

Osceola Township Osceola County, Michigan Zoning Ordinance

An ordinance to establish zoning districts, provisions, and regulations in the portions of Osceola Township, State of Michigan, lying outside the limits of incorporated cities and villages, in accordance with the provisions of Act 184 of the Public Acts of 1943, as amended. Such Enabling Act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

Osceola Township, Osceola County, MI, Zoning Ordinance

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The Osceola Township Board hereby ordains:

1 **Short Title and Purpose**

1.1 Short Title This ordinance shall be known as the Osceola Township Zoning Ordinance.

1.2 Purposes.

- 1.2.1** To safeguard the public health, safety, morals, prosperity and general welfare of the people of Osceola Township.
- 1.2.2** To encourage the use of lands, waters, and other natural resources in accordance with their character and most suitable use.
- 1.2.3** To limit the improper use of land and resources.
- 1.2.4** To reduce hazards to life and property.
- 1.2.5** To provide for orderly growth.
- 1.2.6** To avoid overcrowding of the population.
- 1.2.7** To provide for adequate light, air, and health conditions in dwellings and buildings hereafter erected or altered.
- 1.2.8** To preserve essential productive agricultural areas and to preserve a low population density in the agriculture and open space districts, and to preserve undeveloped and un-planted shorelines.
- 1.2.9** To preserve and develop land according to its soil capabilities and to encourage preservation and development of forest, recreation and open space.
- 1.2.10** To encourage residential, commercial, industrial, and other uses in areas naturally suited to a particular use.
- 1.2.11** To implement the Osceola Township Land Use Plan, when such exists.
- 1.2.12** To facilitate the establishment of an adequate and economic system of transportation, sewage, and solid waste disposal, safe water supply, education, recreation, and other public requirements.
- 1.2.13** To conserve the expenditure of funds for public improvements and services, to conform with the most advantageous uses of the land.

1.3 Scope

It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided stringent requirements, regulations, restrictions, or limitations upon the erections or use of land and buildings, or

upon the height of buildings and structures, or upon safety and sanitary measures, or required larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, than the provisions of this Ordinance shall govern. The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way impair or effect any covenant or restriction imposing greater requirements.

1.4 Establishments of Zoning Districts .

Osceola Township is hereby divided into the following districts.

A-1	Agriculture	R-R	Rural Residential
O-S	Open Space	R-1	Residential
I-1	Industrial	R-3	Residential (High Density)
	(Future)	MHP	Mobile Home Park

R-3 Residential and MHP Mobile Home Park, are included in the text of this ordinance but will not appear on the zoning district map. The MHP district requires special approval and the R-3 may be included on an amended zoning map when appropriate and when location criteria discussed in the Purpose of the district are met.

1.5 Zoning Map .

The official Zoning Map of Osceola Township shall be so identified by signature of the Zoning Administrator, as attested to by the Township Clerk, under the following wording: This is to certify that this map is the Official Zoning Map of Osceola Township, which is a part of the Osceola Township Zoning Ordinance. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Osceola Township which are subject to the provisions of this ordinance.

1.6 Interpretation of Zoning District Boundaries.

1.6.1 All street, road, alley, and railroad rights -of-way, if not otherwise designated shall be considered to be in the same district as the lot or parcel it immediately abuts. When abutting more than one lot or parcel, or when the center line of such right of

way serves as a zoning district boundary, the abutting properties district shall be deemed to be the same up to the center of the right-of-way unless specifically provided for otherwise.

- 1.6.2 Where the boundaries are indicated as approximately following the streets, roads, alleys, or highways, the center-lines of said streets, roads, alleys, or highways, or such lines extended shall be construed to be such boundaries.
- 1.6.3 Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- 1.6.4 Boundaries indicated as approximately following a governmental unit's boundary lines shall be construed as following such boundaries.
- 1.6.5 Boundaries indicated as approximately following railroad lines shall be construed to be the center-line of the railroad right-of-way.
- 1.6.6 Boundaries indicated as approximately parallel to the center-lines of roads or highways shall be construed as being parallel thereto and at such distances there from as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the scale shown on the official Zoning Map.
- 1.6.7 Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center-line of streams, rivers, canals, or other bodies of water shall be construed to follow such center-lines
- 1.6.8 Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals, after recommendation from the Zoning Administrator.

1.7 Zoning of Vacated Areas.

Whenever any street, road, alley, or other public right-of-way, or land in public ownership, within the township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, road, alley, or public way, they shall automatically and without further governmental action thence-forth acquire and be subjected to the same zoning regulations as are applicable to lands to which the same use is permitted under this ordinance for such adjoining lands.

1.8 Zoning of Filled Land.

Whenever any fill is placed in any lake or stream the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations and be used for the purposes as are permitted under this ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanated. The provisions of the section do not in any way remove the responsibility of a landowner from obtaining necessary local and state permits before engaging in any fill activities along lakes and streams.

2 General Provisions

2.1 The Effect of Zoning.

For the purpose of this ordinance, except as hereinafter specifically provided otherwise, no lot or land or premises shall hereafter be divided, altered, reduced, or used, maintained, or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, use extended, enlarged or altered, except in conformity with the regulations herein specified for the Zoning District in which it is located; these limitations being constructed as the minimum legislation necessary to promote and protect the general safety and welfare of the community.

In case any building or part thereof is used, erected, altered, or occupied contrary to Law or to the provision of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

If construction on a building is lawfully begun prior to adoption of this ordinance, nothing in this ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two years from the effective date of this Ordinance.

2.2 Restoration of Unsafe Buildings.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure, or part thereof, declared unsafe by the township, or required to comply with its lawful order.

2.3 Accessory Buildings.

Except as otherwise permitted in this Ordinance, accessory buildings shall be subject to the following:

- 2.3.1 No accessory buildings shall be erected in any required front or side yard. The parking garages or covered bays of an apartment development may be exempted from accessory building setback requirements by the Zoning Administrator.

- 2.3.2** No accessory building in an R-1 district shall be located closer than ten feet to any other building or property line nor shall exceed fourteen feet in height.

2.4 Exceptions to Height Regulations.

Subject to other provisions of law, requirements of all zones shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevators bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, water tanks, monuments, cupolas, domes, spires, necessary-mechanical appurtenances, and similar structures not intended for human occupancy.

2.5 Use of Existing Undeveloped Lots of Record.

If an undeveloped lot of record existing before the adoption of this Ordinance is too small to allow conformance with the dimension and area regulations of the District in which it is located and if the owner owns no adjoining lot, the Zoning Administrator may grant a dimensional waiver when all the standards stated below are complied with, to allow the owner a reasonable use of the premises. When adjoining undersized lots of record are under the same ownership, and any combination together are large enough to meet the minimum dimensional requirements of the ordinance they shall be so combined for use, (or if in combination not large enough to meet the minimum requirement, shall be combined to most nearly meet the minimum requirements) and shall not be used separately by the same or subsequent owners except in conformance with the dimensional waiver granted. The Zoning Administrator shall find all the standards below are complied with and shall record such findings along with any conditions or restrictions necessary to insure compliance with the waiver in written form with a copy kept in the files of the Zoning Administrator and a copy sent to the applicant for such waiver.

- 2.5.1** A dimensional waiver may be granted only to owners of lots of record legally recorded with the county Register of Deeds, or detailed on a legally recognized contract of sale, prior to the effective date of this ordinance, whose dimensions do not meet the minimum required for use in the District in which the lot(s) are located.
- 2.5.1.1** No dimensional waiver shall exceed 25% reduction of the required lot width, side or rear yard requirements.
- 2.5.1.2** If in areas zoned Agriculture, Open Space, or Rural Residential, a lot exists which is less than 1.5 acres, at the option of the Zoning Administrator, the required setbacks for R-1 shall apply.

- 2.5.1.3 No dimensional waiver shall be greater than the extent essential for fulfillment of the purpose intended.
- 2.5.1.4 No Dimensional waiver shall be granted for a use not permitted within the District in which the lot(s) are located.
- 2.5.1.5 No dimensional waiver shall be granted that would permit a use of land or erection of a structure that would endanger the public health, safety, moral, or general welfare of Osceola Township or the reasonable use and enjoyment of adjacent properties.

2.6 Visibility at Intersections .

No Plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the road property lines connecting them at points twenty-five feet from the intersection of the road lines or in the case of a rounded property corner from the intersection of the road property lines extended. This shall not prohibit the establishment of shrubbery less than thirty inches in height.

2.7 Residential Buffer Areas .

In order to provide protective screening for residential areas adjacent to or near industrial-commercial areas, the Planning Commission may require a landscaped greenbelt to be provided by the non-residential premises owners. Such greenbelt may be a strip of land up to twenty five feet in width which is planted and maintained with evergreens such as spruce, pines, or firs at least five feet in height, or a edge of evergreens at least four feet in height, situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings shall be well-kept in lawn. All landscaping required shall be kept in a healthy growing condition, neat and orderly in appearance.

2.8 Essential Public Services.

The erection, construction, alteration, or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any use District, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance, except those which may be considered a danger to the community health, safety, and welfare.

2.9 Reversion of Rezoned Areas .

If no construction has commenced and been diligently pursued within one (1) year from the effective date of rezoning any agricultural or residential zoned land to a commercial or industrial designation, such rezoned land shall be evaluated by the Planning Commission. After investigation of any changed conditions the Planning Commission may initiate a petition to rezone the land to its prior designation.

2.10 Excavations or Holes.

The construction, maintenance, or existence within the Township of any unprotected, UN-barricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited: provided however, this section shall not prevent any excavation under a permit issued where such excavation is properly protected and warning signs posted in such a manner as approved by the Township, and provided further, that this section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies or to normal farm operations.

2.11 Outdoor Storage in Residential Districts .

The outdoor storage or parking of recreation vehicles such as an airplane, special purpose automobile, float, raft, boats, trailer, camping or travel trailer, motorized homes, detached travel equipment of the type adaptable to light duty trucks, and any other equipment or vehicles of a similar nature, shall be prohibited for a period greater than two (2) weeks in all residential districts, except where otherwise permitted by this ordinance, unless the following minimum conditions are met:

- 2.11.1** All such vehicles and equipment shall be placed within a completely enclosed building or located behind the front face of the principal building, but no closer, to the lot lines than required set back for an accessory building.
- 2.11.2** Storage or parking shall be limited to one unit per lot or parcel of land unless there is an inhabited dwelling unit. The vehicular equipment so stored or parked shall be owned by the owner or occupant of the property.
- 2.11.3** Travel Trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

2.11.4 Outside parking and storage of Commercial and Industrial vehicles and equipment is prohibited in all residential zones.

2.12 Principle Use.

No lot may contain more than one main building or use, unless the Zoning Administrator considers that future lot division may be completed in conformance to the Zoning Ordinance.

2.12.1 Exceptions to this provision would be groups of apartment buildings, retail business buildings, or other groups of buildings the Board of Appeals interprets to be a main use collectively.

2.13 Corner Lots .

When a lot is bounded by two intersecting roads, the front yard requirements shall be met on both abutting roads.

2.14 Road Access.

Any lot of Record created after the effective date of this ordinance shall have frontage as required by this Ordinance upon a public road right-of-way established as a road maintained year around, excepting those lots in Recorded Subdivisions.

2.15 Waterfront Regulations .

In addition to the requirements of this Ordinance for uses of land and erection of structures in each district, the shoreline regulations of this section must also be complied with.

No building shall be closer than fifty(50) feet, R-1 District; seventy five(75) feet, R-3 District; or one hundred(100) feet in any other district to the ordinary high water mark (not including occasional flooding) of a lake, river, or stream excepting boat houses and pump houses not in excess of ten feet in height, and except that for every foot of ground elevation above the minimum grade level (which level shall be four feet above high ground water) five feet may be subtracted from the minimum setback. No structure, however, may be closer than twenty five feet from the water's edge measured horizontally.

A strip twenty five feet wide bordering the banks of a river or measured from the ordinary high water mark of a lake, shall be maintained in its natural state. The following variations may be made:

- 2.15.1** An opening not to exceed eight feet may be made to provide convenient access.
- 2.15.2** A fifty foot long strip may be thinned or trimmed to a reasonable extent providing adequate visual and physical access to the water.

Nothing in this section (2.15) will apply to lakes or ponds of less than five acres in size.

2.16 Temporary Building and Uses.

A temporary structure may be utilized as a dwelling during the period when a dwelling conforming to the provisions of this ordinance is in the process of erection and completion on the same lot subject to the following.

- 2.16.1** A permit shall be granted by the Zoning Administrator, who shall specify reasonable yard requirements for the temporary dwelling.
- 2.16.2** The uses of the temporary dwelling shall not adversely affect surrounding properties.
- 2.16.3** The uses shall be limited to six months, subject to renewal up to a period of two years.
- 2.16.4** All applicable sanitary and building code restrictions shall be complied with.
- 2.16.5** A travel trailer, (see Definitions in section 12), motor home, or tent intended for temporary, seasonal uses may be located in any district without obtaining a zoning permit providing that it satisfies minimum yard requirements and provided that after ninety days all applicable township ordinance shall be complied with.

2.17 Use of Yards and Open Spaces

- 2.17.1** No yard or open space shall hereafter be used for the open-air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment either temporarily or otherwise of discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk or other personal property. Without limiting the meaning of junk, the term shall include used or salvaged metals, and their compounds, or combinations, used or salvaged lumber, ropes, bags, paper, rags, glass, rubber and similar articles and materials, and without

limiting any previous part of this paragraph, businesses shall be limited to the parking or storing of usable idle equipment in a rear yard.

- 2.17.2** Storage or parking of trucks, semi-tractor trailers, moving vans and other non-operative vehicles, auto trailers, manufactured homes, mobile homes, buses or car bodies and erection of tents (except children's play tents), shall not be permitted or considered a legal accessory. This limitation shall not prohibit the storage of one unoccupied travel trailer or motor home, which is the property of the occupant of the dwelling, in the rear yard when located not less than twenty-five (25) feet from the side lot lines and ten (10) feet from the rear lot line provided further, however, that such storage shall not be permitted in the front yard of a water frontage lot with front yard abutting a lake or river.

3 Granting Dimensional Variances

3.1 Appeals.

Dimensional variances may be granted by the Board of Appeals, where by reason of the exceptional, narrowness, shallowness or unusual shape of a site on the effective date of this Ordinance or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site, the literal enforcement of the dimensional requirements (height or width of a building or size of yards, but not types of dwelling units or population density) of this Ordinance would deprive the applicant of reasonable capacity to make use of the land in the same zoning district. The board of Appeals may impose any reasonable conditions or restrictions on any dimensional variance it decides to grant.

