level (or higher).

(3) *Uses permitted by special use permit.* Uses permitted by special use permit in the highway commercial district shall be as follows:

- a. Laundromat, when fronting on M-50 or Jordan Lake Avenue.
- b. Motel, when fronting on M-50 or Jordan Lake avenue.
- c. Hotel, when fronting on M-50 or Jordan Lake Avenue.
- d. Automobile wash, when fronting on M-50 or Jordan Lake Avenue.
- e. Restaurant, when fronting on M-50 or Jordan Lake Avenue.
- f. Convenience/grocery store, when fronting on M-50 or Jordan Lake Avenue.
- g. Automobile service station, when fronting on M-50 or Jordan Lake Avenue.
- h. Automobile dealership, when fronting on M-50 or Jordan Lake Avenue.
- i. Vehicle repair shop, when fronting on M-50 or Jordan Lake Avenue.
- j. Sports and recreational facility, when fronting on M-50 or Jordan Lake Avenue.
- k. Retail commercial, when fronting on M-50 or Jordan Lake Avenue.
- l. Commercial greenhouse.
- m. Public parking lot.
- n. Residence below street level, provided same shall be handicapped accessible.
- o. Residence on the same street level as commercial business use, provided:
 1. Usable commercial space shall be not less than 750 square feet, and must have depth of 30 feet or half the total depth of the building, whichever is greater.
 2. Usable commercial space must face M-50 or Jordan Lake Avenue.

3. There shall be no existing violations currently on file with respect to subject property which have not been removed or remedied to the satisfaction of the zoning administrator. However, an applicant may be required by the planning commission to remove or remedy said violation as a condition of securing a special use permit.
4. For each block in the zoning district, the maximum percentage of commercial structures which may be converted to provide residences on the same floor as a commercial business is 20 percent. For the purpose of this chapter, a percentage greater than the above shall be construed as detrimental and threatening to the existing character, health, safety, and welfare of the district.
5. Each structure proposed for conversion must provide or be designed to provide a minimum number of square feet per dwelling unit, as set forth in subsection (g)(8)h., of this article.
6. The planning commission is authorized to impose additional reasonable conditions in order to protect the intent and purpose of this option in the highway commercial district.
7. All requirements, changes and conditions imposed by the planning commission shall be met before occupancy of the newly created residential unit is allowed.

[p. Tattoo parlors and body piercing establishments, subject to the requirements of section 36-102.](#)

- (4) *Permitted accessory uses.* Permitted accessory uses in the highway commercial district shall be as follows:
 - a. Parking lots.
 - b. On-site storage.
- (5) *Permitted accessory signs.* Permitted accessory signs for each use in the highway commercial district shall be as follows:
 - a. Only signs identifying the use and occupant are permitted.
 - b. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.
 - c. One window sign is permitted per window, with a maximum permitted four square feet of sign area per window sign.
 - d. No more than two signs of any kind shall face one street, notwithstanding the standards below:
 1. One ground sign or one pole sign is permitted per frontage. A ground sign shall not exceed six feet in height; a pole sign shall not exceed 20 feet in height. The maximum permitted sign area shall be one square foot for each foot of setback, plus one square foot for each foot of lot frontage, not to exceed 100 square feet. The minimum setback shall be two feet from any property line, including any overhanging component of a sign or sign structure; except that the zoning administrator or planning commission may

require additional setback or other placement to protect motorist vision and to avoid protrusion over any public walkway.

2. One electronic message board per ground or pole sign may be permitted, but not independently. An electronic message board shall have a sign area of up to 16 square feet, and said sign area shall count toward the total sign area of the ground or pole sign to which it is attached.
3. A maximum of two wall signs is permitted, but not more than one per wall; provided that for multi-use buildings or developments, one wall sign is permitted per tenant. Each sign shall have a sign area up to 15 percent of the total area of the wall to which it is attached, not to exceed 40 square feet. Wall signs shall not project more than 15 inches from the wall to which they are attached.

(6) *Minimum of off-street parking spaces.* Minimum of off-street parking spaces in the highway commercial district shall be as follows:

Same as the central business district.

