

Village of Lake Isabella - Codified Ordinances

Article XII – Planning & Zoning

Chapter 1262 – Special Land Uses

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1262.01 PURPOSE

Special land uses are those uses of land which require individual review and restriction in order to ensure compatibility with the surrounding area, public services and facilities and adjacent land uses. The purpose of this Chapter is to establish procedures and criteria which shall be applied in considering a special use request. The criteria provided in this Chapter shall be in addition to those required elsewhere in this code of ordinances. The following special land uses are subject to the conditions of this Chapter in addition to all other requirements of the codified ordinances of the Village of Lake Isabella:

1. Adult entertainment activities.
2. Agricultural labor housing
3. Assisted Living Facilities
4. Bars & Taverns
5. Country clubs and golf courses
6. Dwelling-units (non-ground floor)
7. Excavation–Transportation Services
8. Fairgrounds, flea markets and amusement parks
9. Filling stations and convenience centers
10. Fuel storage facilities
11. Group Day Care Homes
12. Hotel/Motel
13. Houses of Worship
14. Indoor Recreation Centers
15. Kennels

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16. Large Group Homes
17. Licensed child Care Centers
18. Marinas, yacht and boat clubs
19. Meat processing plants
20. Medium Group Homes
21. Mineral extraction industries
22. Mini-Warehouse Storage Units
23. Miniature golf and golf driving ranges
24. Motor vehicle repair facilities
25. Nursing homes
26. Outdoor recreational facilities
27. Planned Unit Developments (PUD)
28. Public and institutional uses
29. Recycling drop-off sites
30. Restaurants
31. Salvage yards
32. Solid waste disposal areas
33. Theaters, Assembly Halls, Lodges, and Private Clubs
34. Wood processing facilities

1262.03 APPLICATION PROCEDURE

An application for a Special Land Use Permit shall comply with the following procedures:

1. Application. Applications for Special Land Use Permits shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Village Council. No part of any fee shall be refundable.
2. Required Information. An application for a Special Land Use Permit shall include the following information:
 - A. A completed application form, supplied by the Zoning Administrator.
 - B. A site plan as required in Chapter 1214.
3. Hearing. After a preliminary review of an application for a Special Land Use Permit, the Planning Commission shall hold a public hearing or hearings on the special use request in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and also in accordance with any other applicable statute or ordinance.

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4. Review. Within a reasonable time following the public hearing, the Planning Commission shall make a determination on the Special Land Use Permit application. The determination shall be in accordance with the criteria for approval stated in Chapter 1262.05 and such other standards contained in this code of ordinances. The Planning Commission shall give final approval of the Special Land Use Permit.
5. Issuance of a Special Land Use Permit. Upon the approval by the Planning Commission, the Special Land Use Permit shall be signed by the Village Clerk and the Zoning Administrator. The permit shall include any conditions necessary to ensure conformance with this ordinance. The permit shall become valid 21 days after the date of approval.
6. Appeal. Within 30 days following the date of decision on any special land use permit, an applicant or an aggrieved party, including any governmental body or agency, may appeal the decision of the Planning Commission to the Village Council. Upon the filing of an appeal, the application, all relevant documents, testimony and the findings and decision of the Planning Commission shall be transmitted to the Village Council.
7. Decisions. All decisions shall contain a statement of conclusions specifying the basis for the decision and any conditions imposed upon the special land use.
8. Inspections and Revocation. The special land use permit shall be revoked if any of the conditions imposed in the granting of the permit are not met or maintained.

1262.05 GENERAL REQUIREMENTS FOR SPECIAL LAND USES

The general requirements for all special land uses are as follows:

1. Whether the proposed development is in general agreement with the adopted Village Master Plan.
2. Whether the density or use characteristics of the proposed development are detrimental to adjacent properties and land uses.
3. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property due to traffic, noise, smoke, odor, fumes or glare.
4. The special land use shall be adequately served by essential public facilities and services; or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequate services and facilities deemed essential to the special use under consideration.
5. The special land use shall represent an improvement to the property under consideration and the surrounding area in general.
6. The special land use shall not place demands on public services and facilities in excess of current capacity.

1262.07 PERFORMANCE BONDS

The Planning Commission may require a performance bond, or other guarantee of valuable consideration.

