

**MEMO TO LAKE ODESSA PLANNING COMMISSION**

**FROM ZONING ADMINISTRATOR – Jeanne Vandersloot**

**REGARDING: Tattoo Parlor Application**

10-18-23

Sabrina Strong has submitted an application under the new Tattoo Parlor special use language. Definitions and the standards of the ordinance were approved and adopted by the Village Council as a special use permit.

She is proposing the new business be located at 1001 W Tupper Lake St on the NE corner of Fourth Ave which is in the CBD district. This is an existing older building, the use will be inside the building and customers will park on the available street parking spaces typical to the downtown area. She is proposing the business mainly be applying tattoos on people (permanent or temporary types) plus selling jewelry and tattoo related products and art work. The items sales are permitted uses as they are retail sales as allowed in the CBD. The tattoo portion of the business is a special use. A public hearing will be held on the application at the October 23 meeting.

I am including in a scanned package the application, two emails from the applicant, an aerial map and a zoning map of the area, the checklists for review and the new ordinance that was adopted.

The applicant states she should be able to meet the standards for the special use and I found that to be true in the checklists.

9-18-23



Paid  
SEP 15 2023  
KSF  
Cash \$100.00

Lake Odessa  
Page Memorial Building  
839 Fourth Avenue  
Lake Odessa, MI 48849

Phone (616) 374-7110 Fax (616) 374-0040 website www.lakeodessa.org

**Site Plan Review Application**

This application must be completed in full and approved by the Lake Odessa Planning Commission before beginning any construction, excavation or use regulated by the Lake Odessa Zoning Ordinance

**Proposed Request:**  Special Use Permit  Commercial  Industrial  Residential

**Property Information**

Address 1001 W. Tipper Lake St, Lake Odessa MI, 48849

Parcel Tax ID Number \_\_\_\_\_ Number of Acres or Square Feet 1,000

Legal Description (use attachments if needed)

tattoo parlor (body art facility), temporary tattoos, art and jewelry shop.

**Applicant Information**

Name Sabrina A. Strong

Address 1517 Emerson St

City Lake Odessa State Mi Zip 48849

Phone Numbers (616) 755-1762 (616) 414-4452 ( ) \_\_\_\_\_

**Property Owner Information** (if different from applicant)

Name Kurt Suidinski

Address 500 Riley St.

City Hudsonville State Mi Zip 49426

Phone Numbers (616) 5162-8184 ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

### Site Plan Review Application (page 2)

**Present Zoning District**

Central Business District

**Present Use of the Property**

body art tattoos, selling of art, jewelry, and tattoo products,  
temporary tattoos,

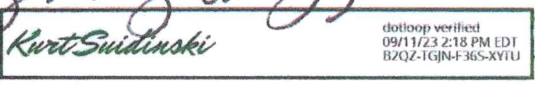
**Site Plan** (see zoning ordinance section 36.66 for details)

Include a site plan showing the location of the proposed use, any existing structures or the proposed location of any new construction or additions. Site plans must contain all of the information required in the Lake Odessa Zoning Ordinance.

**Affidavit**

I certify and affirm that I am the property or building owner or the owner's authorized agent and that I agree to conform to applicable zoning laws of the Village of Lake Odessa. I also certify and affirm that this application is accurate and complete to the best of my knowledge. I hereby give permission for Village representatives to visit this location.

Signature Agent	<u>[Handwritten Signature]</u>	Date	<u>9/15/2023</u>
Signature Owner	<u>[Handwritten Signature]</u>	Date	<u>9/11/2023</u>



**Office / Zoning Administrator Use**

Fee paid \$150 per Treasurer Date 9-22-23

Application Approved \_\_\_\_\_ Date \_\_\_\_\_

Conditions of Approval \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application Denied \_\_\_\_\_ Date \_\_\_\_\_

Reason for Denial \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Administrator Signature \_\_\_\_\_  
Date \_\_\_\_\_

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## Jeanne Vandersloot

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**From:** Sabrina Strong <stronginktattoo1@gmail.com>  
**Sent:** Wednesday, October 4, 2023 11:27 PM  
**To:** Jeanne Vandersloot  
**Subject:** Re: FW: LO special use permit application

Hello,

Here is the other info needed for the Tattoo Parlor.

