

**LEROY TOWNSHIP  
COUNTY OF OSCEOLA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE LEROY TOWNSHIP ZONING ORDINANCE, AS AMENDED, TO  
ADD REQUIREMENTS FOR ADULT BUSINESSES**

**THE TOWNSHIP ORDAINS:**

**ARTICLE XIV.** A new and additional Section 10.1412 of the LeRoy Township Zoning Ordinance is hereby added to the Zoning Ordinance as follows:

**Section 10.1412 Adult Businesses**

**A. Purpose.** In the development and execution of this ordinance, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, particularly when one or more of them are located in near proximity to residential zones, thereby having a deleterious effect upon adjacent areas. Regulation of these uses through location is necessary to ensure that the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhood. The provisions of this ordinance are intended to prevent deterioration or blighting of residential neighborhoods.

**B. Definitions**

1. Adult business includes, but is not limited to adult book stores, adult video stores, adult motion picture theatre, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors, nude and/or semi-nude modeling studios.
2. Adult book store means an establishment which has in excess of fifty percent (50%) of its stock-in-trade for sale or rent, which stock-in-trade consists of books, magazines, newspapers, videotapes, video discs and motion pictures which are characterized by an emphasis on specified sexual activities or specified anatomical areas, or which establishment excludes admission to minors because of their age.
3. Adult video store means an establishment which has in excess of fifty percent (50%) of its stock-in-trade for sale or rental to the public or patrons, video cassettes or video tapes, having as a dominant theme an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas.
4. Adult motion picture theatre means any establishment, or part thereof, used for presenting material distinguished or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons of the theatre.
5. Adult personal service business means a business having as its principle activity a person, while nude or while displaying specified anatomical areas, providing personal

services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, lingerie parlors, and performances or entertainment, by nude or semi-nude models, performers, or entertainers.

6. Adult cabaret means a cafe, restaurant, or bar where patrons are entertained by dancers, strippers or male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on specified sexual activities or specified anatomical areas.

7. Adult entertainer means any person who provides entertainment within an adult oriented establishment as defined by this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or as an independent contractor.

8. Operator means any person, or any proprietor, shareholder, general partner, or limited partner who participates in the management or day-to-day operations and/or control of the establishment.

9. Adult novelty business means a business which has as a principle activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

10. Specified sexual activities means:

- a. The stimulation or arousal of human genitalia;
- b. Acts of human masturbation, sexual intercourse, or sodomy; and
- c. Fondling or other erotic touching of human genitalia, pubic region, buttock, anus or human breast.

11. Specified anatomical areas mean:

- a. Less than completely and opaquely covered:
  1. Human genitalia and pubic region;
  2. Buttock and anus;
  3. Human breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

12. Massage parlor means an establishment wherein private massage is practiced, used, or made available as a principle use of the premises.

13. Massage means the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping, or vibrating, through the use of a physical, mechanical or other device, of the body of another, for a fee.

14. Nude modeling studio means any building, structure, premises or part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee and/or modeling clothing in a nude or, semi-nude state.

15. Protected use means a church, school, or public park.

16. School means a public or private school offering education to students enrolled in pre-kindergarten, kindergarten, one or more grades of one through twelve, or post secondary education.

17. Church means a building used for regular public worship services which is exempt from taxation under the General Property Tax Act of the State.

18. Public park means any park located within the Township that is owned and maintained by local or state government.

**C. Authorization.** The Planning Commission may, by the issuance of a Special Use Permit, authorize the uses specified within this Ordinance only in the (C1) zoning district and after finding that the following conditions exist:

1. The parcel upon which the use is intended is located outside a one thousand (1,000) foot radius of any parcel upon which is located any residence, dwelling place, daycare facility, church, public park, or school or the application requests a reduction of this requirement in order to locate the proposed business within the Township, and the request may be supported by a written statement or petition signed by adult persons or institutions residing within or owning residential, daycare, school, or church property within a one thousand (1,000) foot radius of the proposed location, and the Planning Commission may reduce this spacing requirement after calling and holding a special meeting to consider the reduced spacing or setback distance as applied to the proposed site and the findings in 2.a. are made

2. The use is not located within a one thousand (1,000) foot radius of any other such use except that such distance may be reduced by the Planning Commission in order to locate the proposed business within the Township if the following findings are made;

a. The proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this section will be observed;

b. The proposed use will not enlarge or encourage the development of a blighted deteriorating area in immediate surroundings;

c. The establishment of a 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;

d. All applicable state laws and local ordinances will be observed; and

e. The proposed business will be designed and located on a site with no public sidewalk within 50 feet of the adult business building.