1262.09 DESIGN STANDARDS FOR SPECIAL LAND USES

All special land uses shall be subject to the requirements of the district in which they are located in addition to the following design standards:

1. Adult Entertainment Activities.

A. PURPOSE

In the development of a community it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these objectionable uses is necessary to ensure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood, increase crime and prostitution, or deteriorate property values. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e.; not more than one ~~two~~ such uses within 1,320 feet of another which would create such effects) is based on no less than the following eight documented effects of such use:

- 1) Sexually oriented businesses featuring nudity and sexual activities produce negative secondary effects of increased crime rates, declining or depressed property values, and a diminished sense of safety and security in members of the general public when walking in the vicinity of these businesses;
- 2) The negative secondary effects of sexually oriented businesses can be reduced or minimized by dispersing the sexually oriented businesses and requiring minimum distances between the sexually oriented businesses;
- 3) The negative secondary effects of sexually oriented businesses are exacerbated by close proximity to bars serving alcoholic beverages by the glass;
- 4) To minimize the negative secondary effects of sexually oriented businesses on residential areas and the community at large, the sexually oriented businesses should be located a minimum distance away from any residential zoning district, school, church, or public park;
- 5) The zoning regulations allow for the location of sexually oriented businesses within specified zoning districts of the Village of Lake Isabella, and a reasonable number of sites legally are available to be acquired and used by sexually oriented businesses;

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- 6) The negative secondary effects of public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass, can be minimized or eradicated by a local ordinance prohibiting public nudity as authorized by Michigan Statutes;
- 7) Requiring dancers and other performers to wear a minimal amount of clothing, such as pasties and a g-string, in order to comply with the ordinance will have little or no effect on the expressive element of the performances;
- 8) The zoning code provisions prohibiting public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass are narrowly drawn to apply to businesses and performers that offer nude performances on a regular basis, excluding occasional nude performances from the purview of the ordinance.

The above rationale is based upon numerous studies and findings of fact considered by the Village Council and Planning Commission which document a clear connection between sexually oriented businesses and a negative impact without limitation on the surrounding community. These studies and findings of fact include:

- “Report of the (Minnesota) Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses;” June 6, 1989
- “Impact of Adult Entertainment Uses, Measurement of Occupancy and Assessment Trends in Adjacent Residential Neighborhoods,” City of Lansing, Michigan Planning Division; April, 1988
- “Adult Entertainment Business in Indianapolis,” Department of Metropolitan Development, Division of Planning; February, 1984
- “Report on Adult Oriented Businesses in Austin,” City of Austin, Texas Office of Land Development Services; May 19, 1986
- “Study of the Effects of the Concentration of Adult Entertainment Establishments in Los Angeles,” Department of City Planning, Los Angeles, CA; June 1977.
- “Regulation of Adult Entertainment Establishments in St. Croix County,” St. Croix County, WI, September, 1993.
- “A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo,” City of Amarillo, TX; September 12, 1977
- Memorandum, “Zoning Controls for Adult Only Theaters,” City of Seattle, WA Environmental Management Division, Department of Community Development; March 11, 1976.
- “Revised Director’s Report on Adult Entertainment,” City of Seattle, WA, Department of Construction and Land Use; August, 1989
- “Adult Business Study,” City of Phoenix, AZ, Planning Department; May 25, 1979

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- “Pornography, Its Effect on the Family, Community & Culture,” David Alexander Scott, Published by Child & Family Protection Institution; 1985.
- “Adult Entertainment Study,” City of New York, NY, Planning Department, 1994.
- “Final Report to the City of Garden Grove: The Relationship between Crime and Adult Business Operations on Garden Grove Boulevard,” R. McCleary and J.W. Meeker, City of Garden Grove, CA; 1991
- “Report to the American Center for Law & Justice on the Secondary Impacts of Sexually Oriented Businesses,” Environmental Research Group; 1996
- “Sexually Oriented Business, An Insider’s ‘view,’” David Sherman, Michigan House Committee on Ethics and Constitutional Law, January 12, 2000
- Myriad of state and federal court decisions have been reviewed by the Village’s legal counsel.

B. DEFINITIONS

Definitions as used in this sub-chapter which are not set forth in Chapter 1204 of the code of ordinances are hereby defined as follows:

Adult Bookstore: An establishment having 20% or more of its stock in trade comprised of, books, magazines and/or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this Ordinance) or an establishment with a segment or section devoted to the sale or display of such material.