- The First standard, there is no school, library or parks within 500 feet of the tattoo shop,
- The Second standard, there are no other tattoo parlors within 1000 feet of my proposed parlor.
- The Third standard, I will send in a diagram for proof of no schools, library or parks within 500 feet of my proposed parlor if needed.
- The Fourth standard, in order for me to run this parlor I have to follow all blood borne pathogen protocols to protect my clients and myself of all blood borne and communicable diseases.
- The Fifth standard, List of items used in tattoo procedure, station set up I wash hands and apply gloves, I use cleaning disinfectant to spray down my work station and apply a barrier to the areas, I then take out the supplies for the tattoo and placed them on my work station all including ink cups, ink, tongue suppressor to scoop out the ointment, razor, paper towel, green soap in dispenser wrapped in barrier, pre packaged needle cartage, tattoo machine and battery wrapped in barrier film and adhesive wrap for the grip. Other supplies for the procedure are the stencil and stencil cream to apply the stencil Aftercare bandage (saniderm).  
Total list of supplies for single tattoo is, Gloves Needle cartage, ink caps and ink, tongue suppressor, razor, ink eeze (ointment), paper towel, green soap, plastic wrap, barrier film, adhesive wrap, stencil and stencil cream, saniderm,
- The Sixth standard, All Minors are required to bring in copy of birth certificate, photo ID and parent/guardian photo ID and have parent present to sign and give consent of procedure.
- The Seventh standard, if a client is under the influence or intoxicated I am not permitted to to tattoo.
- The Eighth Standard, My expected hours of business will be Tuesday, Thursday, and Friday from 12pm- 8pm and Saturdays From 10am- 8pm.
- The ninth standard, No food or drinks shall be served to clients.
- The Tenth standard, No loitering in front of business permitted, If it is noticed I am required to ask them to leave.

Please feel free to reach out to me with any questions. I believe this goes over more than what is needed to final approval but hope it helps. Please let me know if I need to send in a map diagram showing distances between schools, libraries and parks to my proposed tattoo parlor. working to get this ordinance and special use permit approved. Have a blessed day.

Sabrina Strong

thank you so much for your time

On Wed, Sep 6, 2023 at 4:30 PM Sabrina Strong <stronginktattoo1@gmail.com> wrote:

Hello,

I was working on filling out the application and getting the property owners information for the paperwork. On the back of the form under Affidavit, does the property owner need to sign there along with my signature? Or does only my signature go there?

## Jeanne Vandersloot

2

**From:** Sabrina Strong <stronginktattoo1@gmail.com>  
**Sent:** Thursday, October 5, 2023 9:47 PM  
**To:** Jeanne Vandersloot  
**Subject:** Re: FW: LO special use permit application

Im glad it was helpful.

My lease states that I am renting 1000 square foot.

The building has some parking in the back but I am only allowed use of one space as the other spaces are reserved for other occupants of the building. Olive and Oak Hair Lounge is in the back portion of the building and they are allowed a parking space and then the upstairs occupants are allowed one space. All customers will need to find street parking. Let me know if you have any other questions.

Thank you.

On Thu, Oct 5, 2023 at 11:04 AM Jeanne Vandersloot <[zoningadmin@msn.com](mailto:zoningadmin@msn.com)> wrote:

Thank you, this is very helpful!

Also, to figure up the parking formula, how much square footage are you renting for the business and where will customers park? The ordinance requires each space to be 10' by 20' and one per 150 square feet of business use area. Does this property have separate parking spaces? Or do all customers park on the street spaces? It is common in the Village that most businesses only have street parking if they do not have any spaces behind their buildings. I just need to know what the parking situation is at the building you will be renting.