(7) *Minimum off-street loading spaces.* Minimum off-street loading spaces in the highway commercial district shall be as follows:

Same as central business district.

(8) *Bulk regulations.* Bulk regulations in the highway commercial district shall be as follows:

a. *Minimum lot area:*

1. For automotive commercial sales and service, bowling alleys and gasoline service stations: 25,000 square feet.
2. All other permitted uses: 20,000 square feet.

b. *Minimum lot width:*

1. Automotive commercial sales and service and gasoline service stations: 120 feet.
2. Bowling alleys: 100 feet.
3. All other permitted uses: 66 feet.

c. *Required front yard:*

1. Automotive and bowling alleys: 40 feet.
2. Gasoline service stations: 40 feet.
3. All other permitted uses: 10 feet.

d. *Required side yard:*

1. Automotive commercial sales and service and bowling alleys: 20 feet which shall be doubled when adjacent to residential district or use.
2. Gasoline service stations: 25 feet which shall be doubled when adjacent to a residential district or use.

3. All other permitted uses: 10 feet which shall be doubled when adjacent to a residential district or use.
- e. *Total width of both required side yards:*
1. Automotive commercial sales and service and bowling alleys: 40 feet which shall be doubled when adjacent to a residential district or use.
 2. Gasoline service station: 50 feet which shall be doubled when adjacent to a residential district or use.
 3. All other permitted uses: 20 feet which shall be doubled when adjacent to a residential district or use.
- f. *Required rear yard depth:*
1. Automotive commercial sales and service, bowling alleys and gasoline service stations: 25 feet.
 2. All other permitted uses: 20 feet.
- g. *Maximum building height:* Two and one-half stories or 35 feet.
- h. *Minimum floor area for residential use:*
1. Efficiency: 375 square feet per unit.
 2. One bedroom: 600 square feet per unit.
 3. Two bedroom: 780 square feet per unit.
 4. Three bedroom: 940 square feet per unit.
 5. In excess of three bedrooms: 940 square feet, plus 80 square feet for each additional bedroom.
- (h) *LC, lakeside commercial district.* Zoning district regulations for the LC, lakeside commercial district shall be as follows:
- (1) *Intent and purpose.* Lakeside commercial refers to an already established area along the shoreline of Jordan Lake. This is a restrictive district in the sense that no additional land will be devoted to commercial uses because of environmental constraints. Lands now included within this designation are to be devoted only to specialized low-intensity types of commercial uses related to lake development. Examples would be general store, marina, bait shop, marina, gas station, etc., and similar lake/neighborhood related businesses.
 - (2) *Uses permitted by right.* Uses permitted by right in the lakeside commercial district shall be as follows:
 - a. Bait shop.
 - b. Ice cream or sandwich/coffee shop.
 - c. Fishing equipment sales or rental, excluding watercraft.
 - d. Single family dwellings.
 - e. Type 1 home occupations per section 36-95(14)(a).

- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the lakeside commercial district shall be as follows:
- a. Boat marina, sales and service.
 - b. Restaurants.
 - c. Boat rental.
 - d. Mini general store.
 - e. Realty or other small office.
 - f. Type 2 home occupations per section 36-95(14)(e).
- (4) *Permitted accessory uses.* Permitted accessory uses in the lakeside commercial district shall be as follows:
- a. Parking lots.
 - b. On-site storage.
 - c. Docks, boardwalks, patios and decks.
 - d. Private auto garages, carports.
 - e. Child playhouses, swing sets and similar apparatus.
 - f. Swimming pools and bathhouses.
 - g. Porches, gazebos, and similar structures.
 - h. One for sale or rent sign per lot.
 - i. Tennis, basketball or volleyball court and similar uses for private use.
 - j. Identification name plate not more than two square feet in size.
- (5) *Permitted accessory signs.* Permitted accessory signs in the lakeside commercial district shall be as follows:
- a. One ground sign or one wall sign is permitted per street side and lakeside, with a maximum permitted sign area of 25 feet. The minimum sign setback for ground signs shall be one-half the required setback for the yard in which the sign is located.
 - b. Only signs identifying the use and occupation are permitted.
 - c. No sign shall be illuminated by flashing or moving lights, and external illumination shall be downward facing.
 - d. One window sign is permitted per window, with a maximum permitted four square feet of sign area per window.
- (6) *Minimum off-street parking spaces.* Minimum off-street parking spaces in the lakeside commercial district shall be as follows:
- Same as the central business district.
- (7) *Minimum off-street loading berths.* Minimum off-street loading berths in the lakeside commercial district shall be as follows:

Same as the central business district for commercial uses.

