

**LEROY TOWNSHIP
COUNTY OF OSCEOLA
ORDINANCE NO. 11072023-01**

AN ORDINANCE TO AMEND THE LEROY TOWNSHIP ZONING ORDINANCE, AS AMENDED, TO ADD REQUIREMENTS FOR SIGNS

THE TOWNSHIP ORDAINS:

ARTICLE XIV. A new and additional Section 10.1413 of the LeRoy Township Zoning Ordinance is hereby added to the Zoning Ordinance as follows:

Section 10.1413 Signs

Section 01 Purpose

The purpose of the Ordinance shall be to coordinate the type, placement, and scale of signs with the different land-use zones to recognize the commercial communications requirements of all sectors of the business community, to encourage the innovative use of design; to encourage both renovation and proper maintenance, to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and scale of signs are regulated primarily by type, lot size investment, and surrounding conditions. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance. Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial or general informational nature intended to be viewed from any vehicular or pedestrian public right-of-way.

Section 02 Definitions

Certain terms are defined for the purposes of this Ordinance as follows:

Abandoned Sign –

A sign which no longer identifies or advertises a bona fid business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found one year from the date of discovery.

Administrator –

The Ordinance Administrator or a designated representative.

Animated Sign –

(See also and note difference from Changeable Sign.) A sign or display manifesting either kinetic or illusionary motion occasionally by natural, manual, mechanical, electrical, or other means.

Awning –

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (Compare “Marquee”)

Awning Sign –

A sign painted on, printed on, or attached flat against the surface of an awning.

Back Lit Awning –

(See Electric Awning.)

Banner Sign –

A sign made of fabric or a nonrigid material with no enclosing framework.

Billboard –

Any stand-alone sign advertising a product, business, establishment, idea, person, or other advertisement regardless of size or location. (See “Off-Premise” sign.)

Blade Sign –

(See “Ground Sign”.)

Building –

As defined in the Zoning Ordinance established for LeRoy Township.

Canopy (Building) –

A rigid multi-sided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

Canopy Sign –

A sign affixed or applied to the exterior facing surfaces or surfaces of a building or freestanding canopy.

Changeable Sign –

A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means.

Clearance (of a Sign) –

The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clear View Zone –

The area of a corner lot closest to the intersection, which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the curb lines intersect, measuring back fifty (50) feet on each street front, and drawing a line across the two back points to form a triangulated area. No sign may be installed in this area.

Construction Sign –

A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy –

The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Directional/Informational Sign –

An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area. Off-premise signs may include an arrow directing traffic to a place of business.

Double-Faced Sign –

A sign with two faces, essentially back-to-back.

Electric Awning Sign –

(See also "Back Lit Awning") An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

Electrical Sign –

A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic Message Center –

(See "Changeable Signs, Electrically Activated")

Façade –

The entire building front, including the parapet.

Face of Sign –

The area of a sign on which the copy is placed.

Festoons –

A string of ribbons, tinsel, small flags, or pinwheels.

Flashing Sign –

(See also “Animated Sign, Electrically Energized.”)

Freestanding Sign –

A sign supported permanently upon the ground by poles or braces and not attached to any building.

Frontage –

The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage, Building –

The length of an outside building wall facing a public right-of-way.

Government Sign –

Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction, or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Ground Sign –

(See also “Blade Sign.”) A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line from grade to top. Height and setbacks are to be the same as for freestanding signs.

Height (of a sign) –

The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (Compare to “Clearance.”)

Identification Sign –

A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal Sign –

A sign, which does not meet the requirements of this code and which, has not received legal nonconforming status.

Illuminated Sign –

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign –

A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Off-Premise Sign –

(Also see “Billboard.”) A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”

Off-Site Directional Sign –

A sign, which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the Administrator in size, height, and placement as justified.

On-Premise Signs –

A sign, which pertains to the use of the premises and/or property on which it is located.

Owner –

A person recorded as such on official records. For the purpose of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded, or otherwise brought to the attention of the Administrator. E.g., a sign leased from a sign company.

