

NO. 2975

<p>AN ORDINANCE ADDING SUBSECTION (w) OF SECTION 11.03 OF ARTICLE XI OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE."</p>
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THE CITY OF LIVONIA ORDAINS:

Section 1. Subsection (w) of Section 11.03 of Article XI of Ordinance No. 543, as amended, is hereby added to read as follows:

Section 11.03 Waiver Uses. The following uses are permitted upon review and submission of findings by the City Planning Commission and approval by the City Council. Such use shall be approved only if the proposal for such use complies with the special requirements and regulations provided therefore and with the standards set forth in Section 19.06 of this ordinance. The following uses are also subject to site plan approval in accordance with the requirements and standards of Sections 18.47 and 18.58 of this ordinance:

(a) Gasoline Service Station. In order to regulate and control the problems of noise, odor, light, fumes, dust, danger of fire and explosion, and traffic congestion which is likely to result from the unrestricted and unregulated construction and operation of gasoline service stations, and to avoid, if possible, and control the adverse effects which these factors and other characteristics incident to the gasoline service station may have upon adjacent and surrounding land and uses, the following special requirements and regulations governing the erection of gasoline service stations are hereby established:

- (1) Such use shall always be located on a plot of ground with frontage along a commercial street of not less than one hundred fifty (150) feet and which shall have a minimum area of not less than twenty-two thousand five hundred (22,500) square feet.
- (2) Such use shall provide a setback (distance between the adjacent road right-of-way line(s) and the building line) of sixty (60) feet from any road with a right-of-way width of one hundred twenty (120) feet or more as designated on the Master Thoroughfare Plan and at least one side yard of not less than twenty (20) feet each. The area within the setback and side yards shall not be used for vehicular storage or for any other service facilities; provided, however, that when a structural canopy is erected for the purpose of providing overhead coverage for gasoline pump islands, the allowable setback of the canopy shall be not less than ten (10) feet as measured from the leading edge of said canopy to the property line, as designated in the Master Thoroughfare Plan.

- (3) Such use, including any part of the facade, shall not exceed thirty-five (35) feet in height; provided, however, that canopies shall not exceed eighteen (18) feet in height.
- (4) Such use when located on a corner lot shall provide vehicular entrances or exits (curb cuts) no less than twenty-five (25) feet from the intersection of the property lines running parallel to the pavement of the two (2) streets. All curb openings, whether on a corner lot or not, shall not exceed thirty-five (35) feet in width at the curb. There shall always be a minimum distance of thirty (30) feet measured along the property line between driveways. On corner lots, no driveway from a side street shall be less than fifteen (15) feet from the rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.
- (5) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, and such landscaping as is approved by the City Planning Commission, shall be maintained on the premises.
- (6) All lubrication equipment, motor vehicle equipment, hydraulic hoists and pits shall be enclosed entirely within the building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- (7) Where a gasoline service station use adjoins any property located in any residential district, or is separated from such property by a public alley, a protective wall shall be erected and maintained as provided in Section 18.45 of this ordinance.
- (8) All exterior lighting on the property, including illuminated signs, shall be erected and hooded, shielded and recessed so as to be deflected away from any adjacent or neighboring residential property.
- (9) No gasoline service station shall be located nearer than one hundred (100) feet as measured from any point on the property, to any point on the property on which a church, a public or parochial school or a playground is located.
- (10) No gasoline Service station shall be erected within a four hundred (400) foot radius of any residential district within the City of Livonia as measured from any property line of the gasoline service station property; provided, however, that this restriction may be waived by the written consent of sixty-five (65) percent or more of the owners (legal or

equitable) of residential property within such radius, filed with the Inspection Department.

(11) Outdoor storage of disabled, abandoned, junked, wrecked and/or unlicensed vehicles is prohibited. Outdoor storage of rubbish and junked equipment or parts is prohibited unless such rubbish, junked equipment or parts are stored adjacent and to the rear of the principal building and are enclosed by a masonry wall. When such a wall is provided, rubbish, junked equipment or parts shall not be stored at a height exceeding the height of the wall; provided, further, that such rubbish and junked equipment or parts shall be removed from the property at least once every week.