Thanks again,

Jeanne Vandersloot

Zoning Administrator

616-897-4242

[zoningadmin@msn.com](mailto:zoningadmin@msn.com)

PO Box 294

Lowell MI 49331-0294



FIRST ST

SIXTH AVE

OSX Rail Road

SHERMAN ST

101-150-000-455-00

101-160-000-155-00

FIFTH AVE

101-200-000-205-00

101-150-000-415-00

101-150-000-355-00

LINCOLN AVE

JOHNSON ST

TUPPER LAKE ST

FOURTH AVE

IONIA ST

EMERSON ST

101-050-000-055-01

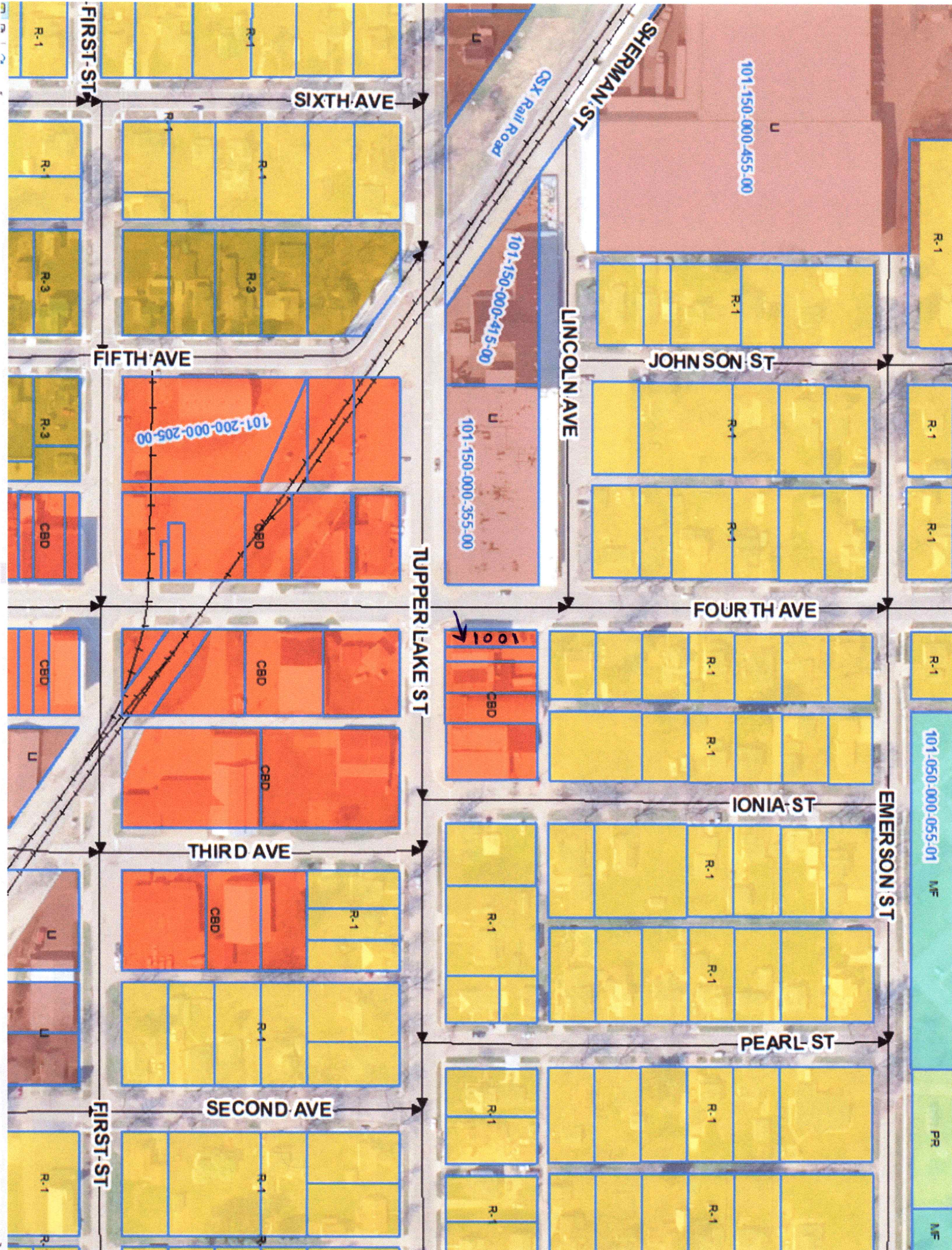
THIRD AVE

PEARL ST

101-050-000-055-00

FIRST ST

SECOND AVE



**PLANNING COMMISSION CHECKLIST**

**Application from Sabrina Strong, for Special Use Permit to allow  
a Tattoo Parlor to be conducted at 1001 Tupper Lake St**

**Sec. 36-66. Site plan review and approval.**

	Condition Met?	Comments
(a) Site plan review by zoning administrator. All applications for zoning permits, special use permits, rezonings and variances, as governed in this chapter, shall first require site plan review by the zoning administrator (or any other body or official designated by the village control to review site plans). Refer to subsection (f) of this section regarding revisions to an approved site plan.		
(b) Site plan approval. Unless otherwise noted, all requests for zoning permits must have a site plan approval by the zoning administrator. All requests for special use permits must have a site plan reviewed by the zoning administrator and approved by the village planning commission.		
(c) <i>Standards for the review of site plans.</i> The site plan is to be reviewed in order to determine that:		
(1) The proposed use conforms to the uses permitted in the respective zoning districts;	Y	CRD Tattoo Parlor
(2) The dimensional arrangement of buildings and structures conforms to the required yards, setbacks and height restrictions of the ordinance, unless waived by variance granted by the zoning board of appeals;	NA	
(3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this chapter for certain specific uses, unless waived by variance granted by the zoning board appeals;	Y	
(4) There is a proper relationship between the existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic;	Y	
(5) The proposed on-site buildings, structures, and entryways are situated and designed to minimize adverse effects (upon owners and occupants of adjacent and surrounding properties) by providing for adequate design of access/egress, interior/exterior circulation, storm drainage, erosion, grading, lighting and parking, as specified by this chapter or any county or state law;	Y	Existing Bldg + streets
(6) As many natural features of the landscape shall be retained as possible where they can be useful to the development of the site, or where they furnish a barrier or buffer between the project and adjoining properties (used for dissimilar proposes) or where they assist in preserving the general safety, health, and appearance of the neighborhood, i.e., controlling erosion or the discharge of storm waters, etc;	NA	
