

Village of Oxford Planning Commission Agenda
Tuesday, March 2, 2021 7:00 P.M. – Teleconference ONLY

This meeting is being held remotely under PA 228 for safety reasons to mitigate risk of transfer of the COVID-19 virus.

To Participate in Meeting: Call-in access number (312) 626-6799

Meeting ID: 840 672 2978 - Meeting passcode 202392

Use the following link to join the meeting via the internet

<https://us02web.zoom.us/j/8406722978?pwd=Z3lkL0tiZVYzYzB0VUhMYXIEMmNWdz09>

A meeting Link is also available on the village website at: www.thevillageofoxford.org

Physical Location ▪ 22 W Burdick Street, Oxford, MI ▪ Tel: 248-628-2543

Planning Commission Contact Information: Justin Ballard: justin.ballard@ballardintl.com; Leslie Pielack: leslie.pielack@gmail.com; Gary Douglas: willguver@gmail.com; Maureen Helmuth: hlemo@aol.com; Michelle McClellan: mcmcclellan72@yahoo.com; John Nold: jnold@oxfordtownship.org; Kelly Arkles: karkles@gmail.com

Physically handicapped, or persons needing assistance are asked to contact the Clerk's office during regular business hours no less than 72 hours in advance of the meeting if special accommodations are

needed: Monday-Thursday 8:00 am-5:00 p.m. (248)-628-2543, clerk@thevillageofoxford.org

Public input will be allowed during Item 9, Public Comment. Public may voluntarily state their name and address for the record. In adherence to the Open Meetings Act, this time is for commissioners to hear comments from the public and not to engage in discussion with the public. Each person will be allowed an opportunity to speak for no more than 3 minutes. All comments will be addressed to the Chairman.

1. Call to Order by Chair Justin Ballard at 7:00pm
2. Respects to the Flag
3. Roll Call: Gary Douglas, Maureen Helmuth, Justin Ballard, Leslie Pielack, Michelle McClellan, Jon Nold, Kelly Arkles. (Include statement of any "remote" attendees of their location, such as: Justin Ballard? "Here, attending remotely from Oxford, MI")
4. Approval of Agenda: March 2, 2021
5. Approval of Minutes: February 2, 2021
6. Correspondence: Memo, Council President Kelsey Cooke
7. Old Business:
 - a. Amendment A: Zoning Ordinance Section 4.1.4(B)(15) Text Amendment to Remove Tattoo Parlors from Adult Use
 - b. Amendment C: Zoning Ordinance Section 6.1.18 (B)Text Amendment Commercial Vehicles
 - c. Master Plan Review
8. New Business: None
9. Public Comment:
10. Consultant & Administration Comments:
11. Commissioner Comments:

Oxford Township Planning Commission Update:
ZBA update- Nothing to report.
DDA update- Pete Scholz
12. Adjournment:

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Joseph Madore is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission

Time: Dec 01, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/8406722978?pwd=Z3lkL0tiZVYzYzB0VUhmYXlEMmNWdz09>

Meeting ID: 840 672 2978

Passcode: 202392

One tap mobile

1-312-626-6799, 8406722978#,0#

**VILLAGE OF OXFORD
PLANNING COMMISSION**

February 02, 2021 7:00 p.m.

REGULAR TELECONFERENCE MEETING MINUTES

To Participate in Meeting: Call-in access number (312) 626-6799

Meeting ID: 840 672 2978 - Meeting passcode 202392

Or use link to join the meeting via the internet:

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Office Location ▪ 22 W Burdick Street, Oxford, MI ▪ Tel: 248-628-2543

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for safety reasons to mitigate risk of transfer of the COVID-19 virus.

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1. CALL TO ORDER

Chairman Justin Ballard called the meeting to order at 7:04 p.m.