(12) Parking and/or Storage:

- a. No part of any parcel of land used for gasoline service station purposes shall be utilized for outdoor storage, placement or display of merchandise; provided, however, that the foregoing prohibition shall not apply to the display, on a pump island only, of oil or oil based products including, by way of example, but not limitation, motor oil, transmission oil, oil and gasoline additives, windshield solvent and windshield wipers.
- b. No more than one (1) tow truck may be parked in the front or side yard abutting a street.
- c. Outside parking or storage of recreational equipment, or commercial vehicles or automobiles which are not used in the operation of the business is prohibited; provided, however, that such prohibition shall not apply to any equipment or vehicle which is temporarily on the premises for repair or service and which is stored or parked in a designated parking space; and provided, further, that no such equipment or vehicle shall be parked within one hundred (100) feet of the intersection of the property lines of two (2) intersecting public streets.
- d. Off-street parking spaces shall be provided in an amount equal to one (1) space for each one hundred fifty (150) square feet of floor space devoted to the retail sales of merchandise other than fuel required for the propulsion of motor vehicles, oil and oil-based products, lubricants, windshield solvent, antifreeze, tires and other automotive accessories, plus one space for each employee.

(13) That free air shall be provided at all times station is open for business. The free air shall be dispensed at the point of service without having to enter the station or the performance of any extra action in order to obtain

the air without charge.

(b) Veterinary clinics. animal clinics. animal hospitals and animal day care facilities, provided that such uses or clinics are hereby defined to mean the professional use of a building by a licensed veterinarian for rendering professional services to household pets, and provided that:

- (1) Any building designed or constructed for such uses shall be used for the sole purpose of providing necessary medical care for sick or diseased household pets and shall not be construed or used as a boarding establishment for household pets.
- (2) Animals eligible for treatment at such establishment, as herein defined, if kept overnight on the premises of such establishment or for a period longer than regular professional business hours, then a full time, duly qualified attendant shall be stationed in charge of said premises.
- (3) In no case shall such establishments have open or outdoor runways, kennels, or pens.
- (4) In no case shall there be, in connection with the operation of such establishment, the disposal of rubbish and litter in such a manner as to be obnoxious or offensive.
- (5) In no case shall there be any harboring of vermin or decaying matter on the premises, and effective provision shall be made to confine all noise, confusion and odor, if any, to the premises.
- (6) The building housing such use and the ventilating system used in connection therewith shall be so constructed as to be soundproof and soundproofing shall be installed to the extent necessary to insure the elimination of all noise from the area used for the treatment and temporary keeping of such sick and diseased household pets.

(c) Restaurants:

- (1) Full Service Restaurant (as defined in Section 2.08), provided that:
 - a. Drive-up window facilities shall comply with the following minimum standards:
 1. A restaurant with a drive-up window shall provide a separate customer ordering station.
 2. The traffic lane serving the drive-up window shall be at least ten (10) feet wide.

3. The turning radius on any curve in the drive-up window traffic lane shall be no less than fifteen (15) feet.
 4. A by-pass lane or other suitable means of access to a public street shall be provided for vehicles that do not use the drive-up window.
 5. Parking spaces located beyond drive-up windows shall be designated for use of drive-up window patrons.
- b. Parking spaces shall be provided on the property to be used as hereinafter specified in Sections 18.37 to 18.40, inclusive of this ordinance; provided, however, that such parking spaces shall be in addition to those required to satisfy condition number 5 above.
 - c. Ingress and egress shall be available from a public street by means of at least two (2) separate driveways at least forty (40) feet apart from one another.
 - d. Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district and toward the commercial area.
 - e. Adequate provisions shall be made to prevent noises, confusion, and noxious odors from interfering with the peaceful enjoyment of adjacent premises.
- (2) Drive-in Restaurants (as defined in Section 2.08), provided that:
- a. A parking area equal to at least nine (9) times the usable floor area of the building is provided on the property to be used and so arranged to provide safe ingress and egress to the premises.
 - b. Ingress and egress shall be available from a public street having a right-of-way width of at least one hundred twenty (120) feet or more as indicated on the Master Thoroughfare Plan by means of at least two (2) separate driveways located at least forty (40) feet apart from one another.
 - c. Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district and toward the commercial area.