Painted Wall Sign –

Any sign that is applied with paint or similar substance on the surface of a wall.

Parapet –

The extension of a false front or wall above a roofline.

Person –

Any individual, corporation, association, firm, partnership, or similarly defined interest.

Point of Purchase Display –

Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.

Pole Cover –

Cover enclosing or decorating poles or other structural supports of a sign.

Political Sign –

A temporary sign used in connection with local, state, or national election or referendum.

Portable Sign –

Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Lot –

A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

Low profile Sign –

(See also "Monument Sign.") A sign mounted directly to the ground with maximum height not to exceed six (6) feet.

Maintenance –

For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard –

A sloped roof or roof-like façade architecturally comparable to a building wall.

Marquee –

A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building. (Compare to "Awning.")

Marquee Sign –

Any sign attached to or supported by a marquee structure.

Monument –

(Also see "Low Profile Sign.")

Multiple-Faced Sign –

A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

Nameplate –

A nonelectric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign –

A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

A sign which does not conform to the sign code requirements, but for which a special permit has been issued.

Occupancy –

The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Premises –

A parcel of land with its appurtenances and buildings, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign –

A sign, other than a flat wall sign, which is attached to and projects perpendicular from a building wall or other structure not specifically designed to support the sign.

Real Estate Sign –

A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roofline –

The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

Roof Sign –

Any sign erected over or on the roof of a building. (Also see "Mansard," "Wall Sign.")

Rotating Sign –

(also see "Animated Sign, Mechanically Energized.")

Sign –

Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.

Snipe Sign –

A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Sign –

A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign –

A sign not constructed or intended for long term use.

Under -Canopy Sign –

A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use –

The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

“V” Sign –

A sign consisting of two (2) essentially equal faces, positioned at an angle subtending less than one hundred seventy-nine (179) degrees.

Wall Sign –

A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window Sign –

A sign installed inside a window and intended to be viewed from the outside.

Section 03 General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in LeRoy Township except in accordance with provisions of this Ordinance and Zoning Ordinance.

Section 03.01 – Signs Prohibited

The following types of signs are prohibited in all Commercial (C-1) districts:

- a. Abandoned Signs;
- b. Banners, pennants, festoons, search lights;
- c. Signs imitating or resembling official traffic or government signs or signals;
- d. Snipe signs or signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way; and
- e. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to allowed portable signs or to signs or lettering on buses, taxis or vehicles operating during the normal course of business.)

Section 03.02 – Permits Required

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in this Ordinance. Signs existing at the time of adoption of this ordinance shall require an initial permit, at no expense to the owner, within eighteen (18) months of the date of this Ordinance. All signs permitted in accordance with this exception will remain permitted until removed, replaced, substantially altered, or abandoned. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

Section 03.03 – Signs not Requiring Permits

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance:

- a. Construction signs of thirty-two (32) square feet or less are limited to the length of project in Commercial districts only;
- b. Direction/information signs of four (4) square feet or less as approved in writing by the Zoning Administrator;
- c. Holiday or special events decorations;
- d. Nameplates of two (2) square feet or less;
- e. Political Signs;
- f. Public signs or notices, or any sign relating to an emergency;
- g. Real Estate signs four (4) square feet or less;
- h. Window Signs and
- i. Incidental signs.

Section 03.04 – Maintenance

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Zoning Administrator shall have the right to order the repair or removal of any sign, which is defective, damaged, or substantially deteriorated.

Section 03.05 – Lighting

Lighting of signs will be permitted only in commercial zones with a Conditional Use Permit.

Section 03.06 – Changeable Copy

Unless otherwise specified by this Ordinance, any sign herein allowed may use manual, automatic, or electrically, or mechanically activated changeable copy.