2. RESPECTS TO THE FLAG

3. ROLL CALL: Members Present- Arkles, location: Village of Oxford, MI; Ballard, location: Village of Oxford, MI; Pielack, location: Village of Oxford, MI.; Douglas, location: Village of Oxford, MI.; Helmuth, location: Village of Oxford, MI.; McClellan, location: Village of Oxford, MI.; Nold, location: Oxford Township, MI.; Absent 0. Staff Present: Village Manager Joe Madore, Recording Secretary Tere Onica, McKenna Planner Mario Ortega, Fire Chief Pete Scholz.

4. APPROVAL OF AGENDA: Meeting Agenda February 2, 2021.

MOTION: by Pielack/Helmuth to approve the agenda as presented.

Roll Call Vote: Ayes: 7. Arkles, Ballard, Douglas, Helmuth, McClellan, Nold, Pielack. Nays: 0. Absent: 0. Motion carried.

5. APPROVAL OF MEETING MINUTES: January 19, 2021 Regular Meeting Minutes.

MOTION: by Douglas/Helmuth to approve the Village of Oxford January 19, 2021 minutes with an amendment to attendance to reflect Commissioner McClellan as present on the virtual call but unable to participate due technical difficulties.

Roll Call Vote: Ayes: 7. Douglas, Helmuth, McClellan, Nold, Pielack, Arkles, Ballard. Nays: 0. Absent: 0. Motion carried.

6. CORRESPONDENCE: None.

7. NEW BUSINESS: Election of Officers.

MOTION: by Douglas/Pielack to nominate Commissioner Ballard as Planning Commission Chairman with Ballard accepting the nomination.

Roll Call Vote: Ayes: 7. Helmuth, McClellan, Pielack, Nold, Arkles, Ballard, Douglas. Nays: 0. Absent: 0. Motion carried.

MOTION: by Helmuth/Douglas nominating Leslie Pielack as Planning Commission Vice Chairman with Pielack accepting the nomination.

Roll Call Vote: Ayes: 7. McClellan, Pielack, Nold, Arkles, Ballard, Douglas, Helmuth. Nays: 0. Absent: 0. Motion carried.

49 **8. OLD BUSINESS:**

- 50 **a. 2020 Annual Review and Future Business:** The action plan is a list of various topics not
51 prioritized in any specific order. Consensus was to send report to council for approval.

52 **MOTION:** by McClellan/Douglas to request the Village Council accept the 2020 Planning
53 Commission Annual Report and 2021 Action Plan as presented.

54 **Roll Call Vote:** Ayes: 7. Pielack, Nold, Arkles, Ballard, Douglas, Helmuth, McClellan.
55 Nays: 0. Absent: 0. Motion carried.

56
57 **9. PUBLIC COMMENT:** None
58

- 59 **10. CONSULTANT AND ADMINISTRATIVE COMMENTS** - Master Plan (MP) review is
60 most pressing. The review required by State statute is minimally two meetings. Planner Ortega to
61 lead discussion, take notes and create recommendations for consideration. MP created in 2004,
62 reviewed in 2009. Updated in 2011 with a comprehensive update completed in 2016 speaking to
63 its' relevance. A review is the first step. Notification required to be made to adjacent
64 communities. The MP will be available for review and public input. Corroborate what is good,
65 identify what might be missing.
66

67 **11. COMMISSIONER COMMENTS**

68 OXFORD Township Planning Commission. Food Truck Ordinance forthcoming.

69 ZBA- needs a Planning Commission representative.

70 DDA- Interim director has been appointed. Restaurant weatherization grant materials have
71 been delivered.
72

73 **15. ADJOURNMENT:**

74 **MOTION:** by Helmuth/Douglas to adjourn at 7:46 p.m. All in favor. Motion
75 carried.
76
77
78

79 Respectfully submitted,
80 Tere Onica, Recording Secretary

To: Planning Commission
From: Kelsey Cooke, Village Council
Subject: Commercial Vehicle Ordinance
Date: February 10, 2021

Article 2 – Definitions

Commercial Vehicle:

This definition includes motor vehicles with a stake body, but “rack” is struck.
What is the intention here? I see depictions of both stake body and rack vehicles in the “light-medium duty vehicle examples.” Are stake body vehicles intended as prohibited? If so, then it should be removed from the permitted vehicle depiction. Please clarify.
I would prefer to prohibit stake body trucks and flat bed trucks.