- d. Adequate provisions shall be made to prevent noise, confusion and noxious odors from interfering with the peaceful use and enjoyment of adjacent premises.
- e. Proper and adequate sanitary and water facilities shall be provided.
- f. When a drive-in restaurant adjoins any property located in any residential district, or is separated from such property by a public alley, a protective wall shall be erected and maintained as provided in Section 18.45 of this ordinance.
- g. No drive-in restaurant shall be located nearer than two hundred (200) feet as measured from any point on the property to any point on the property of a residence, church, public or parochial school or playground.
- h. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material and such landscaping as is approved by the City Planning Commission.

(3) Drive-Thru Restaurant (as defined in Section 2.08), provided, that:

- a. Ingress and egress shall be available from a public street having a right-of-way width of at least one hundred twenty (120) feet or more as shown on the Master Thoroughfare Plan by means of at least two (2) separate driveways at least thirty (30) feet apart from one another.
- b. Off-street hard-surfaced standing areas shall be provided for vehicles waiting to be served sufficient to accommodate no less than twenty (20) vehicles.
- c. Off-street parking spaces shall be provided only to the extent that they are needed to serve employees of the facility.
- d. The traffic lane serving the drive-up window shall be at least ten (10) feet wide.
- e. The turning radius on any curve in the drive-up window traffic lane shall be no less the fifteen (15) feet.
- f. A by-pass lane or other suitable means of access to a public street shall be provided for vehicles that do not use the drive-up window.

- g. Suitable lighting shall be provided and so arranged as to reflect away from any adjacent or abutting residential district.
- h. No drive-thru restaurant shall be located nearer than two hundred (200) feet as measured from any point on the property to any point on the property of a church or a public or parochial school or playground.
- i. Adequate provisions shall be made to prevent noise, confusion and noxious odors from interfering with the peaceful use and enjoyment of adjacent premises.

(4) Limited Service Restaurant (as defined in Section 2.08), provided, that:

- a. Adequate provisions shall be made to prevent noises, confusion and noxious odors from interfering with the peaceful use and enjoyment of adjacent premises.
- b. Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Master Thoroughfare Plan.

(5) Carry-out Restaurant (as defined in Section 2.08), provided that:

- a. Drive-up window facilities are prohibited.
- b. No on-site consumption of food or beverage is permitted outside of the building.
- c. Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the Master Thoroughfare Plan.

(d) Auto-wash establishments and auto-wash establishments operated with accessory gasoline pumps. provided that:

- (1) All washing facilities (except steaming) are to be enclosed within a building.
- (2) The building is situated no closer than thirty-five (35) feet from one side property line.
- (3) Off-street parking areas are provided for automobiles waiting to be serviced sufficient to park no less than twenty (20) vehicles.

- (4) The building and off-street parking (waiting) areas shall be so located and arranged so that motor vehicles shall not park upon or overhang any public sidewalk, street or right-of-way.
 - (5) Such use shall not be located nearer than one hundred fifty (150) feet as measured from any point on the property to any point on the property of any church, public or parochial school or playground.
 - (6) Such use shall be located on a parcel of land containing at least eight thousand (8,000) square feet and having a width of at least one hundred (100) feet at the front property line.
 - (7) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material and such landscaping as is approved by the City Planning Commission.
 - (8) Where such a use adjoins any property located in any residential district, or is separated from such property by a public alley, a protective wall shall be erected and maintained as provided in Section 18.45 of this ordinance.
 - (9) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from any adjacent or neighboring residential property.
 - (10) Ingress and egress shall be available from a public street having a right-of-way width of at least one hundred twenty (120) feet or more as indicated on the Master Thoroughfare Plan.
- (e) Motels. provided that:
- (1) No building shall be any closer than twenty-five (25) feet to any side lot line and no closer than seventy-five (75) feet to the front lot line.
 - (2) Separate buildings shall not be less than ten (10) feet apart.
 - (3) Such use shall not exceed two (2) stories or thirty-five (35) feet in height.
- (f) Drive-in Theaters. provided that:
- (1) Such use shall be located on a parcel at least twenty (20) acres in size with separate access from at least two (2) public streets.
 - (2) There shall be at least one (1) exit and one entrance on each of at least two (2) public streets.