3.2 Findings Necessary for Granting Dimensional Variances.

Before any dimensional variance may be granted, the Board of Appeals must and shall find all of the following. Such findings shall be recorded, along with any imposed conditions or restrictions, in the Board's minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

- 3.2.1 That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- 3.2.2 That special conditions and circumstances do not result from the actions of the applicant.
- 3.2.3 That granting the dimensional variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district.
- 3.2.4 That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardships on the applicant.
- 3.2.5 That the dimensional variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- 3.2.6 That the grant of the dimensional variance will be in harmony with the general intent and purpose of this Ordinance, and that such dimensional variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

3.3 Attached Special Conditions and Safeguards.

In granting any dimensional variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made part of the terms under which the dimensional variance is granted, shall be deemed a violation of this Ordinance. The Board may prescribe a reasonable time limit within which the action for which the dimensional variance is required shall be begun or completed or both.

3.4 Variance Shall Not Contradict This Ordinance

Under no circumstances shall the Board of Appeals grant a variance to permit a use not generally, or by special exception use, permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this Ordinance or to alter density requirements in the zoning district in question. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

3.5 Flood Hazard Area Variances

3.5.1 Variances from the provisions of Article 22 Flood Hazard Areas shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this ordinance and each of the following specific standards.

3.5.2 A variance shall be granted only upon:

3.5.2.1 A showing of good and sufficient cause;

3.5.2.2 A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3.5.2.3 A determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with existing laws or ordinances.

3.5.3 The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

3.5.4 The Osceola Township Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this ordinance.

3.5.5 Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other State register of historic places without regard to the requirements of this section governing variances in flood hazard area.

3.5.6 **Mapping Disputes .**

Where disputes arise as to the location of the flood hazard area boundary the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized.

All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

3.6 **Dimensional Variance Runs with Land .**

A dimensional variance applies to the property for which it is granted and not to the individual who applies for it. A dimensional variance also runs with the land and it is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

3.7 **Recording of Dimensional Variance.**

All dimensional variances, including any attached conditions or restrictions, approved by the Board of Appeals shall be recorded at the expense of the applicant in the Office of the Township Clerk.

4 **General Regulations for Vehicles**

4.1 **Off- road Parking Space.**

Following the adoption of this Ordinance, all uses in the Township shall conform to the following minimum parking requirements:

- 4.1.1 Off-road parking area, including required parking spaces, moving aisles, access roads, and related off-road parking appurtenances, shall be provided for all buildings and uses on the premises at the ratio of four hundred square feet per parking space required or, if approved by the Zoning Administrator, may be located off the premises it serves and/or may be consolidated into a large parking area serving other buildings and uses; provided, however, that such off-road parking space shall be maintained, regulated, and enforced as if it were actually located on the premises it is designed to serve. The Zoning Administrator may require a plat, deed, or any other proof necessary to show that the required parking space, if located off the premises it serves, is controlled by and available to the applicant.
- 4.1.2 Shall be surfaced in a stable manner and shall have vehicular access to a road or alley.
- 4.1.3 Excepting single family residential uses, parking areas shall have a properly maintained landscaped separation strip at least five feet in width along all property lines and roads on which the off-road parking space is located. Vehicular wheel stops or barriers shall also be properly located along the edge of the required separation strip.
- 4.1.4 Minimum off-road parking space requirements for trucks shall be one space for every truck operated by the establishment on the premises, and for automobiles as shown in Exhibit A. The area per off-road parking space required shall be interpreted by the Zoning Administrator. Off-road parking space designed to serve non-residential buildings and uses located in nonresidential zoning districts shall not be permitted to be located in residential zoning districts.
- 4.1.5 An existing use not provided with conforming off-road parking space shall conform with the requirements of this Ordinance at the time of any alteration or expansion of the use.

4.2 **Off- road Parking Space Access .**

Access points located on a road, except those serving gasoline service stations

- 4.2.1 Shall be only one vehicular access point, not to exceed forty feet in width.
- 4.2.2 Or, two vehicular access points, not to exceed twenty four feet in width each.
- 4.2.3 All vehicular access points shall be located at least 150 feet, or $2/3$ the distance of the lot frontage whichever is less, from the intersection of any right-of-way lines of roads or a road and a railroad.
- 4.2.4 Access points location on a road serving gasoline service stations.
 - 4.2.4.1 Shall be no more than two vehicular access points, not exceeding thirty six (36) feet in width each.
 - 4.2.4.2 All vehicular access points shall be located at least seventy five feet from the intersection of any right-of-way lines of roads or a road and a railroad.
- 4.2.5 There shall be a minimum distance of thirty feet between any two access points serving the property.
- 4.2.6 Private roads designed to provide vehicular access to nonresidential zoning districts shall not be permitted to be located on residential zoning districts.
- 4.2.7 The commission may permit additional access points when such access points are justified and necessary due to the length of road frontage serving the premises and provided that the additional access points will substantially reduce traffic hazards or congestion on adjacent roads serving the property.
- 4.2.8 The number of required off-road parking spaces in all districts shall be provided in accordance with the following minimum requirements. When a use is not specifically listed in the schedule of minimum automobile off-road parking space requirements, the parking requirements of the most similar use, as determined by the Zoning Administrator shall apply.

4.3 Off- road Loading and Unloading Space.

- 4.3.1 Shall be provided on the premises so that no loading or unloading activity will be generated on any required parking space or on any road.
- 4.3.2 Shall be adequate in size and arranged so that it may be used without blockage or interference with the use of roads, access-ways or automobile parking facilities.
- 4.3.3 Should be at least forty feet in depth, twelve feet in width with an overhead clearance of not less than fourteen feet. However the loading space shall be at least the length of the longest truck used.
- 4.3.4 Shall be surfaced in a stable manner.
- 4.3.5 Space for the servicing of buildings by refuse collection, fuel, and other service vehicles shall also be provided on the premises.

Exhibit-A
MINIMUM OFF-road PARKING SPACE REQUIREMENTS
 Parking Space
 Per

Types of Buildings and Uses	Indicated Unit	Unit of Measure
One and Two Family Dwelling	1.00	Per Dwelling Unit
Three or more Family Dwelling	1.50	Per Dwelling Unit
Lodging House, Boarding, Rooming House	1.00	Per Sleep Unit
Plus	1.00	Per Resident Manager
Dormitory, Fraternity or Sorority House	1.50	Per Every Two Students (Maximum Bed Count)
Plus	1.00	Resident Manager
Comparison Goods Stores Convenience Good Stores Antiques Stores Secondhand Stores Personal Services Establishments	0.80	Per 100 Square Feet Building Floor Area
Domestic and Business Service Establishments Publishing and Printing Service Establishments Domestic and Business Repair Establishment Domestic Rental Establishments	0.50	Per 100 Square Feet Building Floor Area Building Floor Area
Business, Professional and Non-Profit Organization Offices Public Offices	0.40	Per 100 Square Feet Building Floor Area Building Floor Area
Research, Development and Testing Laboratories	3.00	Per Doctor
Business Training Schools	0.20	Per 100 Sq. Feet Building Floor Area
Plus	0.80	Per Student Enrolled on Premises
Restaurant	0.40	Per Seat Based on Maximum Customer Capacity
Drive-In Restaurant	1.00	Per 50 Sq. Feet of Building Floor Area

Types of Buildings and Uses	Indicated Unit	Unit of Measure
Heating Fuel and Ice Establishments Construction Services Establishment Landscaping Services Establishment	2	Per Person Regularly Employed on the Premises
Veterinarian and Animal Hospital Services Establishment	1.80	Per person Regularly Employed on the Premises
Plus	3.00	Per Veterinarian
Mortuaries, Funeral Homes and Crematories	1.00	Per 50 Sq. Feet of Building Floor Area Devoted to Slumber Rooms, Parlor, or Individual Mortuary Rooms
Plus	0.30	Per Seat Based on Maximum Capacity of Chapel
Manufacturing, Wholesale and Storage Establishments Outdoor Advertising Services Establishments, Laundry and Dry Cleaning Establishments	1.80	Per Person Regularly Employed on the Premises Based on the Largest Single Employment Shift
Mining, Farming, Forestry, Fisheries and Game Propagation	1.10	Per person Employed on the Premises
Horticultural, Specialty Farms Animal Specialty Farms Farming Services Establishment Forestry Service Establishments	2	Per Person Regularly Employed on the Premises
Educational Facilities	0.60	Per Student Enrolled on the Premises
Cultural Facilities	0.30	Per 100Sq. Feet of Building Floor Area Per 100 Sq. Feet of Floor And/or land Area Devoted to Assembly or Visitor use on The Premises
Or	1.00	
Religious Facilities	0.3	Per Seat Based on Maximum Capacity of Auditorium or Principle Place of Assembly

Types of Buildings and Uses	Indicated Unit	Unit of Measure
Hospitals	1.40	Per bed Based on Maximum Patient Capacity
Nursing Care Homes	0.70	Per Bed Based on Maximum Occupancy

5 Regulations of Signs

5.1 Regulating Signs .

All signs not subject to the “Highway Advertising Act of 1972” (1972 PA), shall be subject to the following regulations.

5.2 Freestanding or Detached Signs.

- 5.2.1** In the R-1 Residential, R-3 Residential, R-R Rural Residential, or MHP Mobile Home Park Districts only one (1) freestanding or detached sign shall be permitted on the premises. All freestanding or detached signs and all parts thereof shall be located at least twenty-five (25) feet from all road right-of way lines and at least twenty (20) feet from all property lines. Such sign shall not exceed fifty (50) square feet in sign area.
- 5.2.2** In A-1 Agriculture, Open Space, Commercial, or Industrial Zones. No more than two (2) freestanding or detached signs shall be permitted on the premises. Those signs of less than fifty (50) square feet in area shall comply with section 5.2.1. All freestanding or detached signs exceeding fifty (50) square feet in sign area shall be located at least thirty-five (35) feet from all road right-of-way lines and at least twenty-five (25) feet from all property lines. No sign shall exceed two hundred (200) square feet in sign area. No sign shall interfere with a driver’s required vision thereby causing a traffic hazard.

5.3 Attached Signs .

No attached sign shall extend or project more than (6) feet above or beyond the building walls. A clear space of not less than eight (8) feet shall be provided below all parts of such sign.

5.4 Lighting.

No sign shall be permitted which involves lighting or motion resembling traffic or directional signals, warnings or other similar devices which are normally associated with highway safety or regulations or which constitutes a safety hazard or hindrance because of light, glare, focus, animation, flashing or intensity of illumination. Lighted signs shall be designed and located so as to prevent direct glare or hazardous interference of any kind to adjoining roads or properties.

5.5 **Maintenance.**

All signs shall be adequately maintained including proper alignment of structures, continued readability of the structure and preservation of the structure with paint or other preservatives. If any sign is not maintained in conformance with this ordinance, the Zoning Administrator shall give written notice of such non-conformance to the owner of such sign. If the owner does not comply with the provisions of the notice and this ordinance within sixty (60) days from issuance of such notice, the Zoning Administrator or other designated official shall have a right of action to compel the sign to be removed at the expense of the owner and may have judgment in person for such expense.

6 Uses Requiring Special Use Permits

6.1 Purpose.

Special approval uses may be permitted only in those zoning districts where they are designated by this Ordinance. They may be permitted only when specifically approved by the planning commission in accordance with the provisions of this Ordinance.

Uses requiring special approval are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding areas, public services and facilities, and adjacent uses of land.

Proposed uses will be evaluated according to the nature, extent and intensity of the surrounding area, and their compatibility with these factors. A special approval use must be consistent with the goals and objectives of the Township Land Use Plan, when such exists, and with the intent of the zoning district in which it is to be located.

The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of request to establish special uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this ordinance which are applicable to the special use under consideration.

6.2 Standards.

Required standards and regulations for special approval uses shall be as follows:

- 6.2.1** All special approval uses, at a minimum, be subject to the general regulations for structures and uses, lots and yards and vehicles contained in this Ordinance for principle building and single lot development as well as the specific dimension and area regulations for lots and structures in the specific zoning district in which the special approval use is proposed.
- 6.2.2** Minimum lot frontage on a road shall be sufficient to permit properly spaced and located access points designed to serve the type of special approval use proposed. Wide spacing between access points and intersecting road right-of-way lines should

be required when the lot has more than the minimum required frontage on a road. All access points shall be specifically approved by the commission.

- 6.2.3** All buildings should be located an adequate distance from all property lines and road right-of-way lines. Greater building setback lines will be required when the lot has more than the minimum lot area required or when deemed necessary to protect surrounding properties.
- 6.2.4** The commission shall require that the premises be permanently screened between adjoining and contiguous properties by a wall, fence, evergreen hedge and/or other approved enclosure when deemed necessary to buffer the special approval use from surrounding uses. Such screening, if required shall have a minimum height of five (5) feet and a maximum height of eight (8) feet.
- 6.2.5** The use, location, size of use, and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole, or be in conflict with, or discourage the principle permitted uses of adjacent or neighboring lands and buildings.
- 6.2.6** The use shall not diminish the value of land, buildings or structures in the neighborhood, or increase hazards from fire or other dangers to either the property or adjacent properties.
- 6.2.7** The use shall not increase traffic hazards or cause congestion on the public highways or roads of the area. Adequate access to the use shall be furnished by either existing roads or highways or proposed roads or highways.
- 6.2.8** The water supply and sewage disposal shall be adequate for the proposed use.
- 6.2.9** Uses by special approval shall not be more objectionable to near-by properties by reason of traffic, noise, vibrations, dust, fumes, smoke, glare, flashing lights, or disposal of waste than the operation of any principle permitted use.
- 6.2.10** The special approval use shall not change the essential character of the surrounding area.
- 6.2.11** The special approval use shall be consistent with the intent and purpose of this Ordinance and with the goals and objectives of the Osceola Township Land Use plan, when such exists.

6.3 Required Information.

An application for a special use permit shall be accompanied by a site plan prepared in accordance with Article 7.0 below, and a statement with regard to compliance with the requirements of Section 6.2 above.

6.4 Wind Turbine Generators

- 6.4.1** All conversion systems shall be equipped with manual and automatic over-speed controls to limit rotation of blades to a speed below the designed limits of the conversion system. The certified registered engineer and authorized factory representative shall certify that the rotor and over-speed control design and fabrication conform to good engineering practices. No changes or alterations from certified design shall be permitted unless accompanied by a certified registered engineer's and the authorized factory representative's statement of certification.
- 6.4.2** All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.
- 6.4.3** Visible warning signs of "High Voltage" will be placed on all four sides at the base of all conversion systems. These signs shall have at a minimum six (6) inch letters with 3/4 -inch stroke. These signs shall include a 24 hour emergency phone number.
- 6.4.4** All towers or poles must be unclimbable by design or protected by anti-climbing devices such as: A) Fences with locking portals at least six (6) feet high; or B) Anti-climbing devices twelve (12) feet from base of pole.
- 6.4.5** Tubular towers are required.
- 6.4.6** Engineering data concerning construction of the tower base must be submitted with an application and site plan. The base of the wind turbine must be constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 4 feet.
- 6.4.7** "Up wind turbines" are required.
- 6.4.8** Constant velocity turbines are preferred. Variable speed turbines must submit additional data concerning noise when they exceed 25 rpm.
- 6.4.9** Visual appearance and its impact on nearby dwellings will be limited by using muted colors, industry standard that minimizes visibility, and by using turbines that are consistent in their appearance.
- 6.4.10** No advertising of any kind shall be allowed on the wind turbine or tower.
- 6.4.11** The electrical wires used to connect the turbine tower to its step-up transformer shall be installed at a depth of 48 inches or more below ground.
- 6.4.12** At the time of application, data from the Michigan DNR must be included that shows migratory routes, nesting sites and or feeding areas of protected avian species indigenous to Michigan and its neighboring states.
- 6.4.13** The compatibility of the tower structure with the rotors and other components of the conversion systems shall be certified by a certified, registered engineer and by the authorized factory representative. In addition, the lowest point of the blade shall be a minimum of thirty (30) feet above the ground.
- 6.4.14** All conversion system towers, poles or structures may exceed the height limitations of a zoning district in which located, but shall be a distance from the base of the

structure to all property lines and residential structures one and one-half (1 1/2) times greater than the height of the structure as measured from the base to the highest reach of its blade, thus should the structure collapse or topple, it shall come to rest wholly within the property lines on which it is placed. The certified registered engineer and authorized factory representative shall certify that the construction and installation of the conversion system meets or exceeds the manufacturer's construction and installation standards.