This definition includes any motor vehicle that has a commercial license plate and has a body length in excess of 9 feet, such as a box truck.
The referenced sentence here is not a complete sentence so I’m not sure what the intention is for it. I assume it’s to include the vehicle in excess of 9 feet as a commercial vehicle. Please clarify.
Why is there an example in the text of only a box truck? Please advise.
Do all vehicles having body’s exceeding 9 feet have a commercial license plate? Are we allowing more than we intend here?

This definition excludes passenger vehicles used by contractors... but shall include construction equipment.
What is the definition of a passenger vehicle used by a contractor? Is it possible that a passenger vehicle used by a contract could exceed 9 feet and then be prohibited? Please address.

Section 6.1.18 – Commercial Vehicles in Residential Areas

A. Purpose.

This section references “large” commercial vehicles.
Large is not defined. Maybe it should be added to the commercial vehicle definition.

B. Residential Parking Prohibited.

This section prohibits parking of “large” commercial vehicles.
Large commercial vehicles are not specifically defined and need to be if the intention is to distinguish between large and light-medium duty. This will create confusion and enforcement issues. There are depictions of large commercial vehicle examples included in the proposed ordinance but then the language specifically notes that the “chart is merely to demonstrate

examples and is not regulatory in and of itself” so this will not be enforceable as to what is “large.” Please advise and clarify.

This section does not apply to standard passenger vehicles used by contractors such as light or medium-duty trucks, box trucks with a chassis body nine feet or less, or panel vans when parked on private property where the contractor resides.

What is the difference between light or medium-duty trucks and box trucks with a chassis body nine feet or less? Too many terms are being used to describe the same thing. Either define large vs light and medium-duty or use nine feet and less vs in excess of nine feet, but pick one for ease of understanding and enforceability.

I would prefer that motor vehicles with a body exceeding 9 feet in length, plus stake trucks and flat bed trucks are all prohibited.

C. Presumption of Ownership.

D. Examples of Commercial Vehicles.

The images following the text of this section depict those light-medium vehicles that are permitted in residentially zoned or used areas and examples of large commercial vehicles that are prohibited.

The section notes the images are merely to demonstrate examples and not regulatory in and of itself.

Recommended to remove stake body truck and flat bed truck from light-medium duty vehicle examples.

**OXFORD VILLAGE COUNCIL
TELECONFERENCE REGULAR MEETING MINUTES**

Call-In Access Number (312) 626-6799 Meeting Code: 959731

Village Council Members: Lori Bourgeau, Kelsey Cooke, Maureen Helmuth, Allison Kemp, Ashley Ross

**22 West Burdick Street
Oxford, MI 48371**

February 9, 2021

7:00 pm

1.) CALL TO ORDER: Council President Kelsey Cooke called the teleconference meeting to order at 7:00 p.m. as permitted under PA 228 of 2020, for safety reasons to mitigate the transfer risk of COVID-19. Participation information was available on the Village website at www.thevillageofoxford.org and printed on the Agenda header.

2.) PLEDGE OF ALLEGIANCE: With Moment of Silence.

3.) ROLL CALL ATTENDANCE: Members Present: 5: Physical location: remote from Oxford, MI- Bourgeau, in attendance. Physical location: remote from Oxford, MI. -Cooke in attendance. Physical location: remote from Oxford, MI. Kemp, in attendance. Physical location: remote from Oxford, MI. Helmuth, in attendance. Physical location: remote from Oxford, MI. Ross, in attendance. Absent: 0. Staff Present: Village Manager Joseph Madore, Attorney Robert Davis, Recording Secretary Clerk/Treasurer, Tere Onica, Police Chief Mike Solwold, Fire Chief Pete Scholz.

4.) APPROVAL OF AGENDA: February 9, 2021.