Adult Cabaret: Any establishment wherein food and/or beverage is sold or given away on the premises which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

Adult Merchandise Store: Any establishment having 20% or greater portion of its stock in trade sale of merchandise which is predominantly characterized by its emphasis on the matter or depicting or relating to any specified sexual activity or specified anatomical area.

Adult Motion Picture Theater: An establishment used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this Article), for observation by patrons therein.

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Escort Agency: Any establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Massage Establishments & Health Clubs: Any establishment where massage, steam baths, shower baths, and similar are made available. This does not include:

A duly licensed medical doctor, osteopath, chiropractor, nurse, or physical therapist; or,

A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity; or,

A barber, manicurist, beautician or cosmetologist who is duly licensed who practices within the established limits of his/her license, and who administers massage in the normal course of her/her duties upon the face, hands, feet, or neck; or,

A masseur or masseuse who has graduated from a school of message licensed by the state, or another state with equivalent standards of at least 500 class hours of education, and current professional membership in the American Massage Therapy Association

Nude Model Studio: Any establishment where a person displays any specified anatomical area as provided to be observed, sketched, drawn, painted, sculptured, photographed, or similar depicted by another person. This does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Specified Anatomical Areas: Less than completely covered (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, or buttock or female breast.

C. LOCATIONAL REGULATIONS

A. The adult entertainment activities itemized in this section shall be limited to the East Coldwater Business District.

B. These uses include: Adult bookstores, adult cabarets, adult merchandise stores, adult motion picture theaters, escort agencies, massage establishments & health clubs, nude model studios, and other like and similar uses which provide goods or services which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"

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or which is distinguished or characterized by its emphasis on "specified sexual activities" or "specified anatomical areas."

- C. An application to establish an adult entertainment activity shall not be approved if there is already in existence 1 ~~2~~ or more adult entertainment activities within 1,320 feet of the boundaries of the site of the proposed activities, excepting as otherwise provided for within this section.
- D. An application to establish an adult entertainment activity shall not be approved if the proposed location is within 1,320 feet of any existing single-family dwellings, or within 500 feet of any state licensed Manufactured Home park, bar or tavern, licensed day care center, adult foster care home, senior citizens' center, K thru 12 school, public park, or church, excepting as otherwise provided for within this Article.
- E. The Planning Commission may waive the locational standards limiting adult entertainment activities as they relate to similar uses if the following findings are made:
 - 1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of the article will be observed.
 - 2. That the proposed use will not enlarge or encourage the development of a "skid row" area.
 - 3. That the establishment of such regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
 - 4. That all applicable regulations of the code of ordinances will be observed.
- F. The Planning Commission may waive the locational standards limiting adult entertainment activities as they relate to residentially zoned districts, licensed day care centers, adult foster care homes, senior citizen centers, state licensed Manufactured Home parks, bar or tavern K thru 12 schools, public parks, or churches; provided that a validated petition requesting such a waiver, signed by the owners of record of at least 51 percent of parcels of land within 1,320 feet of the proposed location is presented to the Planning Commission. The circulated petition shall contain the following:
 - 1. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
 - 2. The petition will be so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature.

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- G. An applicant requesting a waiver of locational requirements shall file an application with the Zoning Administrator, however, the Zoning Administrator shall not accept an application for the waiver of locational requirements for an adult entertainment activity as they relate to residentially zoned districts, licensed day care centers, adult foster care homes, senior citizen centers, state licensed Manufactured Home park, bar or tavern K through 12 schools, public parks, or churches without a petition as required herein. Said petition shall be validated by the Village Clerk. The Zoning Administrator shall then notify the Planning Commission of the receipt of the requests and petition within 15 days of filing.
- H. Prior to the granting of a waiver of locational requirements, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

D. OPERATIONAL REGULATIONS

- A. No person under the age of 18 shall be employed by a sexually oriented business or by an adult entertainment activity.
- B. No person under the age of 18 shall be allowed to enter into a sexually oriented business or adult entertainment activity, or be provided goods or services at any time.
- C. At no time may any of the following be visible or audible to a person outside of the structure where the sexually oriented business or adult entertainment activity is located:
 - i. Any depiction or description in any material of any specified sexual activity or specified anatomical area.
 - ii. Any novelty item or literature
 - iii. Any person engaging in any specified sexual activity or specified anatomical area.
- D. No sexually oriented business or adult entertainment activity shall allow for the sale or consumption of alcoholic beverages by the glass.
- E. Hours of operation shall be between the hours of noon and midnight.
- F. No business shall be conducted on Sundays or any federal holiday.
- G. At least 2 employees, excluding entertainers, shall be on the premises at all times during operating hours.
- H. The business shall be equipped with operational security cameras which shall be used at all times during operational hours.