(7) Any adverse effects of the proposed developments and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping (as provided or required in this chapter);	NA	
(8) All buildings and structures are accessible to emergency vehicles	Y	



	Condition Met?	Comments
(9) The site plan as approved is consistent with the intent and purpose of zoning which is to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards of life and property; and to facilitate the village land use plan.	Y	existing hldg + streets
(d) <i>Conditional approval.</i> As a condition of granting site plan approval, the designated site plan approval body or official for zoning permits and special use permits may require that certain site development measures be taken by the applicant in order to satisfy the review standards set forth in subsections (c)(1) through (c)(9) of this section; and which essentially are designed to protect the general health, safety and welfare, as well as to promote environmental preservation and nuisance abatement. Site development guidelines are provided in this chapter. Site development guidelines include but are not limited to drainage, soil erosion, planning and design to site, fencing, screening strips, landscaping, on-site lighting, signing and off-street parking. Said measures must be incorporated by the applicant onto the site plan and maintained at all times.	*	Conditions are permitted by the Planning Commission for approval if reasonable.
(e) <i>Compliance with performance standards.</i> Compliance with performance standards for certain uses enumerated in this chapter is required.	*	
(f) <i>Final approved site plan on file.</i> A copy of the final approved site plan (and all revised, final approved site plans) shall be so marked and placed on file as the officially approved document of the applicant along with copies of any and all permits requested for the property in question. Approval of revised, final site plans can be made only by the designated body or official who first gave initial approval.	*	
(g) <i>Conformity to approved site plan.</i> Property which is the subject of the site plan approval must be developed in strict compliance with the approved site plan, and with any revisions, amendments or modifications made thereto. If construction and development does not conform with such approved plan, the approval there of shall be revoked by the zoning administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.	*	
(h) <i>Performance bond required.</i> Wherever any physical improvements to the property in question are to be provided by the applicant as a requirement or condition of site plan approval, the applicant or his agent shall post a performance bond. See article V of this chapter for posting of bonds.	*	Planning Commission <u>may</u> require a cash bond. Amount to be determined.
(i) <i>Site plan specifications.</i> The information to be submitted as part of the site plan document must include the following:		
(1) A vicinity area map at a convenient scale, showing proximity to any railroads, streams, streets, and street intersections; the location	Y	aerial