MOTION: by Helmuth/Bourgeau to approve the February 9, 2021 Agenda as presented.

Roll Call Vote: Ayes: 5. Kemp, Ross, Bourgeau, Cooke, Helmuth. Nays: 0. Absent: 0. Motion adopted.

MOTION: by Cooke/Helmuth to open the Public Hearing at 7:02 p.m.

Roll Call Vote: Ayes: Ross, Bourgeau, Cooke, Helmuth, Kemp. Nays: 0. Absent: 0. Motion adopted.

5.) PUBLIC HEARING:

Randy Gower Oxford, Orion FISH- provided information and data on the Food Bank and Subsistence program servicing Village of Oxford residents.

Patricia Duke, LOVE INC.- Is a needs clearing house. Rent, utility assistance, food assistance.

LOVE provides services to the Village of Oxford residents and works with FISH. LOVE received \$51,000 from the United Way last year,

MOTION: by Cooke/Kemp to close the Public Hearing at 7:10 p.m.

Roll Call Vote: Ayes: Ross, Bourgeau, Cooke, Helmuth, Kemp. Nays: 0. Absent: 0. Motion adopted.

6.) CALL TO PUBLIC: No comments.

7.) CONSENT AGENDA:

MOTION: by Helmuth /Ross to receive and file correspondence and approve consent agenda items under (a) as presented.

Roll Call Vote: Ayes: 5. Bourgeau, Cooke, Helmuth, Kemp, Ross. Nays: 0. Absent: 0. Motion adopted.

MOTION: by Cooke/Helmuth to approve Consent Agenda items b (i), (ii), and (iii) as presented excluding Closed Session Minutes from Feb 2, 2021 and including bills in the amount

of \$146,383.13.

Roll Call Vote: Ayes: 5. Kemp, Cooke, Helmuth, Ross, Bourgeau. Nays: 0. Absent: 0. Motion adopted.

8.) UNFINISHED BUSINESS: None.

9.) NEW BUSINESS:

- a. **Consideration for the Eligibility for Holding Office in the Village of Oxford**
Discussion. To be continued.

- b. **Planning Commission 2020 Annual Report, 2021 Action Plan**

MOTION: by Cooke/Bourgeau to receive and file the Planning Commission Annual Report and 2021 Action Plan as presented. Budget

Roll Call Vote: Ayes: 5. Helmuth, Kemp, Ross, Bourgeau, Cooke. Nays: 0. Absent: 0. Motion adopted.

- c. **Planning Commission Recommended Text Amendments to Zoning Ordinance-First Reading**

Amendment A: Removes Tattoo parlors as an Adult Regulated Use, allowing as a permitted use in C-2 and Special Use in the Flex (F) District. Discussion on allowing in C-1 Districts.

MOTION: by Cooke/ Bourgeau to approve the first reading and to send the request to include all of C-1 as a permitted use to the planning commission for consideration prior to the next meeting.

Roll Call Vote: Ayes: 5. Kemp, Ross, Bourgeau, Cooke, Helmuth. Nays: 0. Absent: 0. Motion adopted.

Amendment B: Clean up existing regulated use ordinance. Identified as Special Use (S) in the I-1 district.

MOTION: by Cooke/Helmuth to approve the first reading and schedule the second reading for the proposed Amendment B for the next meeting, March 9, 2021 as recommended by the Planning Commission.

Roll Call Vote: Ayes: 5. Bourgeau, Cooke, Helmuth, Kemp, Ross. Nays: 0. Absent: 0. Motion adopted.

Amendment C: Commercial Vehicles. Current Commercial Vehicle ordinance was restrictive to contractors. Minor change was made to define commercial vehicles and define light-medium duty vehicles more accurately. Commercial Vehicle wording is confusing and hard to enforce. What does "large" mean? Box truck, flat bed examples are problematic.

MOTION: by Cooke/Helmuth to approve the zoning text amendments presented with Council President Cooke to send specific feedback and comments regarding nebulous wording with additional language amendments and visual examples of light-medium duty vehicles to Planner Ortega and Planning Commissioners for revision.