- (8) *Bulk regulations.* Bulk regulations in the lakeside commercial district shall be as follows:
- a. *Minimum lot area:* Minimum lot area in this district shall be 8700 square feet.
 - b. *Minimum lot width:* Minimum lot width shall be 33 feet.
 - c. *Required front yard:* Front yard set back shall be ten feet.
 - d. *Required side yard depth:*
 1. Three feet side yard depth shall be required.
 2. The total width for both side yards shall be six feet.
 - e. *Required rear yard depth:* Rear yard depth for commercial uses shall be 20 feet from the rear lot line or the normal waterline of the lakeshore, except commercial unenclosed decks may project into the rear setback up to ten feet and may connect to a boardwalk not wider than five feet that extends to the shoreline or dock. Residential dwellings (and decks) rear yard depth shall be 30 feet from the normal waterline of the lakeshore.
 - f. *Maximum building height:* Maximum building height shall be 35 feet.
- (i) *LI, light industrial district.* Zoning district regulations for the LI, light industrial district shall be as follows:
- (1) *Intent and purpose.*
 - a. The light industrial district is intended to include light manufacturing, assembling, and finishing activities which have minimal or no nuisance potential to the surrounding non-industrial areas.
 - b. The preferred form of future industrial development is the industrial park concept.
 - c. Within such a development the overall character may be a combination of light industrial uses supplemented by research and office facilities. In all cases, however, local, state, and federal environmental regulations and constraints would have to be observed.
 - (2) *Uses permitted by right.* Uses permitted by right in the light industrial district shall be as follows:
 - a. The manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
 1. Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and similar foods.
 2. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar textile goods.
 3. Apparel and other finished products made from fabrics leather goods, fur, felt, canvas, and similar materials.
 4. Lumber and wood products, including millwork, cabinets, structural wood products and containers, not including saw mills.

5. Furniture and fixtures.
 6. Paperboard containers, building paper, building board, and bookbinding produced from previously prepared materials.
 7. Printing and publishing.
 8. Manufacturing of engineering, measuring, optic, medical, magnification, photographic, and similar instruments.
 9. Jewelry, silverware, toys, athletic, office, tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
- b. Research and development, testing and experimental laboratories and manufacturing.
 - c. Essential municipal public services.
 - d. Trade and industrial schools.
 - e. Tool and die manufacturing establishments.
 - f. Private communication antennas and towers which are 35 feet or less in height.
 - g. Miniwarehouses and self-storage facilities.
 - h. Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
 - i. Lumberyards and other building equipment supply establishments.
 - j. Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.
 - k. Any similar general manufacturing, fabrication, and assembly operations which meet the intent of this district when authorized by the planning commission.
 - l. Accessory uses customarily incidental to the permitted principal use.
- (3) *Use permitted by special use permit.* Uses permitted by special use permit in the light industrial district shall be as follows:
- a. Essential public service buildings.
 - b. Warehousing, storage, or transfer buildings.
 - c. Truck terminals, including maintenance and service facilities.
 - d. Antennas and towers exceeding 35 feet.
 - e. Contractor equipment yards and operations.
 - f. Any similar general manufacturing, fabrication, and assembly operations which meet the intent of this district when authorized by the planning commission. Products made from previously prepared ferrous metals.
 - g. Sexually-oriented businesses, subject to section 36-99.