Section 04 – Regulation By Zone

Section 04.01 – Signs permitted in Commercial Zones

Signs are permitted in commercial zones as follows:

- a. One freestanding sign per street frontage not to exceed three (3) square feet of sign area for each lineal foot of property frontage not to exceed to hundred (200) square feet. Signs must not project beyond property lines nor exceed a height of thirty-five (35) feet;
- b. Wall signs and/or fence signs not to exceed twenty (20) percent of the aggregate square footage of the wall/fence area upon which they are installed. Electric awning signs not to exceed fifteen (15) percent of the aggregate square footage of the wall/fence area upon which they are installed. The combination of wall/fence signs and electric awning signs shall not exceed twenty-five (25) percent of the allowed wall/fence area;

- c. Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten (10) feet over pedestrian areas, and fourteen (14) feet over vehicular ways;
- d. Roof signs may be allowed (where no other sign types can provide effective identification.) Roof signs shall be constructed so as to conceal all structure and fastenings. The height of the roof sign shall not exceed the peak of the roof;
- e. One (1) under-canopy sign for each separate occupancy of separate entrance not to exceed eight (8) square feet in sign area. Under-canopy signs must have a minimum clearance of eight (8) feet to grade;
- f. Incidental signs not to exceed four (4) square feet in aggregate area per occupancy; and
- g. All off-site and directional signs identifying commercial activity in commercial districts but located in residential zones require a Conditional Use Permit.

Section 04.02 – Signs Permitted in Subdivision and Plats

Signs are permitted as follows in residential zones:

- a. One permanent subdivision identification sign per subdivision entrance, neighborhood, or development, not to exceed eight (8) feet in height and thirty-two (32) square feet in sign area in each location;
- b. One identification sign per entrance to apartment or condominium complex, not to exceed eight (8) feet in height and thirty-two (32) square feet in sign area; and
- c. For permitted nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed thirty-two (32) square feet in sign area.

Special regulations are as follows:

- d. All permitted freestanding signs permitted in accordance with this section shall have a maximum height of eight (8) feet and shall have a setback of twenty (20) feet from any public right-of-way.

Section 04.03 – Signs Permitted in Residential Zones

Lighting of signs is not permitted.

Section 04.04 – Billboards

Billboards shall be permitted with a duly authorized permit as follows:

- a. Permitted in Commercial Zones;
- b. Permitted in Residential and Special Protection Zones with a Conditional Use Permit;

- c. Billboards shall be permitted with a minimum of 500 feet separation between signs in commercial zones and a minimum one – thousand (1000) feet separation between signs in residential and special protection zones;
- d. Billboards shall not be permitted on parcels of land that have residential dwellings;
- e. Billboards shall not exceed twenty (20) feet in height as measured from the ground;
- and
- f. Billboards shall not exceed two hundred (200) square feet in size or twenty (2) feet in width.

Section 05 - ADMINISTRATION AND ENFORCEMENT

Section 05.01 – Zoning Ordinance Administrator

The Zoning Administrator shall be appointed by the LeRoy Township Board and is authorized to process applications for permits and variances, arrange public hearings as required, issue permits, and enforce and carry out all provisions of this code. The Zoning Administrator is authorized to promulgate procedures consistent with this function. The Zoning Administrator is empowered upon presentation of proper credentials, to inspect any building, structure, or premises in the Township for the purpose of inspection of a sign. Such inspections shall be carried out during normal business hours unless an emergency arises. The Zoning Administrator shall coordinate all required public hearings with the LeRoy Township and Village of LeRoy Joint Planning Commission and Zoning Board of Appeals.

Section 05.02 – Application for Permits

Application for a permit for the erection or relocation of a sign shall consist of a completed LeRoy Township Sign Application form, the appropriate fee, and include all information required by the Zoning Administrator.

Section 05.03 – Permit Fees

All applicants for permits filed with the Zoning Administrator shall be accompanied by a non-refundable payment of the initial permit fee for each sign as required by LeRoy Township. Permit fees shall be established by resolution by LeRoy Township Board.

Section 05.04 – Issuance and Denial

The Zoning Administrator shall issue a permit for erection, structural alteration, or relocation of a sign within ten (10) working days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the Township. In all applications where a matter of interpretation arises, the more specific definition or higher standard shall prevail. When a permit is denied, the Zoning Administrator shall, within ten (10) working days, give a written notice to the applicant along with a brief statement of reasons for denial, citing code sections and interpretation of possible nonconformity. The Zoning Administrator may suspend

or revoke an issued permit for any false statement or misrepresentation of fact in the application.