Roll Call Vote: Ayes: 5. Cooke, Helmuth, Kemp, Ross, Bourgeau. Nays: 0. Absent: 0. Motion adopted.

Amendment D: Minor revision to fences, walls or privacy screens to apply to all properties

Roll Call Vote: Ayes: 4. Kemp, Ross, Bourgeau, Cooke. Nays: 1. Helmuth. Absent: 0.
Motion carried.

11.) ITEMS REMOVED FROM CONSENT AGENDA: None.

12.) PUBLIC COMMENT:

- Sue Bossardet- statement on vote taken for Marijuana was for legalization in the State of Michigan not for the business to be permitted in the Village of Oxford. Asked Council to visit marijuana facilities in Lapeer.
- Brian Cloutier- thanked Council for support for library, book storage and sale.
- Kelly Arkles- Legalization of Recreational Marijuana and its' impact. Why can't the tiny village wait when the much larger township opted out. The Township of Orion and Village of Orion have a joint venture. When visiting facilities, notice the proximity of residential areas to these facilities. If the market will decide Marijuana business, why does it need to be in a 1 1/2 square mile area (of the village). The majority of residents are opposed, and that should be considered.
- Morgan Nematheis agreed with extension of sunset date for the ordinance prohibiting marijuana.
- Nicole Rankin- Community awards next week. Needs bios from council members.
- Ron Renaud-what is the hurry to enact an ordinance when there is so much uncertainty? Find out what is right and what is wrong in other communities. Concern that financial gains will not meet expectations.
- Evelyn Archer Pitrowski- Impact analysis on Marijuana business is needed; what is the hurry. Proximity to residential areas and parks. So much uncertainty. Revenue is not impressive.

13.) COMMITTEE REPORTS-

NOTA-No update at this time.
Planning Commission- Report from Helmuth.
Cable Commission-Nothing to report.
Polly Ann Trail-Report from Kemp.
DDA-Report from Ms. Cooke. Interim DDA Director was selected.

13.) MANAGER, STAFF, & ATTORNEY REPORTS

14.) COUNCIL COMMENTS

16.) ADJOURNMENT:

MOTION: by Cooke/Helmuth to adjourn at 9:25 p.m. All in favor by voice vote. Motion carried by voice vote.

Respectfully Submitted,
Teresa L. Onica, Recording Secretary

Kelsey Cooke, President

Village of Oxford
Draft Zoning Ordinance Amendment Language

The current ordinance standards are in normal text.
~~Standards proposed to be deleted are in red strikethrough text.~~
The new proposed ordinance standards are in blue italics text.

AMENDMENT A: Remove Tattoo Parlors from Regulated Uses.

Currently the zoning ordinance definition of tattoo parlors is very broad. The definition includes any establishment where the application and placement of ink, either permanently or temporarily, below the skin is conducted. This would also include newer beauty services which provide temporary or permanent make-up or eyebrows to customers. In addition, it is listed as a regulated use which are not currently identified as a permitted or special use in any district. The result is such services could not be established as a principal use in anywhere in the Village. The following proposes removing tattoo parlors from adult regulated uses and permits them in the C-2 district.

ARTICLE 2 • DEFINITIONS

PERSONAL SERVICE ESTABLISHMENT: A business that performs services on the premises for persons residing in nearby residential areas including but not limited to shoe repair, tailoring, beauty parlors, nail salons, or barbershops.

TATTOO PARLOR means a business having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

SECTION 3.3.1 – TABLE OF PERMITTED USES BY DISTRICT

Chart Key:

- P: Principal Permitted Use
- S: Special Use
- T: Temporary Land Use

Uses	Districts								Additional Standards
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F	
OFFICE AND SERVICE USES									
Personal service establishments			P	P	P			S	
Tattoo Parlor					P			S	

SECTION 4.1.4 • ADULT REGULATED USES

- A. In the preparation and enactment of this Section, it is recognized that there are some uses which, because of their very nature, have serious objectionable characteristics which have a deleterious effect upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the Village's residential neighborhoods and commercial centers. It is the intent of this Section to provide reasonable regulations for the establishment of these uses in a viable, accessible location where the adverse impact of their operations may be minimized.