- (4) *Permitted accessory uses.* Permitted accessory uses in the light industrial district shall be as follows:
- a. Accessory uses to the uses permitted on the site may be any of the following: garages for storage and maintenance of company vehicles; storage of accessory gasoline and lubricating oils; parking facilities; maintenance and utility shops for the up keep and repair of buildings and structures on the site; central heating and air-conditioning; physical plants and power supply and sewage disposal; employees training facilities; accessory storage facilities; clinics and employees dining and recreation facilities.
 - b. The above uses shall be planned only as accessory uses to the principal use permitted on the site and which is located on the same site.
- (5) *Permitted accessory signs.* Permitted accessory signs for each use in the light industrial district shall be as follows:
- a. Billboard signs are permitted pursuant to the following standards:
 1. The maximum permitted billboard sign area shall be one square foot for each foot of setback, plus one square foot for each foot of lot frontage, not to exceed 100 square feet measured at the highest and widest points of the sign. The minimum setback shall be two feet from any property line and right of way, including any overhanging component of a sign or sign structure; except that the zoning administrator may require additional setback or other placement to protect motorist vision and to avoid protrusion over any public walkway.
 2. The maximum billboard sign height shall not exceed 20 feet measured from the normal topographic ground level to the highest part of the sign and a 6 foot minimum clear area from the ground to the lowest part of the sign.
 3. A billboard sign shall not be located within 75 feet of a residential zoning district or a residential use.
 4. A billboard sign shall have a minimum spacing of 1,000 feet from any other billboard sign.
 5. A billboard sign shall not block visibility of other nearby signs.
 6. A billboard that has back to back faces or V shape shall not exceed 2 feet apart at any point, be the same size and the maximum square footage shall be measured from one side.
 7. Billboards shall not have flashing, intermittent, rotating, electronic digital or oscillating lights. Exterior lighting shall be provided from an external light source attached to the sign and directed on to the face of the sign. The light source shall be shielded in order to prevent visible glare to passing motorists, not encroach on neighboring properties and not shine skyward.
 8. The applicant shall provide written proof from the property owner to place the billboard sign on the site.
 - b. One ground sign, pole sign or wall sign identifying the use and occupant per lot is permitted with the following standards:

1. For pole signs, the maximum permitted sign area shall be one square foot for each foot of setback, plus one square foot for each foot of lot frontage, not to exceed 100 square feet measured at the highest and widest points of the sign. The minimum setback shall be two feet from any property line and right of way, including any overhanging component of a sign or sign structure; except that the zoning administrator may require additional setback or other placement to protect motorist vision and to avoid protrusion over any public walkway. The maximum pole sign height shall not exceed 20 feet measured from the normal topographic ground level.
 2. For ground signs, the height shall not exceed six feet. The minimum setback from a street right of way shall be 3 feet and a minimum of 5 feet from a side lot line. The maximum permitted sign area shall be 32 square feet.
 3. For a wall sign, a maximum of two wall signs are permitted, but no more than one per wall. Each shall have a sign area up to 15 percent of the total area of the wall to which it is attached, not to exceed 40 square feet. Wall signs shall not project more than 15 inches from the wall to which they are attached. For multi-tenant buildings, either the above wall signage for consolidated identification or one wall sign each per tenant is permitted, not to exceed 12 square feet.
- c. One window sign is permitted per window, with a maximum permitted four square feet of sign area per window sign.
 - d. No sign shall be illuminated by flashing or moving lights, and external illumination shall be downward facing.
 - e. One ground, pole or wall sign is permitted per street frontage when fronting on more than one street.
 - f. An electronic message board may be permitted within one ground or wall sign, but not independently. An electronic message board shall have a sign area of up to 16 square feet, and said sign area shall count toward the total sign area of the ground or wall sign to which it is attached.
- (6) *Minimum off-street parking spaces.* Minimum off-street parking spaces in the light industrial district shall be as follows: One space per 500 square feet of floor area, plus one space per 1,000 square feet of floor area in accessory use. Parking space shall be ten feet by 20 feet.
- (7) *Minimum off-street loading berths.* Minimum off-street loading berths in the light industrial district shall be as follows: For all individual uses, one berth for the first 5,000 square feet of floor area, and one additional berth for each additional 20,000 square feet of floor area. Berth dimension shall be 12 feet by 44 feet.
- (8) *Bulk regulations.* Bulk regulations in the light industrial district shall be as follows:
- a. *Minimum lot area:*
 1. Industrial park development shall have five acres.
 2. All other permitted uses shall have two acres.
 - b. *Minimum lot width:*