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- I. No signs or other advertisements may include photographs, silhouettes, drawings, descriptions or other representations of any specified anatomical areas, or specified sexual activity.
- J. All sexually oriented businesses or adult entertainment activities shall be open and available to the Village's code enforcement department, police department, and other law enforcement officials for the purpose of ensuring compliance with the operational requirements and other applicable laws.
- K. Sexually oriented business and adult entertainment activities which offer live entertainment shall provide all of the following:
 - 1. A dressing room for performers, with direct access between the dressing area and the performance area or stage so that the performer may enter and exit the performance area or stage without entering the area from which patrons will view the performance.
 - 2. All locations, including the dressing rooms and ingress/egress to the dressing rooms shall be ADA compliant.
 - 3. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons.
 - 4. The dressing area shall be serviced by restroom facilities, including working toilets, sinks, and hot and cold running water.
 - 5. All performances shall occur on a stage elevated at least 18 inches above the immediate floor level. There shall be a minimum of 4 feet of separation from the stage and the nearest seating location.
 - 6. There shall be no physical contact between any performer and any other performer, employee, owner, independent contractor, patron, or other person during or the immediate 15 minutes following a performance.
- L. All sexually oriented businesses and adult entertainment activities shall provide the Village with current contact information, including telephone and e-mail, for the manager and owner of such establishment.
- M. No person shall dance, entertain, display, or otherwise engage in any exhibition of performance in such a manner as to expose to the view of any person any of the following:
 - 1. Any specified anatomical areas.
 - 2. Any device, costume, covering, or novelty which gives the appearance or stimulates any specified anatomical areas.
- N. No person shall engage in any specified sexual activities on the premises of any sexually oriented business or adult entertainment activity.
- O. Sexually oriented business and adult entertainment activities which are classified as Massage Establishments & Health Clubs shall also comply with the following regulations:

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1. All tables, tubs, shower stalls, and floors; except for reception and administrative areas, shall be made of nonporous materials which may be readily disinfected.
2. Closed cabinets shall be provided and used for the storage of clean linens, towels, and other materials used in connection with administering massages.
3. Closed containers shall be provided for soiled linens, towels, and waste materials.
4. Separate toilets, lavatory facilities and shower stalls shall be supplied for patrons and personnel of the establishment. Separate toilet facilities shall be provided for male and female patrons.
5. Each area where massage is practiced shall be equipped with an operational hand sink with hot and cold running water.
6. No part of the establishment shall be used for, or connected to, any bedroom or sleeping quarter.
7. At least one door to the establishment which connects directly to the reception area shall remain unlocked during normal business hours.
8. The sexual and genital areas of patrons, clients, customers, and staff of the establishment shall be covered by towels, cloths, clothing, or other opaque garments at all times when in the presence of another person.

- P. Any violation of the requirements contained in this section, or on the terms and conditions imposed by the Village for approval, shall be grounds deemed as grounds of forfeiture of the approval granted by the Village of Lake Isabella.

E. APPLICATION PROCEDURE

- A. A Special Land Use permit, and approved Site Plan shall be required prior to the opening of the sexually oriented business or adult entertainment activity.
- B. The Planning Commission shall conduct the initial review and hearing as required by statute, and shall issue a finding of fact pertaining to the sufficiency of the applicant in relation to the requirements contained herein. This finding of fact and recommendation shall be forwarded to the Village Council, which shall take action upon the finding of fact and recommendation within 49 days of the conclusion of the Planning Commission's involvement.
- C. The Village Council may schedule an additional public hearing if it so desires prior to taking final action to approve or disapprove the application.
- D. If the Village Council disapproves the application, it shall do so only after issuing a finding of fact for the grounds of the disapproval.