6.4.15 Maintenance and Operation

- 6.4.15.1** All conversion systems must be maintained and kept in good working order or shall be removed by the property owner or lessee. Any wind turbine that has not produced electrical energy for 12 consecutive months shall be deemed to be abandoned. In the case of pooled parcels, it shall be the obligation of the pooled owners in accordance with their pro rated share to remove the abandoned wind turbine. To ensure that abandoned turbines are removed, a bond shall be required at the time of construction.
- 6.4.15.2** A condition of the bond shall be notification by the bond company to the Township Zoning Administrator when the bond is about to expire or be terminated.
- 6.4.15.3** The property owner, pooled owners, or developer shall provide the Township Zoning Administrator with a copy of the yearly maintenance inspection.
- 6.4.15.4** Failure to keep the bond in effect while a wind turbine generator or weather testing tower is in place will be a violation of the special land use approval. If a lapse in the bond occurs, the Township will use all available remedies including possible enforcement action and revocation of the special land use approval.

6.4.16 Noise levels.

- 6.4.16.1** The noise level measured at the external property line of the parcel on which the conversion system has been installed shall not exceed 50 decibels.
- 6.4.16.2** The applicant shall submit all of the following data at the time of the application that clearly demonstrates that the placement and design of the wind turbine(s) can meet or not exceed the prescribed noise levels.

- 6.4.16.2.1** Wind Rose Chart. This is a chart or graph that describes 12 months of wind data collected from the proposed parcel. This graph or chart will demonstrate direction, duration and intensity of the wind for the entire parcel (pooled or not).
- 6.4.16.2.2** Site plan to scale that shows the relationship of all dwellings at the external property lines of the proposed wind turbine(s) parcel.
- 6.4.16.2.3** Sound chart or sound data that shows the sound level in decibels at the base of the turbine tower and at the nacelle. In addition, the reduction of noise of the specific wind turbine, up to and including, 7 rotor diameters away from the base of the wind turbine shall be included.

6.4.17 Required Lighting – Any lighting required by the FAA shall be of the lowest intensity and of the slowest pulse allowed.

6.5 Wireless Communication Facilities

6.5.1 Wireless Communication Antennas

In order to encourage co- location and to minimize the number of Wireless Communication Support Facilities (WCSFs) within the Township, Wireless Communication Antennas (WCAs) shall be considered a permitted accessory use in all non-residential Zoning Districts when placed on or attached to any structure which constitutes a principal use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20) feet above the tallest portion of the structure on or to which it is attached. Provided further that the height of any WCA shall not exceed one-hundred (100) feet unless:

- 6.5.1.1** Located on a lawfully existing or approved WCSF; or
- 6.5.1.2** Located on a structure existing prior to the adoption of this regulation; or
- 6.5.1.3** Located on a structure which has received a height variance.
- 6.5.1.4** An application to install a WCA in a non-residential zoning district shall be required to receive approval from the Township Planning Commission .
- 6.5.1.5** An application to install a WCA in a residential zoning district shall require a review by the Township Planning Commission, and shall include but not be limited to the following:
 - 6.5.1.5.1** Evidence that adequate servicing cannot be attained from the placement of a WCA in a non-residential zoning district.

- 6.5.1.6** WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
- 6.5.1.7** If a WCA requires an accessory equipment storage structure, it shall not be greater than fifteen (15) feet in height and shall meet all zoning requirements.
- 6.5.1.8** WCAs shall not be allowed on any site used as a single-family dwelling unit.
- 6.5.1.9** All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
- 6.5.1.10** No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.
- 6.5.1.11** This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

6.5.2 Wireless Communication Support Facilities (WCSF)

- 6.5.2.1** All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
- 6.5.2.2** The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- 6.5.2.3** The WCSF shall not be used for advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider and emergency telephone numbers.
- 6.5.2.4** The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
- 6.5.2.5** The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the

closest portion of the WCSF or the accessory equipment structure or storage area, whichever is closer.

- 6.5.2.6** The WCSF shall have a landscaped greenbelt so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way or adjacent properties. A greenbelt, as selected by the Zoning Administrator or Planning Commission, shall be constructed around the perimeter of a WCSF. Screen fencing shall also be required for public safety reasons. A chain linked or a solid wood fence at least six (6) feet in height shall be erected entirely around any communication tower and any related support facilities being utilized for commercial purposes. “No Trespassing” signs shall be posted around the wireless communication facility with a telephone number of a person to contact in the event of an emergency.
- 6.5.2.7** The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.
- 6.5.2.8** The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
- 6.5.2.9** If co-location is not part of the application, then the applicant shall provide evidence as to why co-location is not possible.
- 6.5.2.10** This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
- 6.5.2.11** WCSFs shall have a muted, non-reflective finish.
- 6.5.2.12** The applicant is required to disclose whose wires will be connecting proposed towers so the Township can assess any separate franchise fees.

6.5.3 Replacement of Existing WCSF

An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:

- 6.5.3.1** The replacement WCSF shall not exceed a total height of one-hundred and fifty (150) feet or, if the existing WCSF has an approved height greater than one-hundred and fifty (150) feet, the replacement WCSF shall not exceed the approved height.

- 6.5.3.2** The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
- 6.5.3.3** The applicant shall cause the existing WCSF to be removed within ninety (90) days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within one-hundred and eighty (180) days of the County's final construction inspection of the replacement WCSF.
- 6.5.3.4** If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty (30) days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within sixty (60) days of the County's final construction inspection of the replacement WCSF.
- 6.5.3.5** The installation of a replacement WCSF in any zoning district must be reviewed by the Planning Commission which shall approve such requests that meet the requirements of this section.

6.5.4 Review Criteria for all new WCSFs, except replacement WCSFs

A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:

- 6.5.4.1** Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF;
- 6.5.4.2** Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;
- 6.5.4.3** Radio frequency interference or other signal interference problems at existing WCSF or others structures;
- 6.5.4.4** Other factors which demonstrate the reasonable need for the new WCSF;
- 6.5.4.5** The denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication services and/or will have the effect of prohibiting the provision of personal wireless communication services;

- 6.5.4.6** The refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.
- 6.5.4.7** WCSFs shall be designed to have sufficient structural capacity to allow for a minimum of three (3) providers to be located on the structure. The wireless communication facility shall also be designed to show that the applicant has sufficient space on its site plan for an equipment building large enough to accommodate three (3) or more users. If an equipment building is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment building expansions to accommodate the total number of potential users.
- 6.5.4.8** The applicant must include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity, and that all requests for co-location of wireless communication facilities will be responded to within thirty (30) days from the date of receipt of written request.
- 6.5.4.9** As an additional condition of issuing the permit to construct and operate the tower, the owner/operator of the tower is required to sign a statement that all disputes with future providers concerning co-location and the terms and conditions of co-location shall be submitted to commercial arbitration under a system selected by the parties, but if the parties are unable to agree, then under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.
- 6.5.4.10** The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the Township based on those entities who have requested approval of WSCF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed.
- 6.5.4.11** New WCSFs shall meet the following additional criteria:
- 6.5.4.11.1** The WCSF shall not exceed one-hundred and fifty (150) feet in height;
 - 6.5.4.11.2** All WCSFs over one-hundred (100) feet in height shall be designed for the colocation of three additional WCAs, and shall therefore also be able to accommodate additional equipment storage structures.
 - 6.5.4.11.3** All WCSFs shall be set back a minimum of two-hundred and fifty (250) feet from any residential zoning districts.

6.5.4.11.4 The installation of a WCSF must be reviewed by the Planning Commission which shall approve such WCSFs that meet the requirements of this section. Such review by the Planning Commission shall be without notice.

6.5.4.12 Application Requirements for New WCSFs

- 6.5.4.12.1** A site plan prepared in accordance with Site Plan Review Procedures shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- 6.5.4.12.2** The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan, fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe.
- 6.5.4.12.3** The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure may fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.
- 6.5.4.12.4** The application shall include a description of security to be posted at the time of receiving a zoning permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as required in Subsection 6. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Board establishing the land in question as security for removal.
- 6.5.4.12.5** The application shall include a map showing existing and known proposed WCFs within the Township, and further showing existing and known WCFs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in

terms of potential co-location or in demonstrating the need for the proposed facility.

6.5.4.12.6 The name, address and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be updated annually during all times the WCF is on the premises.

6.5.5 Additional Criteria for Special Approval Condition Use and Review

- 6.5.5.1** The installation of a WCSF in any residential zoning district shall be located on lots or parcels of not less than two (2) acres;
- 6.5.5.2** As a condition of issuing a permit to place a WCSF in a Residential Zoning District, the applicant is required to provide proof that no suitable locations exist within any other “permitted use” or “conditional use” areas determined by this Ordinance.
- 6.5.5.3** If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable;
- 6.5.5.4** The Planning Commission may require a visual/line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization.

6.5.6 Removal of Abandoned WCSFs

Any WCSF which is abandoned shall immediately be removed. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for 180 days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCF.

6.5.7 Variances and Appeals

Variances from this section may be requested from the Zoning Board of Appeals.

6.5.8 Certification of Registered Engineer

The Township may require a review by an independent registered engineer engaged by the Township and paid for by the applicant for the construction of wireless communication towers. Among other things, the Engineer may review and approve the written certification of the applicant's Engineer and may review and approve the applicant's studies showing the necessity for and location of the tower; and may review and approve the structural integrity, electrical integrity and electrical safeness of the wireless communication facility in its projected uses so as to assure the protection of the health, safety and welfare of the Township residents.

6.6 Application and Hearing.

Applications shall be submitted through the Zoning Administrator to the Planning Commission. After a preliminary review of an application for a special use permit, the Commission shall hold a public hearing or hearings on the special use request. Notice of the hearing shall be given by mail or personal delivery to all residents and property owners within 300 feet of the property under consideration for a special permit, not less than five nor more than fifteen days prior to the date of the hearing. The notice shall indicate the place, time and subject of the hearing, including the geographic area being considered for a special use permit, and the place and time where additional information on the request could be obtained.

6.7 Review and Approval.

Within a reasonable time following the public hearing, the Commission shall review the application for a special use permit, testimony received at the public hearing, and other materials submitted in relation to the request, and make a determination approving or denying the special use application in accord with the criteria for approval stated in Section 2.1 and such other standards contained in this Ordinance which relate to the special use under consideration. The Commission may request a report on any special use application from the Zoning Administrator. Such a report shall assess the conformance of a special use request with the requirements of this Ordinance and the development objective of the Township.

6.8 Issuance of a Special Use Permit.

Upon approval by the Commission, the Zoning Administrator shall issue a special use permit to the applicant. It shall be the responsibility of the Zoning Administrator to insure compliance with the terms, conditions and restrictions of any special use permit.

6.9 Appeals .

Within 15 days following the date of decision on any special use permit, an applicant or any aggrieved party, including any governmental body or agency, may appeal the decision of the Planning Commission to the Board of Appeals. Upon the filing of an appeal, the application, all relevant documents and testimony, and the findings and decision of the Planning Commission shall be transmitted to the Board of Appeals. One copy of the Appeal is given to the body or official from whom the Appeal is taken.

6.10 Decisions .

All decisions of the Commission and Board of Appeals relating to special use application, including the findings supporting any decision, shall be recorded in written form and retained as permanent records.

6.11 Conditions .

The Commission may impose conditions with the approval of a special use which are necessary to insure compliance with the standards contained in this Ordinance. Such conditions shall be considered an integral part of the special use permit and shall be enforced by the Zoning Administrator.

6.12 Permit Validity .

Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner. In instances where development authorized by a special use permit has not commenced within one year from the date of issuance the Commission shall review the permit in relation to the applicable standards and requirement of this Ordinance. Upon a finding that there has been a change in conditions on the property or the surrounding area or in provisions of this Ordinance applicable to the special use permit and it is no longer in conformance with the requirements of this Ordinance, the permit shall become null and void. Where it is determined that such permits are in conformance with the provisions of this Ordinance and there has not been a change in conditions affecting the appropriateness of that permit, the special use permit shall remain valid, subject to periodic review in accord with the provisions of this subsection.

6.13 Shooting range

- 6.13.1** Location and Minimum Size Requirements: By Special Land Use Permit only in Agriculture or Open Space Zoning Districts. Minimum lot size shall be twenty (20) acres with a minimum lot width of six hundred sixty (660) feet.
- 6.13.2** Buffering Requirements: Minimum front, rear, and side yard setbacks shall be one hundred fifty (150) feet or a combination earth berm/conifer plantation of no less than eight(8) feet to create a sight, sound, and safety barrier adequate for the location as determined by the Planning Commission to be reasonable, and shall meet requirements of site plan review as specified in Section 7 of this Ordinance.

6.13.3 Performance Standards:

- 6.13.3.1** The operation shall comply with all Federal, State, and Local laws and regulations, and accepted design and safety standards.
- 6.13.3.2** A site plan shall be required, including but not limited to shooting areas, access, parking, structures, sanitary and solid waste disposal means, fire and explosion control, back stop and side flare design, written comments from the Sheriff, Health Department, and applicable Fire Department.
- 6.13.3.3** Access shall be from a Federal, State, or County road or deeded, recorded easement.
- 6.13.3.4** Fencing with warning signs shall completely envelope the outside areas devoted to firearm discharge to assure that stray animals and individuals will not unknowingly enter the property.
- 6.13.3.5** Hours of operation shall be between 8 AM and dusk.
- 6.13.3.6** Alcoholic Beverages shall not be consumed on any shooting range.

6.14 Hunt Clubs

- 6.14.1** Location and Minimum Size Requirements: By Special Land Use Permit only in Agriculture or Open Space Zoning Districts. Minimum lot size shall be eighty (80) acres with a minimum lot width of one thousand three hundred twenty (1320)feet.
- 6.14.2** Buffering Requirements: Minimum front, rear, and side yard setbacks shall be determined by the Planning Commission . The setback or buffer area shall contain a sight, sound and safety barrier adequate for the location as determined by the Planning Commission to be reasonable, and shall meet requirements of site plan review as specified in Article 7 of this Ordinance.