1. Industrial park development shall have 400 feet.
 2. All other permitted uses shall have 200 feet.
- c. *Required front yard:* 30 feet front yard setback is required for all permitted uses.
 - d. *Required side yard depth:* 20 feet side yard is required for all permitted uses which shall be doubled when adjacent to a residential district or residential use.
 - e. *Total width of both required:* Side yard shall be 40 feet which shall be doubled when adjacent to a residential district or residential use.
 - f. *Required rear yard depth:* For all permitted uses 30 feet of rear yard depth shall be required.
- (9) *Industrial performance standards.* All uses herein listed are subjected to industrial performance standards as provided in section 36-97.
- (j) *PR, public recreational district.* Zoning district regulations for the PR, public recreational district, shall be as follows:
- (1) *Intent and purpose.* The purpose of the PR district is to provide for the public health, safety and welfare, by insuring the compatibility of recreation uses with adjacent lands; by protecting natural amenities; and by preserving recreation areas from the encroachment of certain other uses.
 - (2) *Uses permitted by right.* Uses permitted by right in the PR district shall be as follows:
 - a. Outdoor recreational activities which do not cause excessive noise or impact on neighboring properties or the environment, as determined by the planning commission. Outdoor recreational activities include but are not limited to parkland, playground equipment and pavilions; tennis, basketball, baseball, pickle ball or volleyball courts; and facilities that are similar, as determined by the planning commission.
 - b. Preservation of open space and natural features.
 - c. Temporary or seasonal uses fitting the intent and purpose of the district, including circuses, carnivals or fairs; and associated activities, buildings and structures, for a period not to exceed seven days.
 - (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the PR district shall be as follows:
 - a. Permanent buildings and structures accessory and incidental to permitted uses.
 - b. Temporary or seasonal uses fitting the intent and purpose of the district, including circuses, carnivals or fairs; and associated activities, buildings and structures, for a period exceeding seven days.
 - c. Museums.
 - d. Memorials and monuments.
 - e. Public beaches and associated bathhouses, locker rooms or similar facilities.
 - f. Bleachers or grandstands.
 - g. Banquet halls accessory and incidental to permitted uses.

- h. Outside storage, when accessory and incidental to a permitted use, screened from the roadway and neighboring properties, and accessible to emergency vehicles.
 - i. Campgrounds subject to section 36-95(11).
 - j. The planning commission may approve similar uses, if such uses are determined to be compatible with, and would not adversely impact, the surrounding neighborhood.
- (4) *Bulk regulations and general requirements.* Bulk regulations and general requirements in the PR district shall be as follows:
- a. *Minimum lot area.* Unless otherwise regulated by state or federal statutes, the site shall not be less than required to provide adequate space for the proposed use(s), required parking, and required setback yard areas to accommodate the facilities and maintain the character of the neighborhood, in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the planning commission. The applicant may be required to provide documentation demonstrating the site size is adequate using national facility standards.
 - b. *Setbacks.*
 - 1. The minimum side and rear yard setbacks for all development on the site shall be 25 feet.
 - 2. The minimum front yard setback for all development on the site shall equal that of the minimum front yard setback for the most restrictive proximate zoning district.
 - 3. Development features shall be so located and arranged as to encourage pedestrian, vehicular, user and neighborhood safety, as determined by the planning commission.
 - c. *Maximum building height and floor area.*
 - 1. Buildings and structures shall not exceed a height of 35 feet or two and one-half stories; provided, a greater height may be permitted for temporary buildings or structures of a definite and limited time period.
 - 2. Building or structure floor area shall not exceed 20 percent of the lot area.
 - d. *Off-street parking spaces.* The location, arrangement and number of parking spaces shall be approved by the planning commission. The applicant may be required to demonstrate that proposed parking is sufficient to serve the intended use(s).
 - e. *Landscaping.* During site plan review, the planning commission may require a combination of trees, shrubs, fences and/or berms to buffer recreational facilities from adjacent properties.
 - f. *Signage.*
 - 1. One ground-mounted sign is permitted, up to 50 square feet in gross area.
 - 2. Flashing or moving lights are not permitted; provided, flashing or moving lights may be permitted if part of temporary signage for a period not to exceed seven days.