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2. Agricultural Labor Housing

- A. Agricultural labor housing for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted by the Planning Commission in the A-1 District only
- B. Agricultural labor housing shall be located upon the same parcel of land as the principal structure to which they are accessory and only on a farm as defined in Chapter 1204.
- C. Minimum farm size shall be at least 40 acres in size where the agricultural labor housing is proposed.
- D. The rules, regulations and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply where any dwelling is used to house one or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations and standards and further to apply the same to the housing of one or more such migrant workers notwithstanding that such act provides that it applies to five or more such workers.
- E. All construction shall conform to the Building Codes adopted by the Village and other ordinances where such regulations impose greater standards than State and Federal regulations.
- F. Conditions may be imposed by the Planning Commission to ensure a desirable living environment for the migrant workers and to protect the values and desirability of adjacent properties.

3. Assisted Living Facilities

- A. The Landscaping standards and requirements of Section 1238.09(10) shall be met.
- B. Any structure with sleeping quarters shall be equipped with fire suppression sprinklers.
- C. All driveways, parking areas, sidewalks, and loading areas shall be paved.
- D. Dumpsters and recycling bins shall comply with section 1212.11 of the codified ordinances of the Village of Lake Isabella.
- E. One parking space shall be provided for every 2 beds.
- F. The minimum parcel size shall be 5 acres.
- G. Privacy fencing up to six feet in height may be permitted by the Planning Commission which would not normally otherwise be permitted by the Zoning Code, provided such is located in side or non-street yards and is made of either wood or vinyl.
- H. Room sizes shall comply with Section 1238.09(11-B)
- I. The development standards found in Section 1238.09(3, 6, and 12) shall also apply.

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- J. A minimum of 90 square feet of common area open space shall be provided and maintained per resident, based on maximum allowed occupancy.
 - K. A minimum of 120 square feet of interior common area shall be provided and maintained per resident, based on maximum allowed occupancy.
 - L. The facility shall not be located within 300 feet of another residential structure or use.
 - M. The parcel where the use is located shall have at least one property line abutting either a Major Street or paved County Primary Road of at least 200 feet.
 - N. The rear or side yard setback from any abutting residentially zoned property shall be forty feet (40'), which shall be maintained with landscaping and screening.
 - O. Required yards abutting public right-of-ways shall be kept free of parking spaces.
4. Bars & Taverns
- A. Bars & Taverns shall not be located within 300 feet (property line to property line) of any of the following:
 - 1. Another Bar or Tavern
 - 2. Any public school
 - 3. Any Licensed Child Care Center or Group Day Care
5. Country Clubs and Golf Courses.
- A. All uses, operations and structures permitted herein, including fences, fronting any public road or thoroughfare used for access or exit purposes shall be landscaped in accordance with plans approved by the Planning Commission.
 - B. If a country club or golf course is located in a residential district, the Planning Commission may allow the use of a dumpster if all other ordinance requirements pertaining to dumpsters is met and it would otherwise not be visible to any surrounding single-family dwellings.
6. Dwelling-units (non-ground floor)
- A. The residential space shall have safe, convenient access that is independent of any other use(s) located on the parcel.
 - B. The habitable floor space on all floors shall be used to compute the number of required parking spaces.
7. Excavation–Transportation Services
- A. All heavy equipment used in the operation shall enter and exit the property in driveways located no less than 100 feet from an adjacent residence.
 - B. All storage of equipment and materials must be inside a building or in the rear yard and behind the building.

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- C. Screening or fencing shall be provided from adjacent residences.
 - D. The maximum lot size shall be 5 acres in the Agricultural District.
8. Fairgrounds, Flea Markets and Amusement Parks
- A. Proper arrangements shall be made and the required approvals obtained from the Central Michigan District Health Department to provide necessary sanitation facilities.
 - B. All uses and activities shall have prior written approval from the Planning Commission. Any other requirements in this code of ordinances associated with a contemplated use or activity shall be adhered to if the use or activity is approved.
9. Filling Stations and Convenience Centers.
- A. Curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 50 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - B. The minimum parcel lot area shall be 43,560 square feet (One acre) and arranged so that ample space is available for all motor vehicles. Filling stations and convenience centers which are intended solely for the sale of gasoline, oil and minor accessories, having no facilities for repair or servicing of automobiles (including lubricating facilities), may be approved on lots meeting the lot area requirements of the District it is located in.
 - C. Fences and screening may be required by the Planning Commission to protect adjacent property. Such fencing and screening shall be maintained for the life of the special use permit.
10. Fuel Storage Facilities
- A. All facilities shall be setback at least 200 feet from all property lines and 500 feet from any residential district.
 - B. The maximum lot size shall be 10 acres.
11. Group Day Care Homes
- A. The standards specified in Chapter 1276 shall apply to all Group Day Care Homes.
12. Hotel/Motel
- A. One independent off street parking space shall be required for every rental unit, plus one additional space for each employee.
 - B. Any exterior play area or swimming pool shall fenced and used only for persons staying at the hotel/motel.
13. Houses of Worship