6.14.3 Performance Standards:

6.14.3.1 The operation shall comply with all Federal, State, and Local laws and regulations, and accepted design and safety standards.

6.14.3.2 A site plan shall be required, including but not limited to shooting areas, access, parking, and structures. The site plan may also include sanitary and solid waste disposal means, , back stop and side flare design where appropriate, as well as written comments from the Sheriff, Health Department, and applicable Fire Department.

6.14.3.3 Access shall be from a Federal, State, or County road or deeded, recorded easement.

6.14.3.4 Fencing with warning signs shall completely envelope the outside areas devoted to firearm discharge to assure that stray animals and individuals will not unknowingly enter the property.

6.14.3.5 Alcoholic Beverages shall not be consumed during any hunt.

6.15 Farm-Based Winery, Brewery, Cidery, or Distillery

6.15.1 Definition: A Farm-based Winery, Brewery, Cidery, or Distillery is defined as a brewery, cidery, distillery, or winery in which beer, alcoholic cider, alcoholic liquor, or wine is manufactured, stored, consumed, and sold as a principal use on a property.

6.15.2 Location, Minimum Size and Dimension Requirements

6.15.2.1 Minimum lot size shall be forty (40) acres.

6.15.2.2 All buildings, structures, temporary structures, including but not limited to portable restrooms, dumpsters, barbeques, etc., and parking related to the Farm-based Winery, Brewery, Cidery, or Distillery must be located at least fifty (50) feet from all property lines.

6.15.2.3 The portion of a structure used for tastings, sales, or events shall not exceed two-thousand five-hundred (2500) square feet.

6.15.3 Performance Standards

6.15.3.1. A Farm-based Winery, Brewery, Cidery, or Distillery may include a tasting room for tasting, for free or for a fee, sales of product or related merchandise, and special events, as defined by this Section.

6.15.3.2 Catered food, food produced by on-site food trucks, or snacks may be served or enjoyed in conjunction with the Farm-based Winery, Brewery, Cidery, or Distillery's tours, tastings, or special events. The use shall not consist of a commercial kitchen for food preparation and serving. Facilities for potable water, cleansing, cooling and serving snacks or food produced off-site are permissible, except for any cook top surfaces, oven or grilles.

6.15.3.2.1 For purposes of this section, “snack(s)” consist of food commonly understood or marketed for human grazing, which may include but is not limited to crackers, cheese, pretzels, chips and dip, nuts, etc.

6.15.3.3 The operation shall comply with all state and local health department regulations relating to food preparation, storage, and sale.

6.15.3.4 Unless otherwise determined by this Section, all beer, hard cider, liquor, or wine to be used for consumption or sale must contain some principal ingredient which has been grown or manufactured on the premises.

6.15.3.5 Unless otherwise provided by law or by this Section, hours open to the public or for private events are limited to 11:00 a.m. to 8:00 p.m. Monday through Thursday, and 11 a.m. through 10:00 p.m. on Fridays and Saturdays, and 12:00 p.m. through 6:00 p.m. on Sundays.

6.15.3.6 Indoor and outdoor amplified or acoustic (non-amplified) music is permissible so long as sound does not exceed 55 decibels (dBA) Lmax when measured from an adjacent property line.

6.15.3.7 All lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent properties and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways.

6.15.3.8 Adequate parking shall be provided on site so that cars are not parked along roadway.

6.15.3.9 The owner or operator shall obtain all necessary and required licenses and approvals from all applicable federal, state, and local agencies prior to operating.

6.15.3.10 At least two acres of the parcel on which the operation is located must be in active production of a fruit, grain, vegetable, or other principal ingredient of the beverage to be produced.

6.15.3.11 Any further conditions as deemed necessary by the Planning Commission to promote the health, safety, and welfare of the Township residents.

6.15.4 Special Events: A Farm-based Winery, Brewery, Cidery, or Distillery is permitted to hold a special event as a temporary use.

6.15.4.1 The term “special event,” as used herein shall refer to any event that occurs on a non-permanent basis, which is different than the normal special use of the lot where the special event is to be held, and includes one of the following: set up of temporary structures, including but not limited to tents, stages, or fences, use of sound equipment for public address, or provisions of food or beverages not usually permitted under normal special use of the lot.

6.15.4.2 A maximum of twelve (12) special events may be held each year without notification of the Zoning Administrator and are limited to Friday and Saturday only.

6.15.4.2.1 The permit holder may be allowed to hold special events under this Section on days other than Friday or Saturday with the permission of the Zoning Administrator.

6.15.4.2.2 Additional events exceeding the twelve (12) permitted in this Section may be allowed with the permission of the Zoning Administrator. When considering whether to approve additional events exceeding the twelve (12) permitted in this Section, the Zoning Administrator may consider the following:

- i. Previous compliance with the requirements set forth in Sections 6.15.3 and 6.15.4;
- ii. Permit holder's plans for food and beverage service;
- iii. The allowances in 6.15.4.4 and 6.15.4.5 may be restricted at these additional special events if deemed necessary to prevent the operation from becoming an on-going restaurant.

6.15.4.3 Hours of operation for all special events shall be no later than 11:00 p.m.

6.15.4.4 All beer, hard cider, liquor, or wine to be used for consumption or sale during all special events may be produced by a brewer, vintner, or distiller other than the Farm-based Winery, Brewery, Cidery, or Distillery permitted under this Section.

6.15.4.5 Temporary outdoor food preparation is allowed at special events only and shall not serve food to patrons otherwise engaged in tastings and tours.

6.15.4.5.1 For purposes of this section, "temporary outdoor food preparation" may include, but is not limited to, a pig roast, barbeque, grilled meats, or other similar food.

6.15.4.6 Unless otherwise provided by this subsection or determined by the Zoning Administrator, any special event held under this section must conform to the requirements set forth under Section 6.15.3.

6.16 Temporary Storage of Portable, Locally Produced Wooden Buildings

6.16.1 Location and Minimum Size Requirements: By Special Land Use Permit only in the Agricultural or Open Space Zoning Districts. Minimum lot size shall be ten (10) acres with a minimum lot width of two-hundred (200) feet.

The storage location shall be no further than five-hundred (500) feet from the parcel where the portable, locally produced wooden buildings are manufactured.

6.16.2 Dimensional Requirements:

6.15.2.1 No portable, locally produced wooden building shall be closer than thirty (30) feet to any interior side, rear lot line, or from the road right-of-way.

6.15.2.2 When topographic conditions prevent compliance with this provision, the Planning Commission may vary the above requirements in such a manner as to contribute to the public safety and general welfare.

6.16.3 Performance Standards:

6.16.3.1 Not more than seventy (70) percent of the lot shall be covered by portable, locally produced wooden buildings.

6.16.3.2 No portable, locally produced wooden building shall be higher than twenty (20) feet.

6.16.3.3 No portable, locally produced wooden building shall be wider than sixteen (16) feet or longer than forty-eight (48) feet.

6.16.3.4 All loading activities shall be provided on the same premises off-street, and shall only take place during the hours of 8:00 a.m. through 6:00 p.m.

6.16.3.5 No outside storage of discarded or salvaged materials, or any storage of items not related to the storage of portable, locally produced wooden buildings shall be permitted under this section.

6.16.3.6 All lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shielded from adjacent properties and shall be so arranged as to not affect driver visibility adversely on adjacent public roads and highways.

6.16.3.7 The temporary storage of portable, locally produced wooden buildings shall not require or involve the erection of any capital improvements of a permanent nature.

6.16.3.8 Ingress and egress shall be provided and maintained in a useable condition.

6.16.3.9 The storage of a portable, wooden building on the lot shall be temporary, not be permanent. The building may remain on the lot until its sale to the purchaser or for a period of time not to exceed one (1) continuous year, whichever is lesser.

6.16.3.10 Any further conditions as deemed necessary by the Planning Commission to promote the health, safety, and welfare of the Township residents.

6.17 Event Barns.

Event Barns must strictly adhere to the following provisions:

6.17.1 Use of Dwelling. An Event Barn is permitted on a lot only if it contains a single-family dwelling and the Event Barn operator/owner resides on that lot in that dwelling, but no dwelling shall be used in connection with or for events, activities, or acts related to the Event Barn. Such dwellings shall be reserved solely for residential use, such as single-family occupancy purposes.

6.17.2 Minimum Lot Size. Event Barns shall be located on lots having a minimum lot size of at least five (5) acres.

6.17.3 Attendance. No event shall involve the presence of more than 250 persons or more than allowed by either the adopted Construction Code of the Township or as authorized by applicable fire department, whichever is less.

6.17.4 Number of Events. During each calendar year, not more than thirty-five (35) events shall be conducted per year. There may be no more than one (1) event per

day and every day in which any part of an event occurs at an Event Barn shall be considered a separate event; however, weddings held over a weekend in which a wedding consists of: (i) a pre-wedding rehearsal dinner on Friday; (ii) a wedding and wedding reception on Saturday; and (iii) wedding clean-up on Sunday, will be considered together as one (1) event despite occurring on three days. Upon request, an owner or operator of an Event Barn must provide the Township a list of all scheduled events (as known) for an annual period.

- 6.17.5 Hours of Operation.** Every event shall conclude by no later than 12:00 a.m., midnight.
- 6.17.6 Food Service.** There shall be no food preparation inside an Event Barn, but food may be prepared at another on-site location outside of the Event Barn. Any food served, provided, or consumed at the venue must be legally prepared in accordance with the Osceola County Health Department rules. Dishwashing associated with any event at the venue must be accomplished off site.
- 6.17.7 Security.** At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any properties outside the boundaries of the property, and to assure that all events begin and end at the times specified in this Ordinance. Prior to obtaining a special land use permit or site plan approval, any person desiring to operate an Event Barn shall develop a general security plan and submit it to the Osceola County Sheriff's Office for comment and share any such comments with the Township.
- 6.17.8 Alcoholic Beverages.** Where the Event Barn Sponsor intends to sell or provide alcohol or alcoholic beverages, the Event Barn Sponsor must provide an event insurance policy, naming the Township as an additional insured, and to comply with all applicable liquor licensing and regulatory requirements. The Event Barn permit holder shall not sell or provide alcohol or alcoholic beverages.
- 6.17.9 Use of Outdoor Areas.** All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in areas proposed and approved in a site plan.
- 6.17.10 Lighting and Screening.** There shall be no outdoor perimeter lighting at an Event Barn, and no lines or light poles shall be installed or maintained for such purpose on the property. All lighting fixtures, including pathway lighting, shall be down-lit and directed in a manner as to not impact neighboring properties. Lighting in dormers must be extinguished at or before the same time for conclusion of the event. Reasonable screening, such as walls, berms, and/or other vegetation, may be required to minimize adverse impacts on surrounding properties caused by the use. All lighting or screening proposed at an Event Barn shall be addressed and approved as part of a site plan.

- 6.17.11 Noise.** Machines or devices utilized for the amplification of sounds, such as the sounds of the human voice or music, are prohibited from being used outdoors in connection with an Event Barn, including for live outdoor entertainment purposes. Noise as measured at the street or property line of the lot where the Event Barn is approved may not exceed sixty (60) decibels.
- 6.17.12 Trash.** The Event Barn permit holder shall require that every event remove all trash associated with the event within one business day after the conclusion of the event. There shall be no permanent dumpster maintained or used on the property.
- 6.17.13 Parking.** There shall be no parking on any properties outside the boundaries of the property on which the Event Barn is located, without the express written permission of the property owner. Parking shall be provided on the property on which the Event Barn is located where such is designated as the “parking lot” on the site plan. The parking lot shown on the approved site plan shall be gravel, or gravel-type material only, and not paved with blacktop or concrete or any other impervious substance, in keeping with the rural character of the area. The number of parking spaces shall be in accordance with Township Ordinances and the Americans with Disabilities Act.
- 6.17.14 Temporary Structures; Bathroom Facilities; Septic and Well.** No temporary structures or tents shall be permitted in connection with any event, except one structure or tent may be permitted as necessary for food staging or food preparation. Bathroom facilities shall be provided for, and only by indoor plumbing in the Event Barn. Any property with an Event Barn must have an approved septic system (or sanitary sewer) that is appropriately licensed by the Osceola County Health Department and can accommodate large events. Moreover, an Event Barn must have sources of potable water (e.g., wells) that can accommodate large events.
- 6.17.15 Insurance.** Event Barn permit holders shall maintain general liability for personal injury and property damage in the minimum amounts of \$1,000,000 per occurrence and \$2,000,000 general aggregate limit. The Township shall be named as an additional insured on the policies and the venue shall provide evidence of insurance to the Township annually or more frequently on request.
- 6.17.16 Permits from Review Authorities and Compliance.** It shall be the responsibility of the Event Barn permit holders to obtain all building permits and other approvals from agencies that have jurisdiction applicable to the Event Barn or the holding of the events on the property. Moreover, an Event Barn shall comply with all local, state, and federal laws and regulations and must report any violations of laws or regulations to the Township upon notice of an allegation of a violation.
- 6.17.17 Special Land Use Permit, Site Plan, and Landscape Design.** An applicant for an Event Barn special land use permit shall attach a proposed site plan in addition to required submissions for a special land use permit. The site plan shall comply

with and be reviewed in accordance with this Ordinance, and shall include all parking facilities, lighting, noise-elimination improvements, outdoor activity areas, landscaping, and plantings.

- 6.17.18 Emergency Review.** All Event Barns must prepare an emergency plan and provide adequate ingress and egress in buildings in the event of an emergency such as a fire. Such emergency plans as well as proposed site plans for Event Barns shall be submitted to the applicable fire department and comments from the fire department on the emergency plan and site plan shall be provided to the Township prior to the Township granting any special land use permit or approving any site plan.

7 Site Plan Review

24.1 Site Development Plan Approval.

No building permit shall be issued for any industrial, commercial, mobile home park, or multi-family dwelling or use, or special approval use, except for a building or use that is in conformity with a site development plan approved by the Commission, and no certificate of occupancy shall be issued until all of the requirements of this section and all other applicable provisions of this ordinance have been met.

24.2 Procedure.

An application shall be referred to the Planning Commission by the administrative official within 10 days after the administrative official received said application.

Within 30 days of the receipt of the application, the Planning Commission shall render a decision to the administrative official. If no decision is made by the Planning Commission, within said 30-day period, the site development plan shall be considered to be approved.

24.3 Site Development Plan Specifications.

The information to be submitted, and which in total constitutes a site development plan, includes the following:

- 7.3.1** An area map at a convenient scale, which shall include railroads, stream, road right-of-way, and road intersections, the location of the nearest public roads on all four sides, all public improvements such as schools, firehouses, houses of worship, recreational areas, etc.
- 7.3.2** A map of applicant's entire holding at a designated scale, and all surrounding properties.
- 7.3.3** The names of all owners of record of adjacent property.
- 7.3.4** Existing school, zoning and special district boundaries within 500 feet of the tract.
- 7.3.5** Boundaries of the property and existing lot lines as shown on the existing tax map.
- 7.3.6** Existing public roads, easements, or other reservations of land.
- 7.3.7** A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.