- B. As used in this Ordinance, the following definitions shall apply to adult-regulated business uses:
1. "Adult Business" means adult book stores, adult movie theatres, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors, nude modeling studios, and tattoo parlors as defined in this Article.
 2. "Adult Book Store" means an establishment having 20 percent of its stock in trade books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material which exceeds twenty (20) percent of the floor area of the establishment.
 3. "Adult Cabaret" means an establishment having as an activity the presentation or display of male and/or female impersonator(s), dancer(s), entertainer(s), waiter(s) or waitress(es), or employee(s), who display specified anatomical areas as defined herein, and which may or may not feature the service of food or beverage.
 4. "Adult Movie Theater" means an enclosed building or room used for presenting motion picture films, video cassettes, cable television or any other visual media, having a dominant theme materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein.
 5. "Adult Novelty Business" means a business which offers for sale of devices which simulate human genitals or devices designed for sexual stimulation.
 6. "Adult Personal Service Business" means a business having as its principal activity a person, while nude or while displaying "Specified Anatomical Areas" (as defined herein), providing personal services for another person. Such business include, but are not limited to, modeling studios, body painting studios, wrestling studios, conversation parlors, and theatrical performances or entertainment.
 7. "Specified Anatomical Areas" is defined as:
 - a. Less than completely and opaquely covered:
 1. Human genitals, pubic region;
 2. Buttocks, anus; and
 3. Female breast below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 8. "Specified Sexual Activities" are defined as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse, or sodomy; and
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
 9. "Sexual Intercourse" includes fellatio, cunnilingus, anal intercourse, or any other intrusion, however light, of any part of a person's body, or of any object into the genital or anal openings of another's body.
 10. "Sodomy" means sexual bestiality.
 11. "Buttock" includes the anus and perineum of any person.
 12. "Massage Parlor" means an establishment wherein private massage is practiced used or made available as a principal use of the premises.
 13. "Massage" means manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another for a fee.
 14. "Nude Modeling Studio" means any building, structure, premises or part thereof, used primarily as a place which offers as its principal activity the providing of models to displace specified anatomical areas as defined herein for artists and photographers for a fee.
 15. ~~"Tattoo Parlor" means a business having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.~~
- C. No adult business as defined herein shall be permitted within 1,000 foot radius of an existing adult business. Measurement of the 1,000 foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.

- D. No adult business as defined herein shall be permitted within a 1,000 foot radius of any school, library, park, playground, movie theater, skating rink, pool hall, coin operated amusement center, licensed group day-care center as defined in Act 448 of Public Acts of 1980, or church, convent, monastery, synagogue, or similar place of worship. Measurement of the 1,000 foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.
- E. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right of way. This provision shall apply to any display, decoration, sign, show window, or other opening.
- F. No person shall reside in or permit any person to reside in the premises of an adult business.
- G. The provisions of this Article regarding massage parlors, shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social workers and family counselors, who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan *in compliance with Public Act 471 of 2008, as amended*, certified members of the American Massage and Therapy Association, and certified members of the International Myomassethics Federation.

AMENDMENT B: Designate Zoning District for Regulated Uses.

Currently, adult regulated uses are defined, and standards of approval are listed but they are not identified to be located in any zoning district of the Village. This is contrary to established case law and U.S. Supreme Court rulings in which a local municipality must allow such uses the opportunity to be located within its boundaries. The following amendment would require any adult regulated use to receive special land use approval prior to being established in the I-1 zoning district.