	Condition Met?	Comments
of the nearest public roads on all sides; and all such schools, firehouses, houses of worship, recreational areas, etc.	Y	aerial
(2) A map of applicant's entire subject property and all surrounding properties at a designated scale; and which shall display:		Aerial
a. The name of all owners of record of adjacent property;	NA	
b. Existing fire, school and other special district boundaries within 500 feet of the tract, if any;	Y	None
c. Boundaries of property and existing lot lines as shown on the existing plat or tax map;	Y	aerial
d. Existing public streets, easements, or other reservations of lands;	Y	aerial
e. Location of all existing structures on the site, as well as those of adjacent properties within 100 feet of subject lot line;	Y	See aerial map.
f. The proposed location and use of any building or structure;	Y	Existing Bldg
g. The proposed location of any use not requiring a structure, including walkways, benches, fences, and recreational facilities;	NA	
h. Location and design of all driveways, parking and loading areas, if any;	Y	Existing
i. Location of all existing and proposed water lines, valves, and hydrants, and all sewer lines, if any;	NA	Existing
j. Proposed fencing, screening and landscaping; and	NA	
k. Location of existing watercourses, wooded areas, and rock outcrops, if any.	NA	
(3) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.	NA	
(4) Where the applicant wishes to develop the project in stages, a site plan indicating total development shall be presented for approval of the entire parcel.	NA	
(5) The zoning administrator (for zoning permits) and the planning commission (for special use permits) may require additional data where it is warranted due to special conditions of the site or complexity of the proposed development.	Y	

**Sec. 36-67. Special use permits.**

In order that this chapter be flexible and reasonable, special uses are provided for in this chapter and require special use permits by the planning commission. Conformance to special use standards is required, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and distinct form that each specific use shall be considered on an individual case. The granting of a special use permit does not negate the requirement for any other required permit.

	Condition Met?	Comments
(1) <i>Standards for the consideration of special uses.</i> The review for a special use shall consider the following:		
a. The general safety, health, and welfare of the community-at-large. This shall include:		
1. Accessibility of the property in question to fire and police protection;	Y	
2. Traffic conditions, creating or adding to a hazardous situation;	Y	
3. Transportation design requirements, if any, which will be needed to accommodate any traffic impact for the use intended	Y	· Existing Bldg + streets
4. Appropriateness of the location, nature and height of the proposed use to the size, type, and kind of buildings, uses and structures in the vicinity and adjacent properties, including the safety and convenience of people therefrom.	Y	Existing
b. Any potential decrease in the market value of adjacent buildings, uses and structures which are permitted by right under current zoning, if the proposed use is granted;	Y	None
c. Harmony with the village land use plan. This considers whether the location and size of the proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets (giving access to it), parks and drainage systems will be in harmony with the village land use plan and the character of land use which is intended by said village plan for the area or district in question;	Y	Existing bldg in CBD
d. Impact from the applicant's proposed use, its location and intensity and the height of its buildings, walls, fences and other structures upon the appropriate character of development intended for the area as deemed desirable by the village land use plan;	Y	CBD
e. Any hazards arising from storage and use of dangerous toxic substances, combustible, inflammable, or caustic fluids or chemicals.	Y	None
f. That the operations in connection with any special use shall not be environmentally objectionable to nearby properties by reason of noise, fumes, pollution, vibration, or lights to an extent which is more than would be the operations of any use permitted by right for that district wherein the special use is proposed.	Y	None