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- A. One independent off street parking space shall be required for every 2.5 seats based on the maximum seating capacity of the main place of assembly.

14. Indoor Recreation Centers

- A. One independent off-street parking space shall be provided for every 100 square feet of usable floor area.

15. Kennels

- A. No more than 15 animals over the age of 6 months are allowed to be housed at the location at any one time.
- B. The structure housing the animals shall be made adequately soundproof so that sound heard on adjacent properties does not exceed 60 dBA.
- C. During the hours of 10:30 PM and 6:00, AM all animals shall be kept indoors.

16. Large Group Homes

- A. The Landscaping standards and requirements of Section 1238.09(10) shall be shall be met.
- B. Any structure with sleeping quarters shall be equipped with fire suppression sprinklers.
- C. All driveways, parking areas, sidewalks, and loading areas shall be paved.
- D. Dumpsters and recycling bins shall comply with section 1212.11 of the codified ordinances of the Village of Lake Isabella.
- E. One parking space shall be provided for every 3 beds and fraction thereof.
- F. The minimum parcel size shall be 4 acres.
- G. Privacy fencing up to six feet in height may be permitted by the Planning Commission which would not normally otherwise be permitted by the Zoning Code, provided such is located in side or non-street yards and is made of either wood or vinyl.
- H. Room sizes shall comply with Section 1238.09(11-B)
- I. The development standards found in Section 1238.09(3, 6, and 12) shall also apply.
- J. A minimum of 75 square feet of common area open space shall be provided and maintained per resident, based on maximum allowed occupancy.
- K. A minimum of 100 square feet of interior common area shall be provided and maintained per resident, based on maximum allowed occupancy.
- L. The rear or side yard setback from any abutting residentially zoned property shall be forty feet (40'), which shall be maintained with landscaping and screening.

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- M. Required yards abutting public right-of-ways shall be kept free of parking spaces.

17. Licensed Day Care Centers

- A. The standards specified in Chapter 1276 shall apply to all Licensed Child Care Centers.

18. Marinas, Yacht and Boat Clubs

- A. Such uses shall only be located in waters that are directly adjacent to lands zoned Open Space Recreational (OSR). [References to allowing Marinas, Yacht and Boat Clubs as special land uses in chapters 1234.05(4), 1236.05(4), 1238.05(4), and 1240.05(5) are hereby deleted.]
- B. Fences and screening may be required by the Village Planning Commission to protect adjacent property and shall be included on any site plan reviewed by the Planning Commission.
- C. All such uses shall conform to the Marine Safety Act, Inland Lake and Streams Act, and the Natural Resources Protection Act and all other county, state and federal regulations existing and amended.
- D. Nothing contained herein shall prohibit any approved Marina, Yacht and/or Boat Club from operating their administrative offices at a site located adjacent or non-adjacent to the actual marina site as long as such offices are approved within the confines of this zoning code.

19. Meat Processing Plants

- A. Minimum lot size shall be three acres
- B. No such use shall be located within 100 feet of any property line or within 1,000 feet of any residential use or district.

20. Medium Group Homes

- A. The Landscaping standards and requirements of Section 1238.09(10) shall be met.
- B. Any structure with sleeping quarters shall be equipped with fire suppression sprinklers.
- C. All driveways, parking areas, sidewalks, and loading areas shall be paved.
- D. Dumpsters and recycling bins shall comply with section 1212.11 of the codified ordinances of the Village of Lake Isabella.
- E. One parking space shall be provided for every 3 beds and fraction thereof.
- F. The minimum parcel size shall be 2 acres.
- G. Privacy fencing up to six feet in height may be permitted by the Planning Commission which would not normally otherwise be permitted by the Zoning Code, provided such is located in side or non-street yards and is made of either wood or vinyl.