SECTION 3.3.1 – TABLE OF PERMITTED USES BY DISTRICT

Chart Key:

P: Principal Permitted Use

S: Special Use

T: Temporary Land Use

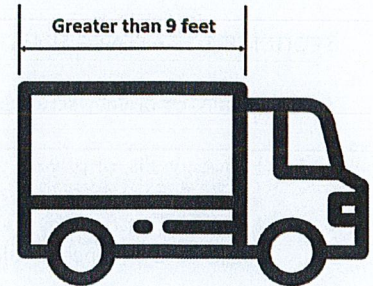
Uses	Districts								Additional Standards
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F	
INDUSTRIAL, RESEARCH AND TECHNOLOGY USES									
Adult Regulated Uses						S			Section 4.1.4

AMENDMENT C: Commercial Vehicles.

As discussed previously, the current commercial vehicle standards prohibit certain types of contractor's vehicles from parking in residential areas. The following would revise the definition and regulations of commercial vehicles.

ARTICLE 2 • DEFINITIONS

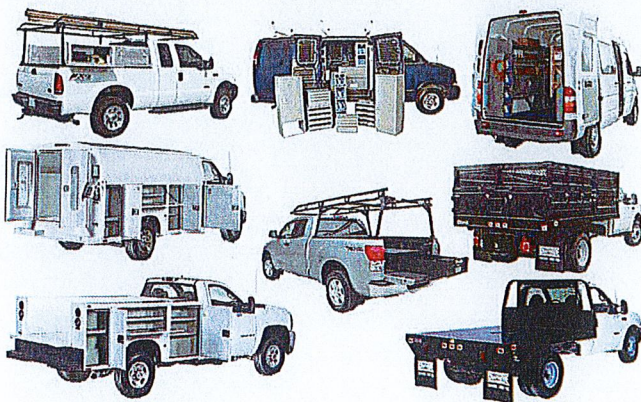
COMMERCIAL VEHICLE: A truck or motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body or any other body, ~~the mounted height of which exceeds the height of the cab roof more than eight (8) inches.~~ Any truck or motor vehicle which has a commercial license plate and ~~is designed to accommodate~~ has a body length in excess of 9 feet, *such as a box truck*. Commercial vehicles shall not include motor homes, *passenger vehicles used by contractors*, or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.



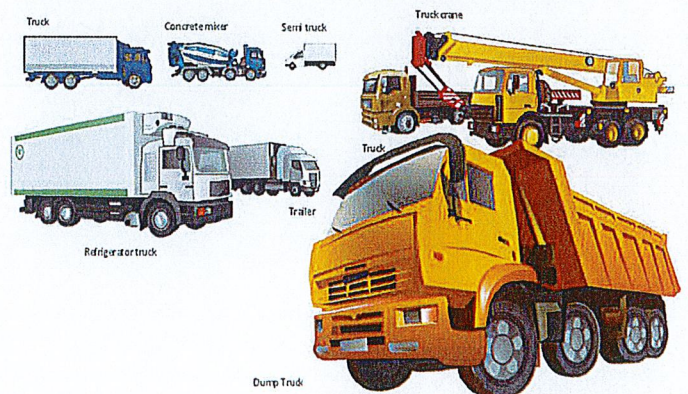
SECTION 6.1.18 • COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

- A. **Purpose.** The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for single family residential development. The parking of large commercial vehicles are frequently impediments to the ingress and egress of emergency vehicles and equipment, and are frequently unsafe when operated on residential streets. The noise, exhaust emissions and appearance of such *large* commercial vehicles tend to impair the health, safety and general welfare of the people of the Village.
- B. **Residential Parking Prohibited.** No *large* commercial vehicle ~~of any kind~~, shall be parked in a residentially zoned or used area. Provided however, this provision shall not apply to commercial vehicles temporarily parked less than eight (8) hours in a residential area in conjunction with maintenance or service to a residential property. *This provision shall not apply to standard passenger vehicles used by contractor's such as light or medium-duty trucks, box trucks with a chassis body nine (9) feet or less, or panel vans when parked on private property where the contractor resides.*
- C. **Presumption of Ownership.** In any proceeding for violation of any parking provision of this section, the person to whom a commercial vehicle is registered, as determined from the registration plate displayed on said motor vehicle, shall be presumed in evidence to be the person who committed the violation charged.
- D. **Examples of Commercial Vehicles.** The following chart shows examples of light/medium duty vehicles which are permitted and examples of large commercial vehicles that are prohibited from parking in residentially zoned or used areas. The chart is merely to demonstrate examples and is not regulatory in and of itself.