3. Temporary banners may be permitted for a period of up to 30 days located on the property where the event will be held. A permit may be approved by the Village Manager after a site plan and banner drawing are submitted for review.

g. The planning commission may establish requirements for and/or limits on lighting, limits on hours of operation, time limits on validity of a special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations.

Section 3. Addition of Section 36-102. That Article IV, “Supplemental Use Regulations,” of Chapter 36, “Zoning,” of the Lake Odessa Village Code is hereby amended by adding a section, to be numbered 36-102, which section reads as follows:

Sec. 36-102. Tattoo or body piercing establishment.

Tattoo parlors and body piercing establishments shall be subject to the following provisions:

a. No tattoo parlor or body piercing establishment shall be permitted within 500 feet of a school, library, public park, or public playground. Measurement shall be made from the outermost boundary of the lot or parcel upon which the proposed use will be situated to the outermost boundary of the lot or parcel on which the school, library, public park, or public playground is situated.

b. No tattoo parlor or body piercing establishment shall be located within 1,000 feet of another tattoo or body piercing establishment. Measurement shall be made from the outermost boundary of the lot or parcel upon which the proposed use will be situated to the outermost boundary of the lot or parcel on which the existing tattoo parlor or body piercing establishment is located.

c. The site plan shall include a diagram that shows all zoning districts and any school, library, public park, or public playground within 500 feet of the proposed use. The diagram shall be drawn to a scale of not greater than one inch equals 100 feet.

d. The premises in which tattooing and/or body piercing is performed and all equipment used shall be maintained in a clean, sanitary condition and in good repair.

e. All used razors, needles, latex gloves, skin-cleansing sponges, gauze dressings, and other materials that have come in contact with human blood or other body fluids, excepting furniture and floor and wall coverings, shall be considered medical waste as that term is defined in the Medical Waste Regulatory Act, being MCL 333.13801 et seq., and must be handled and discarded in the manner specified in such act, depending on the item of waste to be disposed of.

f. An individual shall not perform tattooing or body piercing upon a minor unless the individual obtains the prior written informed consent of the minor's parent or legal guardian. A minor means a person under the age of 18 years. The minor's parent or legal guardian shall execute the written, informed consent required under this subsection in the presence of the

individual performing the tattooing or body piercing on the minor or in the presence of an employee or agent of that individual. For the purposes of this section, "minor" does not include a minor is emancipated pursuant to section 4 of Act No. 293 of the Public Acts of 1968, being MCL 722.4.

g. An individual shall not perform tattooing or body piercing upon an individual if the other individual is under the influence of intoxicating liquor or a controlled substance.

h. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity. Hours of operation shall be consistent with those of adjacent land uses.

i. Food or beverages shall not be served at a tattoo parlor or body piercing establishment.

j. The applicant shall demonstrate that outdoor loitering space would not be provided for and that outdoor loitering would be prohibited.

Section 4. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 5. Effective Date. This ordinance shall take effect upon the expiration of 7 days after its publication in a newspaper circulated within the Village.

Section 6. Publication. Within 15 days after its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the Village Clerk in a newspaper of general circulation in the Village.

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

ORDINANCE DECLARED ADOPTED.

Dated: , 2023

Karen Banks, Village President

Kathy Forman, Village Clerk

CERTIFICATION

I, the undersigned duly appointed Village Clerk of the Village of Lake Odessa, Ionia County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the Lakewood News, a newspaper of general circulation in the Village, on , 2023, and that such ordinance was entered into the Ordinance Book of the Village on , 2023.

Date: , 2023

Kathy Forman, Village Clerk