- 7.3.8 Location of all existing structures on the site, as well as those on adjacent properties within 100 feet of subject lot line.
- 7.3.9 The proposed location and use of any building or structure.
- 7.3.10 The proposed location of any use not requiring a structure including walkways, benches, fences, and recreational facilities.
- 7.3.11 Plans and elevations of all proposed buildings or structures or accessory structures, including all proposed outdoor signs.
- 7.3.12 All existing and proposed means of vehicular access and egress to and from the site.
- 7.3.13 Location and design of all driveways, parking, and loading areas.
- 7.3.14 Location of all existing and proposed water lines, valves, and hydrants, and all sewer lines.
- 7.3.15 Proposed storm water drainage system.
- 7.3.16 Proposed fencing, screening, and landscaping.
- 7.3.17 Proposed location, direction, and type of outdoor lighting.
- 7.3.18 Existing and proposed contours, with intervals of 20 feet or less extending 50 feet beyond the tract.
- 7.3.19 Location of existing watercourses, wooded areas, and rock outcrops.
- 7.3.20 Where the applicant wishes to develop the project in stages, a site plan indicating ultimate development shall be presented for approval of the entire parcel.
- 7.3.21 The Planning Commission may require additional data where it is warranted due to special conditions of the site or complexity of the proposed development.

24.4 Review Procedure.

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in a proper form, contains all of the required information, shows compliance with this and all other ordinances of Osceola Township, and demonstrates the adequacy of public and/or private utility service. Upon request by the proposer of the site plan, the Zoning Administrator shall, within ten days, approve its form in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other county ordinance or authority, or the inadequacy of any utility, facility or structure, and any changes which would make the site plan acceptable. The proposer may appeal any denial to the Zoning Board of Appeals.

24.5 Standards to be Considered .

In reviewing the site development plan, the Planning Commission shall take into consideration the public health, safety, and general welfare, and the comfort and

convenience of the public in general and the residents of the immediate neighborhood in particular. The Planning Commission shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this Ordinance, particularly in regards to the following:

- 7.5.1** Maximum safety of traffic access and egress. Ingress and egress points shall be minimized. Where appropriate, the Planning Commission may require an access road to limit ingress and egress points.
- 7.5.2** An attractive site layout which would have no adverse effect upon any properties in adjoining residence districts by impairing the established character or the potential use of properties in such districts.
- 7.5.3** All buildings shall be so arranged as to permit emergency vehicle access.
- 7.5.4** The landscape shall be preserved in its natural state as far as possible by minimizing tree and soil removal.
- 7.5.5** All development shall be done in accordance with the Osceola Township Land Use Plan, when such exists, and the intent of the district in which it is located.

8 Nonconforming Uses and Structures

8.1 Nonconforming Structures.

Any structure which is lawfully existing on the effective date of this Ordinance and which does not conform with all the provisions of this Ordinance is a nonconforming structure and may remain, subject to the following regulations:

8.1.1 Shall not be enlarged, replaced or altered except in conformance with this Ordinance.

8.1.2 If damaged more than 60% of its fair market value, shall not be restored except in conformance with this Ordinance.

8.2 Nonconforming Uses .

Any use which is lawfully existing on the effective date of this Ordinance and which does not conform with all the use provisions of this Ordinance, is a nonconforming use and may be continued subject to the following regulations:

8.2.1 Shall not be expanded or extended beyond the scope and area of its operation on effective date of this Ordinance or amendment thereto.

8.2.2 Shall not be changed to another nonconforming use.

8.2.3 May be changed to conforming use.

8.2.4 Whenever a nonconforming use has been discontinued for a period of one year, no nonconforming use may be reestablished on those premises. Mobile Home Sites of record are excluded from the provisions of this paragraph.

8.3 Proposed Buildings .

Proposed Buildings for which building permits have been issued prior to their designation as nonconforming by the adoption or amendment of this Ordinance, may be completed and used as originally intended, provided they are completed and in use one year after the date on which the permit was issued.

9 Board of Appeals

9.1 Authority .

There is hereby established a Zoning Board of Appeals, the membership, powers, duties of which are prescribed in Act No. 184 of the Public Acts of the State of Michigan for 1943, as amended. The Zoning Board of Appeals, in the general powers and duties conferred upon it, by said Act No. 184 and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purposes and intent as herein after set forth.

9.2 Composition.

As provide by said Act 184, as amended, the Board of Appeals shall consist of not less than three or more the seven members. All members shall be chosen by the Township Board from electors residing in the unincorporated area of the Township, provided that neither elected officer of the Township nor any employee of the Board of Commissioners may serve simultaneously as a member of, or as an employee of the Board of Appeals. One member of the Board of Appeals shall be a member of the Township Planning Commission.

9.3 Terms of Office.

The term of each member shall be for three years, except that the first Board appointed shall be divided as early as possible into three equal groups with the terms of office as follows: One group for one year, one group for two years, and one group for three years.

9.4 Required Hearings .

It shall also hear and decide all matters referred to it, or upon which it is required to act, under any ordinance adopted pursuant to said Act 184 as amended.

9.5 Majority Vote.

The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which

they are required to pass under any such ordinance, or to effect any variation in such ordinance.

9.6 Removal.

The Township Board shall provide for the removal of any member for nonperformance of duty or misconduct in office.

9.7 Remuneration .

The total amount allowed any member of said Board of Appeals in any one year as a per diem, or as expenses actually incurred in the discharge of his duty, shall be provided annually in advance by the Township Board.

9.8 Meetings .

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times and places as the Board in its rules of procedure may specify. The Board shall make its own rules of procedure and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record. All meetings shall be open to the public.

The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

9.9 Appeals .

The Board of Appeals shall, when called upon, act upon all questions as they arise in the administration of the Zoning Ordinance, including the interpretation of the Township Zoning Maps. Such an appeal may be taken by any person aggrieved, or by an officer, department, board, or bureau of the Township, County, or State. It shall hear and decide appeals from, and review any order, requirements, decision or determination made by an administrative official charged with enforcement of any Ordinance adopted pursuant to the provisions of said Act 184 as amended. The Board of Appeals shall also hear and decide all requests for dimensional variance in accord with the requirement of this section and those of Article III, and shall perform any other responsibilities properly delegated to it in accord with the provisions of said Public Act 184 of 1943 as amended.

- 9.9.1 Grounds for Appeal** . The grounds for any such determination shall be stated in the record of the Board's proceedings.
- 9.9.2 Timing of Appeals** . An appeal shall be taken at such a time as shall be prescribed by the Board of Appeals by filing with the officer from whom the appeal is taken and with the Board of Appeals a Notice of Appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- 9.9.3 Stays** . An appeal shall stay all proceeding in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would cause immediate peril of life or property.
- 9.9.4 Time, Notice, Appearances** . The Board of Appeals shall fix a reasonable time for the hearing of an appeal, and shall give due notice thereof to all parties concerned. Any party may appear at the hearing in person or be represented by his agent or attorney. The Board shall render a decision within a reasonable period of time.

9.10 Powers of the Board .

The Board of Appeals may reverse or affirm, wholly to in part, or may modify the order, requirement, decision, or determination, as in its opinion ought to be made in the premise, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

- 9.10.1** No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- 9.10.2** No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such a use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- 9.10.3 Final Action on Appeals** . The decision of the Board of Appeals shall be final, however, any person having an interest affected by any such decision shall have the right to the Circuit Court on questions of law and fact.
- 9.10.4 Bond for Compliance**. In authorizing any variance, or in granting any Conditional or Special Use Permit, the Board of Appeals may require that a bond of ample sum,

but not to exceed five thousand dollars (\$5,000.00), be furnished to insure compliance with the granting of the variance.

9.10.5 Fees. The Township Board from time to time may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Clerk of Osceola Township.

10 Administration

10.1 Zoning Administration

It is hereby provided that the provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator and deputies of same, so designated and appointed by the Township Board. The Zoning Administrator shall, among other duties, issue all permits, and notices of violation provided for in this Ordinance.

10.2 Fees in General.

Except as may be provided for otherwise in this Ordinance, the Township Board shall, by Resolution, determine and set fees to be charged for all permits and certificates and official actions required, such as appeals, insofar as this Ordinance provided for charges to be made in each instance. The Board may revise said fees, by Resolution, provided that Public notice be published in a newspaper having general local circulation at least thirty days in advance of the effective date of the revisions. These fees shall be collected by the appropriate official prior to issuance of any permit or certificate. No permit is valid until the proper fee has been paid. Permit shall be valid for a one year period; however there shall be no charge for one renewal or extension.

10.3 Zoning Permits.

Except for agricultural uses of land and use of accessory buildings specifically used for agricultural purpose, no land shall be used, excavated, occupied, and further, no building or structure shall be hereafter used, occupied, constructed, erected, altered, repaired, or relocated, unless and until a zoning permit authorizing the same shall be issued by the Zoning Administrator. The Zoning Administrator may require that copies of plans, specifications and other such information as he may deem necessary, shall be filed with the application for such use permit.

The Zoning Administrator may require valid well and septic tank permits from the health department and /or any other permits that may be required by state or local law prior to issuing a zoning permit. No building permit shall be issued until a Zoning permit has been issued.

No new use shall be established, or excavation or construction begun, before such zoning permit is issued and a copy posted in a prominent position on the building site. The terms

“altered” and “repaired” shall include any changes which affect the provisions contained in this ordinance.

10.3.1 In addition to the information required with an application for a zoning compliance permit, special use permit or any other type of development permission required under this ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area:

10.3.1.1 Proof of development permission from appropriate local, state and federal agencies as required by section 22, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, public Acts of 1968.

10.3.1.2 Additional information may be reasonably necessary to determine compliance with the provisions of this ordinance.

10.4 Certificate of Occupancy

No dwelling or building or mobile home, subject to the provisions of this ordinance, shall be occupied or used until the zoning administrator or county building department has issued a Certificate of Occupancy to the owner or applicant who made application for the building permit. At least ten days prior to being ready for use or occupancy, the owner or applicant shall notify the Zoning Administrator or County Building Department who shall, within five days, assure himself that the building is in proper conformity and, if so, issue a Certificate of Occupancy, in three copies. One copy may be retained in the Zoning Administrator’s files or at the County Building Department. One copy may be filed with the Township Clerk. One copy shall be returned to the owner or applicant. If a certificate or application is disapproved for cause, the owner or applicant shall be so notified in writing

10.5 Ordinance Amendments .

The Township board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedure set forth in Act 184 of the Michigan Public Act of 1943, as amended. Proposals for amendments may be initiated by the Township Board, the Planning Commission or by petition of one or more owners of property in Osceola Township affected by such proposed amendment.

10.5.1 Processing of Amendments. The procedure for amending this Ordinance shall be as follows:

- 10.5.1.1** Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for review at the next meeting.
- 10.5.1.2** The Planning Commission shall conduct a public hearing, notice of which shall be given by two publications in a newspaper of general local circulation. The newspaper notice is to be published the first time not more than thirty days prior, and the second notice not more than eight days prior to the hearing date. Not less than twenty days notice of the time and place of such hearing shall also be given by certified mail to each electric, gas, pipeline, and telephone public utility company, which registers its name and mailing address with the Township Planning Commission for the purpose of receiving such notice, and to each railroad within the district or zone affected.
- 10.5.1.3** If the property involved borders another unit of local government, the proper officials are also to be given notice of the public hearing and given an opportunity to comment on any coordinated action or review deemed necessary.
- 10.5.1.4** In rezoning matters, notice of the public hearing shall be mailed first class to property owners, as reflected on the tax rolls, of property which lies within five hundred feet of the property to be rezoned.
- 10.5.1.5** Following the public hearing, the Planning Commission shall transmit their recommendation to the Township Board. The Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request for same prior to the regular meeting at which the proposed amendment is to be considered.
- 10.5.1.6** No petition for rezoning, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Board after learning of new significant facts or conditions which might result in favorable action upon resubmission.

10.6 Floodplain Management Administrative Duties.

- 10.6.1** All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the zoning administrator and shall be open for public inspection.

- 10.6.2** It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this ordinance in the absence of data from the Federal Insurance Administration.
- 10.6.3** Written notification shall be given to all applicants to whom variances are granted in a flood hazard area indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk, and may reach amounts in excess of \$25.00 for \$100.00 of insurance coverage per year. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.

11 Enforcement

11.1 Interpretation.

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in anyway to impair or interfere with any existing provision of law or ordinance or with any rules, regulations or permits previously adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this ordinance shall control. Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, an welfare.

11.2 Civil Infractions.

Civil Infractions: Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provisions of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be guilty of a civil infraction. Upon admission of responsibility, or a finding of responsibility for the violation before any court having jurisdiction, he, she, or it shall be punishable by a civil fine not to exceed five hundred (\$500.00) dollars plus costs and attorney fees for each violation, in accordance with the Osceola Township Civil Infractions Ordinance and applicable law. Each day during which a violation continues shall be deemed a separate violation. The imposition of any civil fine shall not exempt a violator from compliance with the provisions of this Ordinance. The foregoing civil fines shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

11.3 Public Nuisance

Any building or structure which is erected, altered or converted for any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance, and may be abated by order of any court of competent jurisdiction.

11.4 Rights and Remedies .

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

11.5 General Responsibility .

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of said Osceola Township to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Osceola County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this ordinance, and to correct, remedy and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such noncompliance or violation may institute suit and/or join the Board in such a suit to abate the same.

12 Definitions

For the purpose of this ordinance, certain words and terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word “shall” is always mandatory and not merely directory. The word “building” includes the word “structure”. The term “person” shall mean an individual, partnership, corporation and other association or their agents. Terms not herein defined shall have the meanings customarily accepted.

12.1 Accessory Use or Accessory Building.

A detached building or portion of a building which is supplementary and/or subordinate to a main building or use on the same lot, occupied by or devoted exclusively to an accessory use.

12.2 Agriculture.

The use of land for tilling of the soil, raising trees or field crops or animal husbandry, as a source of significant income.

12.3 Alterations.

Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

12.4 Animals, Companion

Small breed mammals, rodents, birds and reptiles that have a special and close relationship with humans; are partially or totally dependent on people; live inside a residence in close proximity with humans; form bonds with people; and interact with their human companion. Common examples include: dogs, cats, gerbils, and some birds. Companion animals are permitted in all zoning districts, however the property owner may exclude Companion Animals from the property when a property or dwelling is rented or leased to others.

12.5 Animals, Livestock or Farm Animals

Breeds of animals primarily raised for commercial purposes on agricultural property, in outbuildings or open spaces separate from residences. In addition the raising of live stock may involve smells, aromas and visual evidence which neighbors may find

objectionable Common examples include: horses, cows, goats, sheep, pigs, and alpacas. Livestock or Farm Animals are permitted in Agricultural, Open Space and Rural Residential Districts. Livestock or Farm Animals are not allowed in other zoning districts. Exception: On any lot under 5 acres or narrower than 200 feet, Farm animals or Livestock are only allowed with the approval of all adjacent property owners.