	Condition Met?	Comments
<p>(2) <i>Conditional approval.</i> As a condition of granting a special use permit, the planning commission may require that certain development precautions and remedies be taken by the applicant in order to satisfy the special use review standards and the site plan review standards set forth in this chapter; and which essentially are designed to protect the general health, safety and welfare, as well as to promote environmental preservation and nuisance abatement. Site development guidelines are provided in this chapter. Site development guidelines include but are not limited to drainage, soil erosion, planning and design of site, fencing, screening, buffer strips, landscaping, on-site lighting, signing and off-street parking. Said measures must be incorporated by the applicant onto the site plan and maintained at all times.</p>	*	Conditions can be applied if reasonable.
<p>(3) <i>Compliance with performance standards.</i> Compliance with performance standards for certain uses enumerated in this chapter is required.</p>	*	
<p>(4) <i>Site plan approval required.</i> Site plan approval by the planning commission is required for all special use permits. Site plans are initially reviewed by the zoning administrator.</p>	*	
<p>(5) <i>Time constraints.</i> A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than 12 months for any reasons. Initial development must begin within one year from the date of issuance.</p>	*	
<p>(6) <i>Existing violations.</i> No permit shall be issued for a special use for a property where there is an existing violation of this chapter, with respect to a new use or structure.</p>	Y	None
<p>(7) <i>Decisions in writing.</i> It is further provided that in granting or denying a special use permit, the planning commission shall specify in the written decision the particular reason relied upon and its relation to the proposed use.</p>		
<p>(8) <i>Appeals.</i> Any and all appeals regarding a decision or condition imposed upon a special use application shall be made to the zoning board of appeals within 15 days from the date of decision or imposed condition.</p>		

**Tattoo Parlor - Special Use Application from Sabrina Strong - 1001 Tupper Lake St - CBD**

Definitions	Meets Definition	Comments
Body-Piercing means the perforation of human tissue other than an ear for a nonmedical purpose.	Y	
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.	Y	
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.	Y	
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.	Y	

Requirements	Conditions Met	Comments
Parking: One space (ten feet by 20 feet) shall be required per 150 square feet of floor area. (6d)	NA	on street parking spaces for customers
<b>Is not within 500 feet of a school, library, public park, or public playground.</b> 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.	Y	None within 500'
<b>Is not within 1,000 feet of another tattoo or body piercing establishment.</b> 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.	Y	None
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.	Y	see aerial
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.	Y	

<p>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.</p>	<p>Y</p>	
<p>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 4894-0986-1484 v1 [57662-1] 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.</p>	<p>Y</p>	
<p>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.</p>	<p>Y</p>	
<p>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.</p>	<p>Y</p>	<p>Plans Tues, Thur, Fri 12-8pm Sat 10-8</p>
<p>Food or beverages shall not be served at a tattoo parlor or body piercing establishment.</p>	<p>Y</p>	
<p>The applicant shall demonstrate that outdoor loitering space would not be provided for and that outdoor loitering would be prohibited.</p>	<p>Y</p>	<p>see her email</p>

**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.

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



- 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.

## Central Business District

- (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.](#)

Highway Commercial District  
Special Uses section

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

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.

*New Section -* **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

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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 [REDACTED], 2023, and that such ordinance was entered into the Ordinance Book of the Village on [REDACTED], 2023.

Date: [REDACTED], 2023

Kathy Forman, Village Clerk

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