Section 05.05 – Permit Conditions, Refunds, and Penalties

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any requirements or penalties prescribed in this Ordinance.

Section 05.06 – Variances

When requesting a permit, the applicant may apply to the Zoning Administrator for a variance from certain requirements of this Ordinance. A variance may be granted by the Zoning Board of Appeals where the literal application of the Ordinance would create a particular hardship for the sign user, and the following criteria are met:

- a. A literal application of the Ordinance would not allow the property to be used at its highest and best use as zoned;
- b. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity;
- c. Hardship caused the sign user under a literal interpretation of the Ordinance is due to conditions unique to that property and does not apply generally to the Township; and
- d. The granting of the variance would not be contrary to the general objectives of this Ordinance and the Land Use Plan.

In granting a variance, the Zoning Board of Appeals may attach additional requirements necessary to carry out the spirit and purpose of this Ordinance in the public interest. All decisions made by the Zoning Board of Appeals approving or denying variance requests are final.

Section 05.07 – Violations

When, in the opinion of the Zoning Administrator, a violation of the Ordinance exists, the Zoning Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the Ordinance of which the individual may be in violation and shall state that the individual has thirty (30) days from the date of the order in which to correct the violation. If, upon inspection, the Zoning Administrator finds that a sign is abandoned, or in any way endangers the public, the Zoning Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within thirty (30) days of the date of order.

In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present an immediate hazard to the public safety.

Section 05.08 – Removal of Signs by the Zoning Administrator

The Zoning Administrator may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Zoning Administrator. If the amount specified in the notice is not paid within forty-five (45) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a 10% penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Zoning Administrator, as in the case of a leased sign. For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

Section 06 - CONFLICT, SEVERABILITY, AND EFFECTIVE DATE

Section 06.01 – Conflict

If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the township, county, or state, the provision, which established the higher standard, shall prevail.

Section 06.02 – Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance or its application to any person or circumstances is held invalid by the decision of any court of competent jurisdiction, the remainder of the Ordinance, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

Section 06.03 – 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:

Nays:

Absent:

ORDINANCE DECLARED ADOPTED.

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 7th day of November, 2023, and that such Ordinance was duly published in the Cadillac News on the ____ day of _____, 2011.

Stacie Dvonch, LeRoy Township Clerk

Reaffirming adoption of this Ordinance dated October 03, 2011.

**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.

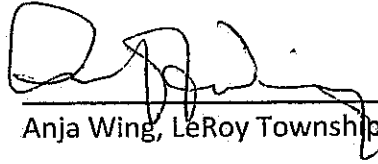
I. Effective Date. This Ordinance shall become effective thirty (30) days after its passage and publication of a summary of its provisions in a local newspaper of general circulation and recording as required by law.

Yeas: 6/7

Nays: 0

Absent: 0

ORDINANCE DECLARED ADOPTED.



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, ~~2024~~ and that such Ordinance was duly published in the Cadillac News on the 17 day of July, ~~2023~~ 2024.



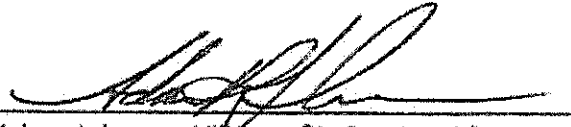
Stacie Dvonch, LeRoy Township Clerk

Yeas: 4

Nays: 0

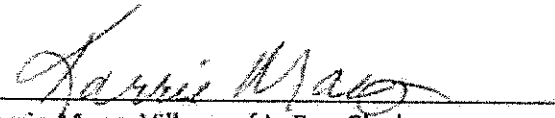
Absent: 1

ORDINANCE DECLARED ADOPTED.


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 of LeRoy Council on the 14th day of November, 2023, and that such Ordinance was duly published in the Cadillac News on the 17th day of July, 2011.


Karrie Maes, Village of LeRoy Clerk

Reaffirming adoption of this Ordinance dated October 03, 2011.