12.6 Animals, Exotic

Breeds of animals that are uncommonly found as either **Companion Animals** or **Livestock**. These breeds are often not indigenous, are undomesticated, unusual in appearance, poisonous, and can be potentially dangerous if they escape into the wild. Examples include; monkeys, apes, chimps, most snakes and reptiles, large birds, spiders and other insects. Exotic Animals are not permitted in any district in the Township.

12.7 Automobile Repair.

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, trailers; collision, overall painting and vehicle rust-proofing; refinishing or steam cleaning.

12.8 Automobile Service Station .

A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water, and other operating commodities for motor vehicles (including trucks), aircraft, boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space or facilities for storage, hand washing, minor repair, and servicing, but not to include automobile repair as defined in Section 12.4 of this Article.

12.9 Automobile Wash Establishment.

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

12.10 Board of Appeals .

As used in this ordinance this term means the Osceola Township Zoning Board of Appeals.

12.11 Building.

An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is

completely separated from every other part thereof by division of wall from the ground up, and without openings, each portion of such building is deemed a separate building.

12.12 Building Height.

The building height is the vertical distance measured from the established grade to the highest point of the roof surface, if a flat roof; to the deck of a mansard roof; and to the main height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

12.13 Business, Professional and Nonprofit Organization Offices.

A building, or portion of a building, occupied by an establishment in which a person or persons, practice a particular kind of occupation requiring specialized knowledge and often a long and intensive preparation, that primarily results in a specialized aid, assistance to action directly or indirectly to the needs of individuals, clients or persons engaged in commerce or industry normally for a fee or charge. The type of specialized aid, assistance to action provided by a business, professional and nonprofit organization office includes the following; finance, insurance, insurance and real estate functions, medical and other health out-patient functions, legal functions, engineering, architectural and planning function, accounting, auditing, and bookkeeping functions, welfare and charitable administrative and executive functions, business, professional, political, labor, civic, social, and fraternal associations, organizations and union administrative and executive functions, advertising, employment, protective, business and management consulting functions, and other business, professional and non-profit organization office functions of a similar nature.

12.14 Clinic.

A building or groups of buildings where human patients are admitted for examination and treatment by a physician, dentist, or the like, except that human patients are not lodged therein overnight.

12.15 Commercial.

This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services. This includes garage, yard, or similar sales operating more than twelve days during any one twelve month period.

12.16 Commission.

The words “Commission” or “Planning Commission” shall mean the Osceola Township Planning Commission.

12.17 Commissioners, Board of.

This term shall mean the Osceola Township Board of Commissioners.

12.18 Comparison Goods Stores .

A building, or portion of a building, occupied by an establishment primarily engaged in the retail selling of merchandise and goods in less than bulk quantities directly to ultimate consumers on the premises and not for resale. Comparison goods stores are further defined by the following characteristics: retail sale of merchandise and goods which are purchased by the consumer on an infrequent basis, before making a final decision a consumer will probably visit several stores in which he will compare prices, styles and brands; the consumer will often travel a considerable distance to purchase the type of merchandise and goods sold at retail in comparison goods stores; comparison goods stores offer a large variety and selection of merchandise and goods stocked for retail sale which enables the consumer to fulfill his particular taste, desire and economic capabilities; and, the type of merchandise and goods stocked for retail sale in comparison goods stores includes clothing, shoes, apparel accessories, furniture, appliances, home furnishings, and other items which are usually fairly expensive and purchased infrequently.

12.19 Convalescent or Nursing Home.

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, and qualify for license under, applicable State Law.

12.20 Convenience Goods Stores .

A building or portion of a building, occupied by an establishment primarily engaged in the retail selling of merchandise and goods in less than bulk quantities directly to ultimate consumers on the premises and not for resale. Convenience goods stores are further defined by the following characteristics: retail sale of merchandise and goods which are purchased by the consumer on a frequent and often daily basis; the consumer tends to purchase all desired convenience merchandise and goods in one convenience good store and, if not, at convenience goods stores that are in that same general location; the consumer usually purchases convenience merchandise and goods at convenience goods stores which are located close to where he lives and easily accessible to him; convenience goods stores, through special sales and promotion often cause the consumer to travel a further distance to purchase convenience merchandise and goods than he would ordinarily and some consumers have a certain convenience goods store in which they prefer to shop and due to this loyalty will travel a longer distance to

purchase their convenience merchandise and goods; and, the type of merchandise and goods stocked for retail sale in convenience goods stores includes groceries, drugs, notions, toiletries, sundries, and other items which are usually fairly inexpensive and purchased frequently.

12.21 Development

Any man-made change to improved or unimproved real estate, included but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

12.22 District.

A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of the Ordinance.

12.23 Drive-In Establishment.

A commercial business establishment whose principal retail and/or service character is dependent primarily on providing a driveway approach and/or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles.

12.24 Drive-In Restaurant.

A drive-in establishment that furnishes the patron with food in a ready-to-consume state, primarily in plastic, paper or other disposable containers, and where the consumption of food is allowed either in (1) the main building, (2) a motor vehicle parked on the premises, (3) another facility on the premises outside the main building, or (4) off the premises.

12.25 Drive-In, Fast Food .

A drive-in restaurant where more than fifty percent of the food purchases are consumed either (1) in a motor vehicle parked on the same premises or (2) off the premises.

12.26 Drive-In, Carry Out.

A drive-in restaurant where more than ninety percent of the food purchases are consumed off the premises and where no seating facilities are provided for consumption on the premises, insider or outside the main building.

12.27 Dwelling, Dwelling Unit.

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall an automobile chassis, tent, travel trailer, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. Mobile homes shall be considered a dwelling unit

12.28 Dwelling, Multiple.

A building or portion thereof, used or designed to be used as a residence for three or more families living independently of each other and each doing their own cooking in said building. This definition includes three-family buildings, four-family buildings, apartment houses, and townhouses.

12.29 Dwelling, Two-Family .

A detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

12.30 Dwelling, Single Family .

A detached building, used or designed for use exclusively by one family, it may also be termed a one family unit.

12.31 Dwelling Seasonal

A cottage or cabin that in no case shall be used as a permanent residence.

12.32 Event Barn.

The use of accessory agricultural structures, including barns, for organized meeting space for uses including weddings, birthday parties, corporate picnics, and other similar events.

12.33 Event Barn Sponsor.

The renter of an Event Barn, or the person(s) or entity (other than the owner/operator of the Event Barn) responsible for hosting, operating, facilitating, or supervising an event taking place primarily within an Event Barn.

12.34 Excavating.

Excavating shall be the removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest, excepting common household gardening.

12.35 Family .

An individual, or two (2) or more persons related by blood, marriage, or adoption and including any foster children, or a group not to exceed four (4) persons not related by blood or marriage, occupying a premises and living as a single, non-profit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for a group use. The

usual domestic servants residing on the premises shall be considered as part of the family.

12.36 Family, Immediate.

Those persons whose relation to the mentioned is that of father, mother, brother, sister, son, daughter, foster children or similar close relation.

12.37 Farm.

All of the contiguous neighboring or associated land operated as a single unit on which actual farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous parcel of not less than ten acres in area and is used primarily for agriculture purposes.

12.38 Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

12.38.1. The overflow of inland or tidal waters.

12.38.2. The unusual and rapid accumulation to runoff of surface waters from any source.

12.39 Flood Hazard Area

Land which on the basis of available floodplain information is subject to a one percent or greater chance of flooding in any given year.

12.49 Flood Plain

Any land area susceptible to being inundated by water from any source (See definition of flood).

12.41 Harmful Increase

An unnaturally high stage on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

12.42 Home Occupation.

An occupation conducted in a dwelling unit, or accessory building provided that:

12.42.1 Not more than two (2) persons other than immediate members of the family residing on the premises shall be engaged in such occupation.

- 12.42.2** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- 12.42.3** There shall be no change on the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign not exceeding nine (9) square feet in area.
- 12.42.4** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a similar type neighborhood. Any need for parking generated by such home occupation shall be met off the road and in other than a required front yard.
- 12.42.5** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.

12.43 Hospital.

An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

12.44 Hotel.

A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five sleeping rooms and in which rooms there is no provision for cooking.

12.45 Hunt Club

A property or properties, or portions thereof, designed and operated for commercial purposes or by an organization or nonprofit entity for recreational or training purposes, including but not limited to, organized group hunting of captive game animals or fowl in a confined area. The licensed hunting of wild game or fowl during regular hunting seasons regulated by the State of Michigan is excluded from regulation by this ordinance.

This definition does not include target practice areas on private property.

12.46 Kennel.

Any lot or premises on which four or more dogs, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

12.47 Loading Space.

An off-road space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-road loading space is not to be included as off-road parking space in computation of required off-road parking.

12.48 Lot.

A lot is a parcel of land of at least sufficient size to meet all minimum zoning dimensional and use requirements and to provide such yards and setback area and other open spaces as required by this Ordinance. Such lot shall have frontage on a public road (excepting those lots in Recorded Subdivisions and Access Lots in the open space district.) and may consist of : (a) a single lot of record, (b) a portion of a lot of record, (c) any combination of complete and/or portions of contiguous lots of record, and (d) a parcel of land described by metes and bounds, PROVIDED THAT in no case of lot division or combination shall the area of any lot or parcel created, including residuals be less than that required by this Ordinance.

12.49 Lot Area.

The total horizontal area within the lot lines of a lot.

12.50 Lot, Corner.

A lot located at the intersection of two roads or a lot bounded on two sides by a curving road, any two cords of which form an angle of one hundred thirty-five degrees or less.

12.51 Lot, Depth.

The main horizontal distance from the front road line to the rear lot line, or in the case of a lake front lot, from the lake frontage line to the road frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear property line.

12.52 Lot, Double Frontage.

A lot other than a corner lot having frontage on two, more or less parallel roads, in the case of a row of double frontage lots, one road will be designated as the front road for all lots in the plat in the request for zoning compliance permit. If there are existing structures in the same block fronting on one or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front.

12.53 Lot, Interior.

A lot other than a corner lot with only one lot line fronting on a road.

12.54 Lot Coverage.

The part or percent of the lot occupied by buildings, or structures, including accessory buildings or structures.

12.55 Lot Lines .

The property lines bounding the lot.

12.55.1 Front Lot Lines- In the case of an interior lot abutting upon one public or private road, the front lot line shall mean the line separating such lot from such road right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that road which is designated as the front road in the plat and in the request for zoning compliance permit. (See Double Frontage Lot).

12.55.2 Rear Lot Line- Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shape lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Double Frontage Lot).

12.55.3 Side Lot Line- Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

12.55.4 Road Lot Line- A lot line separating the lot from the right-of-way of a road.

12.56 Lot of Record .

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a parcel described by metes bounds, or survey, the description of which has been so recorded as required by law.

12.57 Lot Width .

The horizontal distance between the side lot lines, measured at the two points where the building setback line intersects the side lot lines.

12.58 Migratory Labor.

Temporary or seasonal labor employed in planting, harvesting, or construction.

12.59 Mobile Home.

A portable dwelling, suitable for year-round dwelling, built upon a chassis, with minimum body width of twelve feet, with a minimum of six hundred square feet; equipped with running gear but not motorized or self-propelled. It also may be termed a “trailer coach” or “house trailer”. It does not include a modular unit, transported in more than one section and often involving installation of heating and siding after transport.. It is also not a travel trailer or a motor home.

12.60 Mobile Home Site.

A plot of ground designed for the accommodation of one mobile home.

12.61 Mobile Home Park.

A parcel which has been planned and improved for the placement of three or more mobile homes for residential use. It also may be termed a Trailer Coach Park.

12.62 Motel or Motor Court.

A series of attached, semi-detached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

12.63 Motor Home.

A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include mobile homes.

12.64 New Construction

Structures for which the start of construction commenced on or after the effective date of this ordinance.

12.65 Nonconforming Buildings.

A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions of the ordinance in the Zoning District in which it is located.

12.66 Nonconforming Use.

A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the Zoning District in which it is located.

12.67 Off- road Parking Lot.

A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two vehicles.

12.68 Ordinary High Water Mark .

Ordinary High Water Mark means the line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

12.69 Parking Space.

An area not less than eight and one-half feet wide and not less than twenty feet long, exclusive of maneuvering space, drives and exits.

12.70 Personal Services Establishments.

A building or portion of a building, occupied by an establishment in which a person, or persons, practice a vocation that performs a type of labor, act or work that results primarily in a specialized aid or assistance directly to the personal need of the ultimate consumer normally served on the premises for a fee or charge. The type of specialized aid or assistance provided by a personal service establishment includes the following; beauty and barber services; garment mending, alteration, and related minor pressing services; laundry and dry-cleaning pick-up services; self-service or coin-operated laundromat services; storage service; shoe shining; shoe repair; watch, clock and jewelry repair services; commercial photographic services; and, other personal services of a similar natures. Personal service establishments do not include laundry and dry-cleaning plants

12.71 Public Utility.

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State, or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

12.72. Road.

A public thoroughfare which affords traffic circulation and principle means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, street, road and other thoroughfares.

A map of those public roads maintained year around shall be available for examination from the Zoning Administrator or at the Osceola County Road Commission Office.

12.73 Setback.

The minimum horizontal required distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

12.74 Sign.

Any device designed to inform or attract the attention of persons provided, however, that the following shall not be included in the application of the regulations herein:

- 12.74.1** Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
- 12.42.2** Flags and insignia of any government except when displayed in connection with commercial promotion.
- 12.74.3** Legal notices; identification, informational, or directional signs erected or required by governmental bodies.
- 12.74.4** Integral decorative or architectural features of buildings, except letters, trademark, moving parts, or moving lights.
- 12.74.5** Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- 12.74.6** One unlighted real estate sign not over nine (9) square feet in sign area located on the premises being advertised for sale or rent.

12.75 Signs, Number and Surface Area.

For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is a relationship of elements, such element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Unless specifically stated otherwise, the word sign also refers to advertising signs and billboards.

12.76 Shooting Range

A property or properties, or portions thereof, designed and operated for commercial purposes or by an organization or nonprofit entity for recreational or training purposes, including but not limited to, shooting preserves, target shooting ranges, skeet, trap and silhouette ranges and courses, and sporting clay shooting operations or other similar facilities for persons using rifles, shotguns, pistols, revolvers, or black powder weapons, archery, or air rifles.

This definition does not include target practice areas on private property, provided that the practice area and target(s) are positioned so that projectiles are not likely to cross a lot line and enter any adjacent property.

12.77 Special Approval.

This term refers to a special situation wherein a special exception is made to the general provisions of a Zoning District by the Planning Commission, or upon appeal to the Board of Appeals. Such exceptions are designed to accommodate certain uses whose compatibility with other uses found in a certain District is suspect, or whose effect on adjoining land uses is difficult to assess; therefore, requiring special consideration and often also requiring conditional regulations to insure compatibility and proper development within a given District.

12.78 Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1)

any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

12.79 Temporary Building and Use.

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, which period may not exceed six months. See Section 2.16.