- (3) The driveways shall be channelized, separated for ingress and egress purposes, by a median strip at least twenty (20) feet in width, and limited to not less than four (4) lanes each, each lane to be at least ten (10) feet in width.
- (4) The driveways designed for ingress and egress to the drive-in theater shall be at least forty (40) feet in width and five hundred (500) feet in length.
- (5) The screen shall not be placed closer than five hundred (500) feet from any public street or right-of-way and shall be so constructed that the picture will not face any public street and be hidden so far as is possible from the view of residents and traffic.
- (6) There are no residential uses or residential zoning within a one thousand (1,000) foot radius of the drive-in theater except that this restriction may be waived by the written consent of seventy-five percent (75%) or more of the residential property owners within such area; such consents to be filed with the City Clerk.

(g) New and Used Car Lots and Showrooms, New or Used Mobile Home Sales and Automobile Rental Facilities (including repair and service facilities only when owned and operated in conjunction therewith by the same proprietor and located on the same property), provided that:

- (1) Such use shall be located on a parcel of land containing no less than one-half (1/2) acre and having a width of at least one hundred (100) feet at the front lot line.
- (2) No vehicles shall be parked within twenty (20) feet from the front lot line or at the side lot line adjacent to the street.
- (3) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from the adjacent or neighboring residential property.
- (4) The entire area used for the display, storing or parking of vehicles shall be hard surfaced with concrete or plant-mixed bituminous material and such landscaping as is recommended by the Planning Commission and approved by the City Council.
- (5) The total number of vehicles proposed to be displayed or stored shall be subject to recommendation by the Planning Commission and approval by the City Council.

(6) Such use shall have direct access to a major thoroughfare having an existing or proposed right-of-way width of one hundred twenty (120) feet or more as designated on the Master Thoroughfare Plan.

(7) Outdoor storage of disabled, damaged or unlicensed vehicles is prohibited.

(h) Establishments having liquor licenses such as Class C. Tavern, Club, Class A Hotel, Class B Hotel licenses, and Micro brewers and Brewpubs (as the terms "micro brewer" and "brewpub" and the foregoing license classifications are defined in the Michigan Liquor Control Act, MCL 436.1 *et seq.*, which definitions are made a part hereof and incorporated herein by reference), provided that:

(1) Such use shall not be located within one thousand (1,000) feet of any other such licensed establishment as measured from the actual premises being used or proposed for use of the respective properties; provided, however, that with respect to those licensed establishments which are utilized primarily as restaurants or for dining facilities, the foregoing one thousand (1,000) foot requirement may be waived by the City Council.

(2) Such use shall comply in every respect with the Michigan Liquor Control Act.

(3) Adequate provisions shall be made to prevent noises, confusion and noxious odors from interfering with the peaceful enjoyment of adjacent premises.

(i) Skating Rinks; Ice, Roller, provided that such use shall not be located within five hundred (500) feet of any Class C licensed establishment as measured from any point on the respective properties.

(j) Dance Halls and Ballrooms, provided that such use shall not be located within three hundred (300) feet of any residential district or property used for church purposes as measured from any point on the property to be so used.

(k) Open-air sales, display and/or rental of utility trailers and recreational equipment {as defined in Section 2.10 of this ordinance}, provided that:

(1) A minimum lot area of eight thousand (8,000) square feet shall be required.

(2) A building of not less than four hundred (400) square feet in area and not more than fifteen (15) feet in height shall be required to be located on said lot.

