

155.200 Article 10 Regulated Uses

155.201 Intent

In the development and execution of this ordinance, it is recognized that some uses which, because of their very nature, are recognized as have serious objectionable operational characteristics, particularly when several of them are concentrated, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Such negative or adverse effects could affect both commercial and residential uses in surrounding neighborhoods. These special regulations are itemized in this section. The primary control of regulation is for the purpose of preventing a concentration of these uses in any one area.

155.202 Establishment

The following kinds of uses are prohibited if the establishment of such use will constitute the second such use within a 1,000-foot radius (i.e. not more than one such use within 1,000 feet of each):

- (A) Adult amusement devise center.
- (B) Adult bookstore.
- (C) Adult business activity.
- (D) Adult live conduct business or activity.
- (E) Adult mini-motion picture theater.
- (F) Adult motion picture theater.
- (G) Adult personal service business.
- (H) Adult supply store.
- (I) Adult outdoor motion picture theater.
- (J) Arcades.
- (K) Bar or establishment for the sale of beer or intoxicating liquor for consumption on the premises.
- (L) Bar or establishment for the sale of juice or non-alcoholic beverages for consumption on the premises.
- (M) Cabaret.
- (N) Dance Clubs
- (O) Firearms sales establishments.
- (P) Hotels or motels.
- (Q) Massage establishments.
- (R) Pawnshops.
- (S) Pool or billiard halls.
- (T) Public lodging house, transient housing, rooming house.
- (U) Secondhand stores.

- (V) Specially Designated Distributor (SDD)
- (W) Specially Designated Merchant (SDM)
- (X) Tattoo establishments.

155.203 Review and Action Procedures

Applications must be submitted to the Planning Commission for following procedures and requirements:

(A) Location Restriction

The City Council, upon recommendation of the Planning Commission, shall not approve any such request if there is already in existence one such regulated use within a 1,000-foot radius of the property line of the site of the proposed regulated use, excepting as provided for below.

(B) Waiver of Location Restriction

The City Council may waive the location restrictions set forth herein for enumerated regulated uses, except adult uses and bars, provided all of the following findings are made:

- (1) That the proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties, and that the spirit and intent of this ordinance will be observed.
- (2) That the proposed use will not enlarge or encourage the development of a blighted area.
- (3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.
- (4) That regulations of this code and other city, county, state and federal codes will be observed.

(C) Public Hearing

The following uses shall be permitted, subject to the conditions set forth in this Article, Article 5 Special Conditions and Land Use Standards and all applicable codes and ordinances set forth in this Zoning Code and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this Zoning Code.

Prior to granting waiver of the location restrictions set forth above, and not less than 15 days before the request for waivers is considered or a public hearing held pursuant to subparagraph (6) of this section, the City Council shall publish, in a newspaper of general circulation in the City of Inkster, a notice that a request for waivers to establish a regulated use has been received. This notice shall follow the requirements of Section 155.291 Public Hearing Notification Requirements for Special Condition Uses.

(D) Required Petition

It shall be unlawful to hereafter establish any regulated use if the proposed regulated use will be within a 300-foot radius of a residentially zoned district, residential development, or within a 1,000- foot radius of any church or primary, secondary, or nursery school. This prohibition relative to the establishment of a regulated use near residentially zoned districts shall be

waived upon the presentment to the City Council of a validated petition requesting such waiver, signed by 51 percent of those persons owning, residing, and doing business within 300 feet of the proposed location. No waiver shall be given to permit a regulated use to locate within 1,000-foot radius of any primary, secondary, or nursery school. The City Council shall adopt rules and regulations governing the procedure for securing any petition of consent, which may be provided for in this section of the ordinance. The rules shall provide that the circulator of the petition circulated such petition in accordance with said rules, and that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon.

The City Council shall not consider the waiver of location requirement until the above-described petition, if required, shall have been filed and verified.

(E) Condition and Limitations

Prior to the granting of approval for the establishment of any regulated use, the City Council may impose any such conditions or limitations upon the establishment, location, construction maintenance, or operation of the regulated use as may be, in its judgment, necessary of 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.

155.204 Invalidation of Variances, Special Condition Use, and Regulated Use Permits

- (A) In any case where a variance special condition use permit or regulated use permit has not been established within 6 months after City Council approval, the variance or specified permit shall become null and void.
- (B) A variance or special condition use permit or regulated use permit shall be deemed to authorize only a specific special land use. Such variance or special condition use permit shall expire if that use shall cease for more than 6 consecutive months for any reason.

155.205 Massage Establishments

Because of their deleterious effect on adjoining areas massage establishments shall be subject to the following requirements:

- (A) No massage establishments shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters.
- (B) All massage establishments subject to this article are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishment locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, that such doors may be closed.
- (C) No massage establishment shall be kept open for any purpose between the hours of 9:00 p.m. and 11:00 a.m.
- (D) Federal, State and County regulations shall be complied with.
- (E) The following uses shall not be included within the definition of a massage establishment for the purposes of this section:

- (1) Establishments which routinely provide such services by a licensed physician, chiropractor, osteopath, physical or massage therapist, practical nurse, or any other similarly licensed medical professional.
- (2) Electrolysis treatment by a licensed operator of electrolysis equipment.
- (3) Continuing instruction in martial or performing arts or in organized athletic activities.
- (4) Hospitals, nursing homes, medical clinics or medical offices.
- (5) Barbershops or beauty parlors and/or salons, which offer massages to the scalp, face, neck or shoulders only.

155.206 Tattoo Establishments

Because of their deleterious effect on adjacent properties, tattoo establishments shall be subject to the following requirements:

- (A) No tattoo establishment shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters
- (B) All tattoo establishments subject to this article are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishment locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, that such doors may closed.
- (C) No tattoo establishment shall be kept open for any purpose between the hours of 9:00 p.m. and 11:00 a.m.
- (D) Federal, State and county regulations shall be complied with.

155.207 Appeals Procedure

Any City Council Decision relative to a special condition use is considered final. All decisions may be appealed to circuit court as provided for in State Public Act 207 of 1921, as amended.

155.208 Time Limitations on Orders

- (A) No order of the City Council permitting the erection or alteration of buildings shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
- (B) No order of the City Council permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building such order shall continue in full force and effect if a building permit for such use, erection, or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.
- (C) No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building such order shall continue in full force and effect if a building permit for such use, erection, or

alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.

155.209 Reserved