12.80 Travel Trailer.

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purpose. It includes folding campers and truck mounted campers.

12.81 Uses.

The lawful purpose for which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, maintained, rented, or leased.

12.82 Usable Floor Areas.

Usable floor area, for the purpose of computing parking, is net floor area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise or for utilities shall be excluded from this computation of "Usable Floor Area."

12.83 Variance.

This term refers to action taken by the Board of Appeals where strict enforcement of certain provisions of this Ordinance would cause undue hardship, as interpreted for a particular situation involving unique circumstances applicable to an individual property, such hardship not being economic in nature.

12.84 Yard.

A required yard is an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- 12.84.1** A required **front yard** is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line, excepting steps and unenclosed porches.
- 12.84.2** A required **rear yard** is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- 12.84.3** A required **side yard** is an open unoccupied area between a building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line to the nearest point of the building.
- 12.84.4** **Yard, Front, Rear, Side.** A general description of the space on a lot or parcel containing a building, lying between the building and the respective front, rear, and side property lines.
- 12.85** **Zoning Permit.**
A zoning permit is the written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this ordinance.

13 A-1 Agriculture

13.1 Purpose.

Agricultural production is essential to the public health, safety, and welfare. It is the purpose of the A-1 District to insure that land areas within Osceola Township which are uniquely suited for the production of food are retained for agricultural production, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity. It is the further intent of this district to preserve the natural state of unplanted shorelines located within the A-1 District.

13.2 Uses Permitted By Right.

The following uses of land and structures shall be permitted:

- 13.2.2 Agricultural production; including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables; and similar agricultural uses.
- 13.2.3 The incidental sale of farm products, seed, fertilizer, and other products essential to agricultural production.
- 13.2.4 Home occupations.
- 13.2.5 Uses or structures customarily incidental to the operation of a farm and permitted dwellings.
- 13.2.6 Dwellings for; farm owners and operators, hired farm labor of the owners or operators, immediate family of the owners or operators.
- 13.2.7 Cemeteries and churches.

It is hereby provided that a maximum of two acres shall be exempt from the payment of any and all taxes to Osceola Township by any legally constituted religious denomination or sect to be used for the express purpose of religious practice.

The intent of these provisions is to allow for the established practice of religious freedom and religious freedom from the payment of taxes to governmental agencies. The provisions limit indirect contributions by the general citizenry through the form of taxes for the support of governmental services provided for tax

exempt religious organizations. The provisions in effect limit the liability to the general citizenry for the support of services to tax exempt religious organizations or sects through the regulation of the total amount of land resources allotted for the use by a religious organization or sect.

13.2.8 Publicly owned parks and outdoor recreation facilities, public schools and educational institutions, and other municipal buildings, structures or uses.

13.3 **Uses Requiring Special Use Permit (See Article 6)**

The following uses may be permitted by special approval.

13.3.1 The sale and services of machinery used in agriculture production.

13.3.2 Facilities for the centralized bulk collection, storage and distribution of agriculture products to wholesale and retail markets.

13.3.3 The commercial storage and sale of seed, feed, fertilizer and other products essential to agriculture production.

13.3.4 Facilities used to provide veterinarian services for livestock.

13.3.5 Facilities used in research and testing of agriculture products and techniques.

13.3.6 Agricultural labor camps, dwelling units for seasonal employees. These structures shall be exempt from minimum lot size and width requirements but shall meet the setback requirements of this Ordinance, and shall be sited on non-productive land where available.

13.3.7 Extractive operations.

13.3.8 State Licensed Residential Facility for more than six (6) persons.

13.3.9 Wind Generators

13.3.10 Wireless Communication Facilities

13.3.11 Gun and Skeet Clubs, Shooting Ranges and Hunt Clubs.

13.3.12 Farm-based Winery, Brewery, Cidery, or Distillery.

13.3.13 Temporary Storage of Portable, Locally Produced Wooden Buildings.

13.3.14 Event Barns

13.4 **Hardships .**

An existing farm dwelling maybe used as a non-farm related rental unit.

13.5 **Required Conditions .**

The use of land and structures shall conform to the following standards:

13.5.1 Minimum lot size 40 acres.

13.5.1.1 Each dwelling placed on a farm in addition to the principle farm dwelling occupied by the farm owner or operator shall be situated on a lot encompassing a minimum of 2 acres per dwelling unit.

13.5.1.2 A division of any Agriculture zoned parcel creating up to 2 additional parcels with a maximum size of 2 acres to permit sale or transfer for building sites shall be permitted.

13.5.2 Minimum Yard Requirements: Minimum lot width shall be 200 feet. All dwellings and structures shall be situated no closer than 75 feet to the closest point of the right-of-way of a road; nor 45 feet to the nearest point on a property boundary defining the limits of a farm or lot. Accessory structures used to house livestock or fowl shall not be located closer than 200 feet to the boundary of the district.

13.5.3 Height Requirements: No building shall be higher than 35 feet. (See 2.4 Exceptions)

13.5.4 Animals

13.5.4.1 Permitted - Companion Animals and Farm Animals (Livestock)

13.5.4.2 Not Permitted - Exotic Animals.

14 O-S Open Space

14.1 Purpose.

The intent of this district is to preserve open-space areas, to protect and enhance existing environmental amenities, to protect unplanted shorelines throughout the county, and to generally restrict uses not in the public interest because of the cost or inefficiencies of providing public services. Open-space areas will primarily be undeveloped areas not included in the Agricultural A-1 District, and areas where development is not anticipated in the foreseeable future. The District will serve as a buffer between developed areas and developing Agricultural A-1 areas.

14.2 Uses Permitted By Right.

The following are permitted uses.

14.2.1 A single family dwelling.

14.2.2 All uses permitted by right in the A-1 Agricultural District.

14.2.2.1 Agricultural production; including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables; and similar agricultural uses.

14.2.2.2 The incidental sale of farm products, seed, fertilizer, and other products essential to agricultural production.

14.2.2.3 Home occupations.

14.2.2.4 Uses or structures customarily incidental to the operation of a farm and permitted dwellings.

14.2.2.5 Dwellings for; farm owners and operators, hired farm labor of the owners or operators, immediate family of the owners or operators.

14.2.2.6 Cemeteries and churches.

It is hereby provided that a maximum of two acres shall be exempt from the payment of any and all taxes to Osceola Township by any legally constituted religious denomination or sect to be used for the express purpose of religious practice.

The intent of these provisions is to allow for the established practice of religious freedom and religious freedom from the payment of taxes to

governmental agencies. The provisions limit indirect contributions by the general citizenry through the form of taxes for the support of governmental services provided for tax exempt religious organizations. The provisions in effect limit the liability to the general citizenry for the support of services to tax exempt religious organizations or sects through the regulation of the total amount of land resources allotted for the use by a religious organization or sect.

14.2.2.7 Publicly owned parks and outdoor recreation facilities, public schools and educational institutions, and other municipal buildings, structures or uses.

14.2.3 Forest management and harvest of forest products.

14.2.4 Duplex or 2-family dwelling.

14.3 Uses Requiring Special Use Permit. (See Article 6)

14.3.1 All uses requiring special approval in the A-1 Agricultural District.

14.3.1.1 The sale and services of machinery used in agriculture production.

14.3.1.2 Facilities for the centralized bulk collection, storage and distribution of agriculture products to wholesale and retail markets.

14.3.1.3 The commercial storage and sale of seed, feed, fertilizer and other products essential to agriculture production.

14.3.1.4 Facilities used to provide veterinarian services for livestock.

14.3.1.5 Facilities used in research and testing of agriculture products and techniques.

14.3.1.6 Agricultural labor camps, dwelling units for seasonal employees. These structures shall be exempt from minimum lot size and width requirements but shall meet the setback requirements of this Ordinance, and shall be sited on non-productive land where available.

14.3.2 Forest Industries.

14.3.3 Cottages or cabins for seasonal use.

14.3.4 Public or private parks, playgrounds, campgrounds, motor courts, golf courses, resort or other recreational activities.

14.3.5 Gravel pits or sand pits

14.3.6 Airports and landing fields.

14.3.7 Riding stables, breeding stables.

14.3.8 Kennels.

14.3.9 Radio or television transmitters or relay stations, wireless communication facilities.

14.3.10 Boat landings or liveries.

14.3.11 Churches.

14.3.12 State Licensed Residential Facility for more than six (6) persons.

14.3.13 Coal storage and sales.

14.3.14 Wind Generators

14.3.15 Gun and Skeet Clubs, Shooting Ranges and Hunt Clubs.

14.3.16 Temporary Storage of Portable, Locally Produced Wood Buildings.

14.3.17 Event Barns

14.4 Required Conditions .

14.4.1 Minimum Lot Size: 10 Acres.

14.4.2 Minimum yard requirements: The width of lots in the Open-Space zone shall not be less than 200 feet. All dwellings and structures shall be situated no closer than 75 feet to the closest point of the right-of-way of a road; nor 45 feet to the nearest point on a property boundary defining the limits of the lot.

14.4.3 Height Requirements: No building shall be higher than 35 feet (See 2.4 Exemptions).

14.4.4 Animals

14.4.4.1 Permitted - Companion Animals and Farm Animals (Livestock)

14.4.4.2 Not Permitted - Exotic Animals.

15 R-R Rural Residential

15.1 Purpose

The regulations of this District are intended to preserve open space and low density residential uses in areas where low intensity residential uses are beginning to occur, and can be expected to be increasingly developed and expanded.

15.2 Uses Permitted By Right.

Land and/or buildings in this District may be used for the following purpose only.

15.2.1 All uses permitted by right in the R-1 District.

15.2.1.1 Single-family dwellings.

15.2.1.2 Customary gardening.

15.2.1.3 Cemeteries and churches.

It is hereby provided that a maximum of two acres shall be exempt from the payment of any and all taxes to Osceola Township by any legally constituted religious denomination or sect to be used for the express purpose of religious practice.

The intent of these provisions is to allow for the established practice of religious freedom and religious freedom from the payment of taxes to governmental agencies. The provisions limit indirect contributions by the general citizenry through the form of taxes for the support of governmental services provided for tax exempt religious organizations. The provisions in effect limit the liability to the general citizenry for the support of services to tax exempt religious organizations or sects through the regulation of the total amount of land resources allotted for the use by a religious organization or sect.

15.2.1.4 Publicly owned parks and outdoor recreation facilities, public schools and educational institutions, and all other municipal buildings, structures or uses.

15.2.1.5 Duplex or 2-family dwelling.

15.2.1.6 Home Occupations

15.3 **Uses Requiring Special use Permit.** (See Section 6)

The following uses may be permitted by obtaining special approval:

- 15.3.1 Country clubs, golf courses, golf driving ranges.
- 15.3.2 Recreational camps of a private non-commercial character.
- 15.3.3 Kennels.
- 15.3.4 Raising of fur bearing animals or game birds.
- 15.3.5 Sawmills
- 15.3.6 Boat landings and liveries
- 15.3.7 Airport and landing fields.
- 15.3.8 Riding Stables and breeding stables.
- 15.3.9 Extractive Operations.
- 15.3.10 Radio or television transmitters or relay stations, wireless communication facilities.
- 15.3.11 Hospitals.
- 15.3.12 Professional Offices and Clinics.
- 15.3.13 Camp grounds, motor courts.
- 15.3.14 Amusement parks.
- 15.3.15 Mobile Homes Parks.
- 15.3.16 State Licensed Residential Facility for more than six (6) persons.

15.4 **Required Conditions.**

15.4.1 Minimum Lot Size: Single family dwelling shall be on a lot with a minimum of two acres.

15.4.2 Minimum Yard Requirements: All dwellings shall be no closer than 75 feet to the closest point of a right-of-way of a road; or 45 feet to the nearest property line. Accessory buildings shall not be closer than 25 feet to a property line. Minimum lot width shall be 150 feet.

15.4.3 Height Requirements: No building shall be higher than 35 feet (See 2.4 Exceptions).

15.4.4 Animals

15.4.4.1 Permitted - Companion Animals and Farm Animals (Livestock)

15.4.4.1.1 Exception: Lots under 5 acres or less than 200' wide require the approval of adjacent property owners.

15.4.4.2 Not Permitted-Exotic Animals.

16 R-1 Residential

16.1 Purpose.

This district is designed to permit the development of year round, seasonal and resort oriented single-family dwellings. Areas designated R-1 will typically be platted and often bordering a lake or other waterway. It is designed to preserve and protect water quality and natural environmental amenities, and to provide for higher density residential areas where appropriate. Disturbance of natural areas will be minimal.

16.2 Permitted Uses.

Land and/or building in this district may be used by right for the following purposes only:

16.2.1 Single-family dwellings.

16.2.2 Customary gardening.

16.2.3 Cemeteries and churches.

It is hereby provided that a maximum of two acres shall be exempt from the payment of any and all taxes to Osceola Township by any legally constituted religious denomination or sect to be used for the express purpose of religious practice.

The intent of these provisions is to allow for the established practice of religious freedom and religious freedom from the payment of taxes to governmental agencies. The provisions limit indirect contributions by the general citizenry through the form of taxes for the support of governmental services provided for tax exempt religious organizations. The provisions in effect limit the liability to the general citizenry for the support of services to tax exempt religious organizations or sects through the regulation of the total amount of land resources allotted for the use by a religious organization or sect.

16.2.4 Publicly owned parks and outdoor recreation facilities, public schools and educational institutions, and all other municipal buildings, structures or uses.

16.2.5 Duplex or 2-family dwelling.

16.2.6 Home Occupations

16.3 Uses Requiring Special Use Permit (Section 6).

16.3.1 Campgrounds, recreation areas, private clubs.

16.3.2 Mobile Home Parks.

16.3.3 Boat landings and liveryes.

16.3.4 Retail sales, eating, lodging, facilities serving the immediate resort community.

16.3.5 Golf courses, country clubs.

16.3.6 Professional offices and clinics

16.3.7 State Licensed Residential Facility for more than six (6) persons.

16.4 Required Conditions .

16.4.1 Minimum Lot Size : 25,000 square feet; 12,000 square feet may be permitted where public sewer is provided.

16.4.2 Minimum Yard Requirements : Minimum lot widths shall be 100 feet or 80 feet where public sewer is available. All lots shall have a front yard of 40 feet to the closest point of a right-of-way of a road, a side yard of 15 feet, and a rear yard of 15 feet.*

16.4.3 Height Requirements: No building shall be higher than 35 feet (See 2.4 Exceptions).

*If an accessory building is erected in a side yard, the side yard set back shall be 30 feet to the side of the accessory building.

16.4.4 Animals

16.4.4.1 Permitted - Companion Animals

16.4.4.2 Not Permitted - Exotic Animals and Farm Animals (Livestock).

17 R-3 Residential

17.1 Purpose.

This District is intended to provide a sound environment for a variety of residential building types. It is intended to accommodate, but is not limited to, the following general types of buildings; single-family dwellings, duplexes, garden apartments, townhouses, etc. and to permit, generally, higher densities than in other residential zones.