**D. Limit in Reapplication.** No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence not previously available, or proof of a substantial change in conditions.

**E. Miscellaneous Requirements**

1. The height, yard, lot area, lot width, building coverage, sign and parking requirements of an adult business shall conform to the requirements for the C-1 zone in which it is located and with the standards for special land use approval contained within the Leroy Township Zoning Ordinance.

2. The distance between an adult business and a protected or other adult business use shall be measured in a straight line, without regard to intervening structures or objects, from the lot line of the adult business or building containing an adult business to the nearest lot line of the protected use.

3. No person shall reside in or permit any person to reside in the premises of an adult business.

**F. Procedure.** The procedure and requirements established for special uses as contained in the LeRoy Township/Village Zoning Ordinance shall be followed to process an application for an adult business.

**G. Exceptions.** The provisions of this ordinance regarding massage parlors shall not apply to a licensed masseuse for fitness clubs, hospitals, sanitariums, nursing homes or medical clinics, or to the offices of a physician, surgeon, podiatrist, chiropractor, osteopath or physical therapist, duly licensed by the State, or to barber shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders of patron.

**H. Severability.** Each portion of this Ordinance shall be deemed to be severable. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable, such holding shall not affect the validity or enforceability of this Ordinance as a whole, or of any other part thereof.

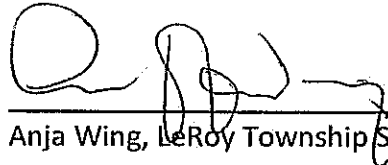
**I. Effective Date.** This Ordinance shall become effective thirty (30) days after its passage and publication of a summary of its provisions in a local newspaper of general circulation and recording as required by law.

Yeas: Wing, Ruppel, Deunemann, Dvonch, Moyles

Nays: 0

Absent: 0

ORDINANCE DECLARED ADOPTED.



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Anja Wing, LeRoy Township Supervisor

STATE OF MICHIGAN                    )  
  )ss  
COUNTY OF OSCEOLA                ).

I, the undersigned, duly qualified and acting Clerk of LeRoy Township, Osceola County, Michigan, HEREBY CERTIFY that the foregoing ordinance was adopted at a meeting of the Township Board on the 7 day of November, 2023, and that such Ordinance was duly published in the Cadillac News on the 29 day of November, 2023.



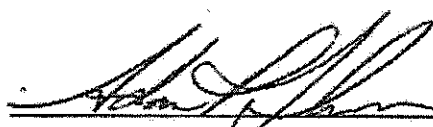
\_\_\_\_\_  
Stacie Dvonch, LeRoy Township Clerk

Yeas: 4

Nays: 0

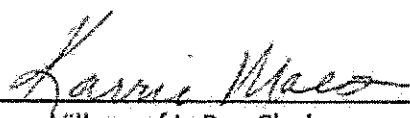
Absent: 1

**ORDINANCE DECLARED ADOPTED.**

  
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Adam Johnson, Village of LeRoy President

STATE OF MICHIGAN                    )  
  )ss  
COUNTY OF OSCEOLA                )

I, the undersigned, duly qualified and acting Clerk of the Village of LeRoy, Osceola County, Michigan, HEREBY CERTIFY that the foregoing ordinance was reaffirmed at a meeting of the Village Council on the 14th day of November, 2023, and that such Ordinance was duly published in the Cadillac News on the 29th day of November, 2012.

  
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Karrie Maes, Village of LeRoy Clerk

Reaffirming December 2012 adoption of this Ordinance