Light-Medium Duty Vehicle Examples



Large Commercial Vehicle Examples



AMENDMENT D: Fences

Currently, the fence ordinance has language which qualifies the height and location standards for fences to be for single family residential districts. This could be inferred to mean the standards are not applicable in any other zoning district. Removing the text would make the fence standards applicable in all zoning districts.

SECTION 6.1.13 • FENCE, WALL, AND PRIVACY SCREENS

Fences, walls, or privacy screens shall conform to the following:

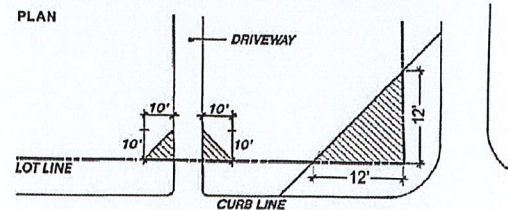
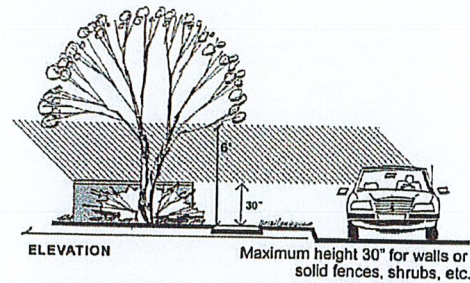
- A. Fences, walls, or privacy screens ~~in Single-Family Residential districts~~ shall not exceed six (6) feet in height above grade. Fences or walls are permitted within a front yard, provided that they do not exceed thirty (30) inches in height. All fences which are a part of any deck structure shall not exceed 4 feet in height above the surface of the deck. All ~~such~~ fences shall be subject to the following conditions:
 - 1. Those side yards that have a common street line with front yards in the same block shall be treated as front yards and shall not have a fence, wall, or privacy screen over thirty (30) inches in height erected within the minimum front yard setback.
 - 2. On corner lots with a common rear yard relationship within the block, fences, walls, or privacy screens shall not be higher than forty-two (42) inches within ten (10) feet of the street right-of-way line.
 - 3. Fences, walls, or privacy screens which serve as architectural or decorative landscaping and are not used to enclose property and/or are not placed on common lot lines, may be erected within the provisions of the minimum yard requirements for said yard as specified in the subject zoning district.

AMENDMENT E: Clear Vision Areas

The zoning ordinance has two separate sections addressing clear vision for drivers. One describes a clear vision area but has no graphic. The other does not describe the area requirements for signs but does have a graphic. The following edits would create language that the graphic represents and make the individual sections consistent with each other.

SECTION 6.1.11 • CLEAR VISION AREA

- A. No structure, wall, fence, *sign*, shrubbery, or trees shall be erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that *signs*, shrubbery and low retaining walls not exceeding thirty (30) inches in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted.
- B. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the intersection of the *pavement-edge street property* lines, or in the case of a rounded corner, from the intersection of the street property lines extended.
- C. In the case of driveways, there shall be provided an unobstructed triangular area formed by the street property line, the driveway pavement edge and a line connecting them at points ten (10) feet from their intersection.



SECTION 7.4.3 • GENERAL STANDARDS

- D. Clear ~~Corner~~ Vision *Area*. No sign ~~at an intersection above a height of thirty (30) inches shall block the view through a triangle formed by two points, one on each cross street, each 25 feet from the intersection, and the straight line connecting them, unless visual under clearance can be assured on the plans.~~ *shall be erected which will obstruct the view of a driver of a vehicle. Signs shall adhere to the clear vision area requirements of Section 6.1.11.*