- (3) The entire area used for the display, storing or parking of vehicles shall be hard surfaced with concrete or plant-mixed bituminous material and such landscaping as is recommended by the Planning Commission and approved by the City Council.
- (4) Adequate lighting facilities shall be provided and so arranged as to reflect light toward the trailer rental area and away from streets and residential uses adjacent to the area.
- (5) During the hours when the open-air display area is closed to business, lighting shall be provided at a level of not less than one (1) watt per each square yard of display area and with a maximum of not more than one and one-half (1 1/2) watts per each square yard of display area; provided, however, that such lighting shall be hooded or shielded so as to be deflected from adjacent residential property.
- (6) The display area shall be enclosed with either a six (6) foot cyclone fence or a fence of a type approved by the Inspection Department which shall be located and maintained on the boundaries of such display area, with only such openings therein as may be necessary for ingress and egress.
- (7) No utility trailers or recreational equipment shall be parked or displayed within twenty (20) feet from the front or side lot line abutting a public street.
- (8) The parcel upon which subject use is to be located shall be fully landscaped. Such landscaping shall include (but shall not be limited to) that portion of a front, side, or rear yard that abuts a public street or any residential district when such portion is not used for driveways, parking or display areas and walkways.
- (I) Certain additional open-air business uses as herein specified:
 - (1) Retail sales and/or display of plant materials not grown on site and sales of lawn furniture, playground equipment and other home garden supplies, providing such use is temporary and carried on between April 1 and October 1; and provided further that:
 - a. Such use shall not be located within two hundred (200) feet of any intersection of two (2) or more major thoroughfares as indicated on the Master Thoroughfare Plan.
 - b. Such use shall be located in specifically designated areas so as not to interfere with safe vehicular and pedestrian access.

- c. Except for sales and/or display taking place on a pedestrian walkway, the sales and/or display area shall be enclosed with a fence of a type as recommended by the Planning Commission and approved by the City Council, which fence shall be located and maintained on the boundaries of such sales and display area.
 - d. Such retail sales and/or display taking place on any walkway providing pedestrian access to the adjacent building shall be limited to bedding plants (flowers and vegetables) and potted shrubs; provided, however, that such uses shall be conducted in a manner that will insure that the walkway is sufficiently free of obstructions at all times so as to provide safe and direct pedestrian access to and from the building.
- (2) Recreational space providing children's amusement park, shuffleboard, miniature golf, and other similar recreation, when part of a planned development. All such recreation space shall be adequately fenced on all sides with a four (4) foot fence. Such uses shall not be located closer than three hundred (300) feet of any existing residence as measured from any existing residence to the closest point on the property to be so used; provided, however, that this restriction may be waived by the written consent of seventy-five percent (75%) or more of the owners of such residences filed with the City Clerk. Such uses shall not be located within two hundred (200) feet of any intersection of two (2) or more major thoroughfares as indicated on the Master Thoroughfare Plan.
- (3) Carnivals may be allowed for periods not normally to exceed two (2) weeks; however, they may request an optional time extension of up to two (2) weeks from the Director of Public Works.
- (m) Automobile and light truck {one {1} ton gross vehicle weight) repair such as motor and electrical tune-up, replacement of shock absorbers, brakes, mufflers, exhaust and tailpipes, transmissions and other similar repairs subject to the following:
- (1) All repair work must be carried out within an enclosed building and outdoor-storage of scrap-junk-cars, spare parts or dismantled cars is prohibited.
 - (2) Automobile and light truck repair shall not permit such repairs as bumping, painting, spraying or rustproofing.

