

EATON COUNTY BOARD OF COMMISSIONERS

June 16, 2021

RESOLUTION TO APPROVE DCA-4-21-1

Introduced by the Public Works and Planning Committee

Commissioner Mott moved the approval of the following resolution. Seconded by Commissioner Augustine.

PREAMBLE: The Eaton County Land Development Code, an Ordinance adopted by the Commissioners of the County of Eaton pursuant to Public Act 183 of 1943, and administered pursuant to Public Act 110 of 2006, may be amended from time to time by following procedures outlined in Article 13 of the Development Code.

WHEREAS, Jennifer Ketchum initiated a petition for an amendment to the Eaton County Land Development Code (zoning ordinance) which was reviewed by and updated by the Eaton County Zoning Ordinance Committee. Amendments are proposed to the following: Article 5, Definitions and Interpretations (amend Section 5.3.16 P, Personal Service Establishment) and Article 14, Specific Provisions and Requirements (amend Section 14.32.2 Definitions, item E. Massage Establishment and F. Massage; Add Section 14.40 Personal Service Establishment); and

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **April 6, 2021**; and

WHEREAS, the Eaton County Planning Commission found the requested amendment to be consistent with the required findings of fact (Items A through G) contained in Section 13.6 of the Eaton County Land Development Code; and

WHEREAS, the Eaton County Planning Commission has taken action on **June 1, 2021** to recommend the adoption of the ordinance amendments for reasons stated at the meeting.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Eaton, Michigan having considered the findings of facts and recommendations hereby:

APPROVES the amendment to the Eaton County Land Development Code (zoning ordinance) to update language to Article 5, Definitions and Interpretations (amend Section 5.3.16 P, Personal Service Establishment) and Article 14, Specific Provisions and Requirements (amend Section 14.32.2 Definitions, item E. Massage Establishment and F. Massage; Add Section 14.40 Personal Service Establishment).

At the regular meeting of the Eaton County Board of Commissioners on June 16, 2021 the Resolution regarding the approval of said request was adopted.

Those voting Aye: Commissioners Tim Barnes, Blake Mulder, Terrance Augustine, Brandon Haskell, Jeanne Pearl-Wright, Jane M. Whitacre, Mark Mudry, Joseph Brehler, Brian Droschia, Dairus Reynnet, Wayne Ridge, Jim Mott, Barbara Rogers and Jeremy Whittum.

Those voting Nay: None

Abstention: None

Absent: Commissioner Lautzenheiser

Motion carried.



Jeremy Whittum, Chairman
Eaton County Board of Commissioners

I hereby certify that the above Ordinance amending the Eaton County Land Development Code, which was approved, is a true and correct copy of that recorded in the official minutes of June 16, 2021 of the Eaton County Board of Commissioners.



Diana Bosworth, Clerk
Eaton County Board of Commissioners

EATON COUNTY LAND DEVELOPMENT CODE
ZONING ORDINANCE AMENDMENT DCA-4-21-1

District Change Amendment DCA-4-21-1 to amend the Land Development Code (Zoning Ordinance) of Eaton County, as enacted in 1981 pursuant to the provisions of Public Act 110 of 2006, as amended.

An application for a District Change Amendment for an amendment to the Eaton County Land Development Code (zoning ordinance) to update language. Amendments are proposed to the following: Article 5, Definitions and Interpretations (amend Section 5.3.16 P, Personal Service Establishment) and Article 14, Specific Provisions and Requirements (amend Section 14.32.2 Definitions, item E. Massage Establishment and F. Massage; Add Section 14.40 Personal Service Establishment).

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **April 6, 2021**; and

WHEREAS, the Eaton County Planning Commission has taken action on **June 1, 2021** to recommend approval of the text amendment:

WHEREAS, after careful consideration of the amendment, the Eaton County Board of Commissioners approved the aforementioned text amendment as follows:

Yeas 14
Nays 0
Abstaining 0
Absent 1

I, Diana Bosworth, Clerk for the County of Eaton, do hereby certify that the above and foregoing is a true copy of the amendment to the Eaton County Land Development Code (Zoning Ordinance), as amended and passed by the Eaton County Board of Commissioners on **June 16, 2021** and now on record in the office of the Clerk of said County.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said County at the City of Charlotte, Michigan, the

18th day of June, 2021



Jeremy Whittum, Chairman
Eaton County Board of Commissioners



Diana Bosworth, Clerk
Eaton County Board of Commissioners

**PROPOSED TEXT AMENDMENT
TO THE EATON COUNTY LAND DEVELOPMENT CODE**

Additions are shown in ***bold italic print*** and deletions are shown by ~~strikeout print~~.

All suggested changes are highlighted.

ARTICLE 5, SECTION 5.3.16 P

Changes are proposed to add licensed massage therapy to the Personal Service Establishment definition.

Personal Service Establishment: A business providing care for a person or his or her personal goods or apparel and may include laundry and dry cleaning, beauty shops, barbershops, shoe repair, health and fitness, ***licensed massage therapy***, and tanning salons.

ARTICLE 14 SPECIFIC PROVISIONS AND REQUIREMENTS

Add a new, Section 14.40, for Personal Service Establishments.

Section 14.40 Personal Service Establishment:

14.40.1 Definition: A business providing care for a person or his or her personal goods or apparel and may include laundry and dry cleaning, beauty shops, barbershops, shoe repair, health and fitness, licensed massage therapy, and tanning salons.

14.40.2 Regulations and Conditions:

- A. The business shall conform to the requirements of Section 14.13 Home Business. Any requirements in this section which are more restrictive than 14.13 shall be followed.***
- B. The business operator shall reside in the home located on the property.***
- C. Licensed Massage Therapy businesses must provide all business and employee/worker State of Michigan licenses to the Community Development Department prior to submitting a Conditional Use Application and annually if approved.***
- D. Only the property owner and one (1) employee shall perform the work or service.***
- E. Hours of operation are limited to Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 12:00 p.m.***
- F. Businesses operated in the Local Business Zoning District (C-1) and General Business District (C-2) are exempt from the requirements of items A., B., and D.***

Section 14.32 Adult Entertainment Establishments and Amusement Establishments

Changes are proposed to reflect a more accurate definition and to be more in line with changes requested.

14.32.2 Definitions:

- E. ~~Message Establishment:~~ Any establishment, licensed and regulated under the ~~Eaton County Massage Establishment Ordinance (see Resolution 97-11-132),~~ having a fixed place of business where ~~massages~~ **persons conduct, or permit to be conducted, or engaged in, massages of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument** are administered solely or in combination with any other service or activity for pay, ~~including but not limited to massage parlors, health clubs, sauna baths and steam baths.~~ **to provide relaxation or enjoyments to the recipient by persons not licensed or certified by the State of Michigan as registered nurses, physicians, massage therapists, rehabilitation therapists, or myomassologists.** This definition shall not be construed to include ~~a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Michigan, nor~~ barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. ~~This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. This definition shall not be construed to include exercise clubs exclusively for members without massages in any form.~~
- ~~F. Message: A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.~~