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- H. Room sizes shall comply with Section 1238.09(11-B)
 - I. The development standards found in Section 1238.09(3, 6, and 12) shall also apply.
 - J. A minimum of 65 square feet of common area open space shall be provided and maintained per resident, based on maximum allowed occupancy.
 - K. A minimum of 75 square feet of interior common area shall be provided and maintained per resident, based on maximum allowed occupancy.
 - L. Required yards abutting public right-of-ways shall be kept free of parking spaces.
21. Mineral Extraction Industries
- A. It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for said sand and gravel excavation.
 - B. No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the gravel pit is located.
 - C. The Planning Commission may require that part or all of the operation be screened.
 - D. No excavation shall come within 150 feet of a residence or within 100 feet of a property line or a road right-of-way. The Planning Commission may allow excavation activities within this minimum set back area during the reclamation process provided no excavation is allowed within 50 feet of any property line and no activity is allowed within 25 feet of any property line. The minimum parcel size for any mineral extraction use shall be 80 acres.
 - E. All truck operations shall be directed away from residential streets, whenever practical.
 - F. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
 - G. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
 - H. Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Not more than 50% of the intended project area for projects of greater than 40 acres, or more than 75% for

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projects of 40 acres or less, may be completed before restoration must begin. Substantial completion of reclamation and rehabilitation shall be effected within one year after the termination of mining or excavation activity in each area. Inactivity for a 12 month consecutive period shall constitute, for this purpose, termination of mining activity.

- I. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than 1 foot vertical to four feet horizontal.
- J. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a one-year period. Top soil shall be applied and compacted to a minimum depth of four inches sufficient to support vegetation.
- K. Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- L. Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained.
- M. No mineral extraction activity shall be allowed or commenced until a plan has been submitted and approved by the Planning Commission disclosing compliance with all of the provisions of the code of ordinances or the manner in which compliance will be secured by the applicant. Such plans include, among other things, the following:
 - 1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, additional roads, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
 - 2. The number of acres and the location of the same proposed to be operated upon within the following 12 months' period after commencement of operations and the planned stages of reclamation.
 - 3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - 4. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - 5. A reclamation map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes

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and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

- N. For the purpose of legal non-conforming mineral extraction industries, expansion shall not be permitted if the expansion exceeds 50% of the area disturbed by mining activities as of July 1, 2008. All expansion after July 1, 2008 shall be reclaimed in accordance with Chapter 1226.
- O. All permit applications for excavation must be co-signed by both the landowner and the operator.

22. Mini-Warehouse Storage Units

- A. All vehicular access to and from the site shall be from an arterial street and shall be approved by the Planning Commission.
- B. Fences and screening may be required by the Planning Commission to protect adjacent property.
- C. There shall be no outside storage or stockpiling. All merchandise shall be stored within an enclosed building.
- D. The area used for parking shall only be based on the main office area of the development.

23. Miniature Golf and Golf Driving Ranges

- A. A minimum front yard of 100 feet shall separate all uses, operations and structures permitted herein, including fences, fronting any public street or highway used for access or exit purposes and shall be landscaped in accordance with plans approved by the Planning Commission.
- B. Golf driving ranges shall provide safety screening and orientation as deemed reasonable and necessary by the Planning Commission.
- C. No principal or accessory building shall be closer than 50 feet from any abutting residential district or within 200 feet of any existing residential dwelling.

24. Motor Vehicle Repair Facilities

- A. Curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 50 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- B. The minimum parcel area shall be 43,560 square feet (One acre) and arranged so that ample space is available for all motor vehicles.
- C. No principal or accessory building shall be closer than 60 feet from any residential district or within 200 feet of any existing residential dwelling.
- D. Fences and screening in accordance with Section 3.11 may be required by the Planning Commission to protect adjacent property.

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- E. The Planning Commission shall limit the number of vehicles stored outdoors.