- (3) The entire area used for the display, storing or parking of vehicles shall be hard surfaced with concrete or plant-mixed bituminous material and such landscaping as is recommended by the Planning Commission and approved by the City Council.
- (4) The total number of vehicles proposed to be stored shall be subject to recommendation by the Planning Commission and approved by the City Council.
- (5) Such use shall have direct access to a major thoroughfare having an existing or proposed right-of-way width of one hundred twenty (120) feet or more as designated on the Master Thoroughfare Plan.
- (6) Outdoor storage of disabled, damaged or unlicensed vehicles is prohibited.
- (n) The following waiver uses listed in the C-1 District regulations, subject to the special regulations pertaining thereto:
 - (1) Convalescent and nursing homes;
 - (2) Hospitals; and
 - (3) Drive-up windows.
- (o) Ambulance services. local and suburban bus terminal and taxicab terminals when exterior design, appearance, and location of any proposed building, structure or premises and the location and design of any proposed parking facility or loading and unloading area to be used for above uses is consistent with the spirit, intent and purpose of this ordinance.
- (p) Building (single or multi-unit) for the purpose of retail sales and which contain a gross floor area of thirty thousand (30,000) square feet or more, provided that:
 - (1) The front yard shall be a least one hundred (100) feet; the rear yard shall be at least twenty-five (25) feet; the interior side yard(s) shall be at least twenty (20) feet and a side or rear yard abutting a street shall be at least sixty (60) feet; provided, however, that when such use abuts a residential district, the required side and rear yards which abut such residential district shall be a least sixty (60) feet.
 - (2) Off-street parking shall be provided in accordance with Section 18.38, paragraph (31).

- (3) There shall be no outdoor sales, storage or display of merchandise.
- (4) Restaurant uses as defined in Section 2.08 of this ordinance shall be permitted as an accessory use to a single unit building only; provided, however, that the number of customer seats in the restaurant shall not exceed thirty (30).
- (5) In the event that such building of thirty thousand (30,000) square feet or more was previously granted waiver use approval without providing for an accessory restaurant use, as described in (4) above, any restaurant use may not be added thereafter without first obtaining waiver use approval in accordance with the provision of this ordinance.
- (6) In the event that such building of thirty thousand (30,000) square feet or more is intended to be a single unit, the application for waiver use shall include a statement that the building as proposed will be attractive to other commercial tenants in the event the initial occupant ceases its occupancy of the building, including a description of the features of the building which will make it attractive to prospective replacement tenants. Such statement shall be revised, prior to final approval, to reflect any design changes recommended by City Council which affect the attractiveness of the proposed building to subsequent would-be occupants.
- (q) Theaters, enclosed (not including drive-in theaters) but only when such use is carried on in a building properly designed and suitable for theater use and when such building is located on a parcel of land five (5) acres or more in size; provided further, that
 - (1) The parcel of land on which the theater building is located shall have direct access by means of at least two (2) separate entrances and exits to a major thoroughfare having an existing or planned width of one hundred twenty (120) feet or more as designated on the Master Thoroughfare Plan of the City of Livonia.
 - (2) Each separate viewing auditorium located within such theater building shall have a minimum seating capacity of four hundred (400) seats.
 - (3) Signs shall be provided pursuant to Section 18.50E and shall be non-flashing.

(r) S.D.D. and S.D.M. Licenses: provided, however, that S.D.D. licenses which were approved and in use at locations prior to March 7, 1977, and S.D.M. licenses which were approved and in use at locations prior to April 11, 1983, may continue to be used to the extent and in the manner previously established at such locations without waiver use approval; provided further, that:

- (1) Such proposed S.D.D. licensed establishments shall be located at least one thousand (1,000) feet distant from any existing S.D.D. licensed establishment, as measured from the nearest point on the building proposed to be licensed to the building in which the existing licensed establishment is located; and further provided, that such S.D.M. licensed establishment shall be located at least five hundred (500) feet distant from any existing S.D.M. licensed establishment, as measured from the nearest point on the building proposed to be licensed to the building in which the existing licensed establishment is located; provided, however, that the foregoing one thousand (1,000) foot and five hundred (500) foot limitations may be waived by action of the City Council.
- (2) Such proposed S.D.D. or S.D.M. licensed establishment shall be located at least four hundred (400) feet distant from any church or school building, either public or parochial, as measured from the nearest point on the building proposed to be licensed to the existing church or school building.
- (3) Access to such S.D.D. or S.D.M. licensed establishment shall be from a public street having a right-of-way width of at least one hundred twenty (120) feet, as indicated on the Master Thoroughfare Plan of the City of Livonia
- (4) All S.D.D. licensees who sell alcoholic liquor other than beer and wine in their original package for consumption off the premises and whose total gross receipts derived from the sale of all alcoholic beverages do not exceed thirty-five percent (35%) of the total gross receipts of all sales, both alcoholic and non-alcoholic, shall display such alcoholic liquor behind a counter with no direct public access for a qualified employee at least eighteen (18) years of age to distribute to the customer; compliance with this provision shall occur no later than one hundred eighty (180) days following publication of the summary of this ordinance amendment.