25. Nursing Homes

- A. The Landscaping standards and requirements of Section 1238.09(10) shall be shall be met.
- B. Any structure with sleeping quarters shall be equipped with fire suppression sprinklers.
- C. All driveways, parking areas, sidewalks, and loading areas shall be paved.
- D. Dumpsters and recycling bins shall comply with section 1212.11 of the codified ordinances of the Village of Lake Isabella.
- E. One parking space shall be provided for every 2 beds.
- F. The minimum parcel size shall be 5 acres.
- G. Privacy fencing up to six feet in height may be permitted by the Planning Commission which would not normally otherwise be permitted by the Zoning Code, provided such is located in side or non-street yards and is made of either wood or vinyl.
- H. Room sizes shall comply with Section 1238.09(11-B)
- I. The development standards found in Section 1238.09(3. 6, and 12) shall also apply.
- J. A minimum of 90 square feet of common area open space shall be provided and maintained per resident, based on maximum allowed occupancy.
- K. A minimum of 120 square feet of interior common area shall be provided and maintained per resident, based on maximum allowed occupancy.
- L. The facility shall not be located within 300 feet of another residential structure or use.
- M. The parcel where the use is located shall have at least one property line abutting either a Major Street or paved County Primary Road of at least 200 feet.
- N. The rear or side yard setback from any abutting residentially zoned property shall be forty feet (40'), which shall be maintained with landscaping and screening.
- O. Required yards abutting public right-of-ways shall be kept free of parking spaces.

26. Outdoor Recreational Facilities

- A. Minimum lot size shall be three acres.
- B. No commercial enterprise shall be permitted to operate on the grounds, except those activities which are solely for the use of patrons of the outdoor facilities.

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- C. All target ranges shall not be located within one-half mile of any residential district and shall be screened and bermed as required by the Planning Commission.
- D. No outdoor activity area shall be located within 100 feet of any property line.
- E. Fences and screening in conformance with Chapter 1222 may be required by the Planning Commission to protect adjoining property.

27. Planned Unit Developments (PUD's)

- A. The standards specified in Chapter 1282 shall apply to all Planned Unit Developments.

28. Public and Institutional Uses

- A. Public parks are allowed in LR-1 Districts if it conforms to the Village Master Plan
- B. Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.
- C. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening and other conditions necessary for the use to conform to the character of the adjacent neighborhood.
- D. The Village Council may at any time by majority vote exempt the Village of Lake Isabella from any and all zoning requirements imposed by this code for any and all purposes.

29. Recycling Drop-Off Sites

- A. The site shall be supervised during hours of operation, or receptacles shall be provided to ensure complete containment of materials.
- B. Operations shall be conducted in such a way that will control litter and pestilence, and will not contribute to unsightliness.
- C. Areas utilizing dumpsters shall comply with the requirements of section 1212.11

30. Restaurants

- A. In establishments where alcoholic beverages or entertainment are allowed, no building shall be located closer than 50 feet to any residential district.
- B. In establishments where more than 50% of the gross profits from operation come from the sale of alcoholic spirits, a minimum setback of 300 feet is required from any residential district.
- C. Not more than 33% of the gross floor area open to the general public shall be used for purposes other than seating for diners consisting of tables, chairs, booths, and necessary aisle-ways. Public restroom facilities shall be considered in this determination.

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- D. All restaurants where food is served must be licensed by the Michigan Department of Public Health.
- E. All drive-through windows shall be covered by an overhang or canopy of no less than three feet from the edge of the structure.

31. Salvage Yards

- A. All uses shall be established and maintained in accordance with all applicable state, county, and village, laws and ordinances.
- B. The site shall be a minimum of three acres.
- C. A solid fence or wall eight feet in height shall be provided and maintained around the periphery of the site to screen said site from surrounding property.
- D. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
- E. All enclosed areas shall be set back at least 100 feet from any front street or property line and 1,000 feet from any residential district.
- F. No open burning shall be permitted. All industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

32. Solid Waste Disposal Areas

- A. These uses shall meet all of the requirements of the Solid Waste Management Act, Act 641 of 1978, as amended, and the Isabella County Solid Waste Management Plan.

33. Theater, Lodges, & Assembly Halls

- A. 1 independent off-street parking space shall be provided for every 60 square feet of usable floor area.

34. Wood Processing Facilities

- A. It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for said facilities.
- B. The Planning Commission may require that part or all of the operation be screened.
- C. All truck operations shall be directed away from residential areas, whenever practical.
- D. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a

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manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

- E. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- F. Minimum lot size shall be five acres.
- G. No such use shall be located within 100 feet of any property line or within 1,000 feet of any residential use or district.