(s) Mechanical amusement devices (as defined in Section 2.10 of this ordinance) when located within a shopping center having at least five hundred thousand (500,000) square feet of gross leasable floor area, provided that:

- (1) Such devices shall be confined to one (1) specifically described space within said shopping center which shall have at least three (3) walls and a ceiling wherein there shall be no more than one (1) machine for each sixty (60) square feet of floor area; provided, however, that in any event no more than a total of thirty-five (35) such mechanical amusement devices shall be allowed in any such center.
 - (2) Such space shall be properly attended at all times by qualified personnel who shall be at least twenty-one (21) years of age.
 - (3) There shall be no loitering and no sale or consumption of food or beverages on the premises.
 - (4) The hours of operation shall not extend beyond those of the shopping center within which the mechanical amusement devices are located; provided, however, that the operation shall in no event extend beyond 9:00P.M.
 - (5) Adequate provisions shall be made to prevent noise and confusion from interfering with the peaceful use of adjacent premises. Such provisions shall include, but not be limited to, the modification of the area within which such mechanical amusement devices are proposed to be located so as to provide soundproofing to the extent necessary to ensure the elimination of all unnecessary and undesirable noise emanating therefrom.
- (t) Second hand stores and rummage shops not including antique stores as defined in Section 2.08 of this ordinance). provided that:
- (1) There shall be no outdoor sales, storage or display of merchandise.
 - (2) Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120);feet as shown on the Master Thoroughfare Plan.
- (u) Massage establishments .(as defined in Section 2.08 of this ordinance), provided that:
- (1) Such facilities shall conform to the requirements, restrictions and prohibitions contained within Mich. Admin. Code R 338.701 through 338.727 inclusive, as amended, the provisions of which are made a part hereof and incorporated herein by reference.

- (2) No massage establishment shall be located within four hundred (400) feet of any property which is either occupied or approved for a massage establishment.
- (3) No massage establishment shall be located within four hundred (400) feet of a preexisting school, place of worship, state-licensed day care facility, public library, playground or public park, as measured from any point on the property to any point on the property of any school, place of worship, state-licensed day care facility, public library, playground or public park.
- (4) Daily hours of operation of any massage establishment shall be limited to the period of time from 8:00 a.m. to 10:00 p.m.
- (v) Pawn shops, provided that:
 - (1) There shall be no outdoor sales, storage or display of merchandise.
 - (2) Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the master thoroughfare plan.
 - (3) The business shall be properly licensed and bonded pursuant to Chapter 5.63 of the Livonia Code of Ordinances.
 - (4) There is not a similar use within one thousand (1,000) feet measured from property lines.
- (w) Any business licensed pursuant to the Deferred Presentment Service Transactions Act, MCL 487,2121, *et. seq.*, provided that:
 - (1) Ingress and egress shall be available from a public street having an existing or planned right-of-way width of at least one hundred twenty (120) feet as shown on the master thoroughfare plan.
 - (2) There is not a similar use within one thousand three hundred and twenty (1,320) feet measured from property lines.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3: Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

The above ordinance was passed at the regular meeting of the Council of the City of Livonia held Monday, November 17, 2014, at 7:00p.m.

Terry Marecki, City Clerk

The foregoing ordinance was authenticated by me on this 18th day of November 2014.

Jack E. Kirksey, Mayor

Approved as to form:

Donald L. Knapp, Jr., City Attorney

Dated: November 18, 2014