Uses of the type intended here are appropriate in the high density residential areas as defined and mapped in the Osceola Land Use Plan. They are to be located on major transportation arteries, close to major shopping, and activity centers, preferably in an urban or urbanizing area. They are to be located in areas where public water and sewer is available. Apartments may provide alternative centralized sewer and water system if it is approved by the health department.

No R-3 district will appear on the Zoning District Map because there are presently no areas in the unincorporated parts of the township that could appropriately be zoned R-3. In the event that an amendment to the Zoning District Map is requested in the future, the criteria outlined above will be used to evaluate whether or not the amendment should be granted.

17.2 Uses permitted By Right.

Land and/or buildings in the R-3 District may be used for the following purpose only:

17.2.1 Any use permitted by right in the R-1.

17.2.1.1 Single-family dwellings.

17.2.1.2 Customary gardening.

17.2.1.3 Cemeteries and churches.

It is hereby provided that a maximum of two acres shall be exempt from the payment of any and all taxes to Osceola Township by any legally constituted religious denomination or sect to be used for the express purpose of religious practice.

The intent of these provisions is to allow for the established practice of religious freedom and religious freedom from the payment of taxes to governmental agencies. The provisions limit indirect contributions by the general citizenry through the form of taxes for the support of governmental services provided for tax exempt religious organizations. The provisions in effect limit the liability to the general citizenry for the support of services to tax exempt religious organizations or sects through the regulation of the total amount of land resources allotted for the use by a religious organization or sect.

17.2.1.4 Publicly owned parks and outdoor recreation facilities, public schools and educational institutions, and all other municipal buildings, structures or uses.

17.2.1.5 Duplex or 2-family dwelling.

17.2.1.6 Home Occupations

17.2.2 Accessory buildings and uses.

17.3 Uses Requiring Special Use Permit. (See Section 6)

17.3.1 Golf Courses, Country Clubs.

17.3.2 Hospitals, Clinics.

17.3.3 Nursing, Convalescent Homes.

17.3.4 Child Care Centers, Nurseries.

17.3.5 Multi-Family Dwellings.

17.4 Required Conditions.

17.4.1 Minimum Lot Sizes: Single family, 12,000 square feet; two-family, 25,000 square feet; three or more 25,000 square feet for the first three and 3,000 for each additional unit.

17.4.2 Minimum Yard Requirements: Front yard, 25 feet to the closest point of a right-of-way of a road for single-family and two family; 35 feet to the closest point of a right-of-way of a road for all other uses. Side yard, 10 feet for single and two family, 15 feet to the closest point of a right-of-way of a road for all other uses. Rear yards shall be 10 feet for single-family and two family; 25 feet for all other uses. Minimum lot widths shall be: single-family, 80 feet; two family, 85 feet; all other uses, 100 feet.

17.4.3 Maximum height shall be 35 feet, except for dwellings with three or more units and one foot shall be added to the front and side yard requirements for each foot over 35.

17.4.4 Animals

17.4.4.1 Permitted - Companion Animals

17.4.4.2 Not Permitted-Exotic Animals and Farm Animals (Livestock).

18 C-1 Commercial

18.1 Purpose.

This District is intended to provide an appropriate location for commercial and business enterprises which primarily serve the motoring public. These uses are thus discouraged to locate in other development areas where their heavy traffic and other characteristics could prove detrimental or incompatible. They are intended to provide ease of access to areas for convenience, one-stop goods, along major thoroughfares, at major intersections and freeway interchanges.

Due to the rural nature of the township and the limited availability of commercial zoned property, all commercial development will, of necessity, be in close proximity to other zoning districts including residential property.

18.2 Uses Permitted by Right.

Land and/or buildings in this District may be used for the following uses only:

- 18.2.1** Convenience Stores, Food Sales, and Retail Outlets.
- 18.2.2** Automobile Service Stations and Wash Establishments.
- 18.2.3** Commercial Parking Facilities.
- 18.2.4** Hotel, Motel, Motor Courts.
- 18.2.5** New car sales and show room, boat, truck, or farm implement sales and service.
- 18.2.6** Restaurants, Drive-In Restaurants, Fast-Food Carry-Out.
- 18.2.7** Other uses similar to the above mentioned uses.
- 18.2.8** Business, Professional, and Non-Profit Organizations Offices.

18.3 Uses Requiring Special Use Permits. (See Section 6)

- 18.3.1** Amusement Parks.
- 18.3.2** Automotive Repair Establishments
- 18.3.3** Drive-IN Theaters.
- 18.3.4** Lumber Yards, Building Supply.
- 18.3.5** Animal Hospitals.
- 18.3.6** Greenhouse.
- 18.3.7** Par 3 golf Course, Miniature Golf, Driving Range.
- 18.3.8** Used Car or Used Truck Sales.
- 18.3.9** Hospitals

18.3.10 Plant Materials Nursery, for the sale of plant materials not necessarily grown on the same premises.

18.3.11 Adult or sexually oriented businesses.

18.4 Required Conditions .

18.4.1 Minimum Yard Requirements: There shall be a front yard of at least 35 feet to the closest point of a right-of-way of a road. Side yards shall be a minimum of 15 feet to the property line. There shall be a rear yard of at least 25 feet; provided, however, that where a rear lot line adjoins a Residential District or a road right-of-way line, a rear yard of at least 35 feet to the closest point of a right-of-way of a road shall be required. No lot width shall be less than 120 feet wide at the building line.

18.4.2 Height Regulations: No building shall be over 35 feet in height except that one foot may be added to the yard requirements for each foot over 35 in height.

18.4.3 Buffering Requirements : Larger setbacks and visual screening are required when property adjoins property zoned A-1, O-S, R-R, R-1, R-3, or MHP. Minimum front, rear, and side yard setbacks shall be forty-five (45) feet on the side adjacent to other zoning districts and shall have a combination earth berm/conifer plantation of no less than eight(8) feet to create a sight, sound, and safety barrier adequate for the location as determined by the Planning Commission to be reasonable, and shall meet requirements of site plan review as specified in Section 7 of this Ordinance.

18.4.4 Animals

18.4.4.1 Permitted – Companion Animals

18.4.4.2 Not Permitted - Exotic Animals and Farm Animals (Livestock).

19 I-1 Industrial

19.1 Purpose.

This district is primarily intended for industrial and manufacturing uses of the type that can be expected to conflict with other types of uses, may create noises, fumes, or waste, may require proximity to transportation facilities, and may increase vehicular traffic volumes. Uses permitted in the district will be of the type that are not compatible with residential uses, resort or waterfront oriented uses, or schools, hospitals, and other institutions for educational purposes or for human care.

19.2 Uses Permitted by Right.

None

19.3 Uses Requiring Special Use Permits. (See Section 6)

- 19.3.1** Convenience Stores, Food Sales, and Retail Outlets.
- 19.3.2** Automobile Service Stations and Wash Establishments.
- 19.3.3** Commercial Parking Facilities.
- 19.3.4** Hotel, Motel, Motor Courts.
- 19.3.5** New car sales and show room, boat, truck, or farm implement sales and service.
- 19.3.6** Restaurants, Drive-In Restaurants, Fast-Food Carry-Out.
- 19.3.7** Other uses similar to the above mentioned uses.
- 19.3.8** Business, Professional, and Non-Profit Organizations Offices.
- 19.3.9** Manufacturing.
- 19.3.10** Fabrication and Assembly.
- 19.3.11** Printing.
- 19.3.12** Equipment Service.
- 19.3.13** Transportation.
- 19.3.14** Storage Facilities for Non-Hazardous Material.
- 19.3.15** Warehouses.
- 19.3.16** Accessory Office and Retail Business.
- 19.3.17** Service Stations, Automotive Sales and Repair.
- 19.3.18** Research, Development and Testing Laboratories.
- 19.3.19** Rental Facilities.
- 19.3.20** Heating Fuel Establishments.
- 19.3.21** Farm Equipment and Supply.

- 19.3.22 Building Material Establishments.
- 19.3.23 Construction Services Establishments.
- 19.3.24 Landscaping Services.
- 19.3.25 Laundry and Dry Cleaning Plants

19.4 **Required Conditions.**

- 19.4.1 **Minimum Yard Requirements:** Every use shall provide rear and side yards of at least 20 feet. A front yard of at least 60 feet shall be provided.
- 19.4.2 A special use permit is required for any outdoor storage.
- 19.4.3 **Height Regulations:** Maximum height shall be 35 feet except that for each foot over 35; one foot shall be added to the yard requirements.
- 19.4.4 **Animals**
 - 19.4.4.1 **Permitted** - Companion Animals
 - 19.4.4.2 **Not Permitted**-Exotic Animals and Farm Animals (Livestock).

20 MHP Mobile Home Park

20.1 Purpose.

This district is intended to provide opportunities for Mobile Home Park living in appropriate areas of the township. The park shall be adjacent to and served by a major highway. The park shall be located where it can be served by existing or planned public facilities such as water, sewer, refuse disposal, schools, police and fire protection. Private centralized sewage disposal system may be an alternative if approved by the Health Department. A Mobile Home Park is permitted by Special Use Permit in R-1 and R-R. Districts.

20.2 Permitted Uses .

Land and/or buildings in this District may be used for the following only:

- 20.2.1 Mobile homes as defined in this ordinance.
- 20.2.2 One office building exclusively for conducting the business operations of the mobile home park.
- 20.2.3 Utility Buildings for laundry facilities and auxiliary storage space for mobile home tenants.
- 20.2.4 Recreation areas, community building, playgrounds and open space for use by mobile home park tenants.
- 20.2.5 Such additional accessory buildings and uses as are customarily incidental to mobile home park development, except that this shall not include the sale of mobile home units other than by their individual resident owners or the servicing of mobile home units except as is required for normal maintenance by the individual resident owner or his contractors.
- 20.2.6 Signs pertaining exclusively to the mobile home park as regulated by Township Ordinance.

20.3 Required Conditions .

- 20.3.1 All mobile homes shall meet the specifications of the township ordinance.
- 20.3.2 **Minimum size** for a mobile home park shall be twenty acres.
- 20.3.3 **Minimum lot width** shall be 600 feet.
- 20.3.4 **Density** shall not exceed eight units per acre.

- 20.3.5** No mobile home or other structure shall be located within 15 feet of any other, within five feet of the edge of any driveway or parking space, within 40 feet of the edge of the right-of-way of any public road or within 25 feet of any park boundary which is not the right-of-way line of a road. Additions to a mobile home, other than those made out of canvass shall meet all the area and yard requirements specified herein.
- 20.3.6** All utility wires, pipes, and tanks shall be underground, except that oil or gas tanks used as part of a central distribution system may be above the ground if fully screened from view by a wood or masonry wall or fence or evergreen vegetation.
- 20.3.7** Each mobile home park shall have an underground master antenna system, and exterior antenna or satellite dishes shall not be permitted on individual mobile homes.
- 20.3.8** Each mobile home park shall contain one or more outdoor recreation areas totaling at least 300 square feet per mobile home site. No mobile home shall be more than 500 feet distance from a recreation area. roads, driveways, parking areas and buildings are not to be included in calculation the size of the recreation areas.
- 20.3.9** A green belt (for the purposes of this requirement shall mean an unoccupied area, planted in trees or shrubs, or left in its natural state), at least 20 feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways. This shall not be counted as recreation space.
- 20.3.10** Each mobile home site shall have an area of at least 3,500 square feet.
- 20.3.11** Each road in any mobile home park shall be bounded on at least one side by a sidewalk at least three feet in width.
- 20.3.12** If the parking of recreation vehicles or motor vehicles is allowed, it shall be restricted to areas surrounded, except at points of entry and exit, with a wood or masonry wall or fence at least six feet high.
- 20.3.13** Each mobile home park shall provide refuse containers having a capacity of not less than one cubic yard for each four mobile homes, so located that no mobile home is further than 150 feet from such a container. Each refuse container shall be surrounded on three sides by a wood or masonry fence or a wall at least six feet high.
- 20.3.14** Minimum road widths in mobile home parks shall be as follows:
- | | | |
|------------------|-----------------------------|-----------|
| 20.3.14.1 | No parking on road | 1 way 14' |
| 20.3.14.2 | No parking on road | 2 way 24' |
| 20.3.14.3 | Parallel parking one side | 1 way 20' |
| 20.3.14.4 | Parallel parking one side | 2 way 24' |
| 20.3.14.5 | Parallel parking both sides | 1 way 26' |
| 20.3.14.6 | Parallel parking both sides | 2 way 36' |

20.3.15 There shall be a minimum of two parking spaces per unit neither of which shall be computed as part of the required minimum lot area.

20.3.16 Animals

20.3.16.1 Permitted - Companion Animals

20.3.16.2 Not Permitted-Exotic Animals and Farm Animals (Livestock).

21 Enactment and Sever-ability

21.1 Sever-ability .

This ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be sever-able. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance not be affected thereby.

21.2 Enactment.

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective the day following the date of its approval by the Osceola Township Board of Trustees.

21.3 Essential Services; Exceptions, Required Approval.

It shall be lawful for essential public services to establish and conduct themselves in any district of the Township, and except as hereinafter provided, the erection, construction, alteration or maintenance of essential services shall be permitted in any district as authorized or regulated by law and other ordinances of the Township, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this ordinance except as hereinafter provided.

The erection or construction of any building or structure for essential services, including but not limited to electrical substations, gas regulator stations, sanitary treatment facilities or other similar facilities shall be designed and erected to conform harmoniously with the general architecture and plan of such district in which they are to be erected, shall not interfere with the planned use of such district, and shall be subject to the prior approval of the Planning Commission . Plans and specifications for such building or structure shall be tendered to the Zoning Administrator and the Planning Commission as a prerequisite of such approval; furthermore, the Planning Commission shall have the power to permit any essential public service to erect and use an essential service building or structure in any permitted district, to a greater height or of a greater area than the district requirements established; provided such board shall first find such structure or building necessary for public convenience and necessity.

22 Flood Hazard Areas

22.1 Intent.

It is the purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in Osceola Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (<http://www.fema.gov/hazard/flood/index.shtm>), as published in the Federal Register, Vol. 41, No.207, Tuesday, October 26, 1976 and re-designated as 44 FR 31177, May 31,1979.

22.2 Further, the objectives of this Article include:

- 22.2.1 The protection of human life, health and property from the dangerous and damaging effects of flood conditions.
- 22.2.2 The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas.
- 22.2.3 The prevention of private and public economic loss and social disruption as a result of flood conditions.
- 22.2.4 The maintenance for stable development patterns not subject to the blighting influence of flood damage.
- 22.2.5 To insure the public has access to information indicating the location of land areas subject to periodic flooding.
- 22.2.6 To preserve the ability of floodplains to carry and discharge a base flood.

22.3 Development Permit.

- 22.3.1 The Zoning Administrator shall utilize available floodplain information and determine whether proposed development will be reasonably safe from flooding prior to issuance of a zoning compliance permit.

If it is determined by the zoning administrator that the proposed development lies within an area prone to flooding (flood hazard area), all new construction and substantial improvements shall comply with the requirements of this Article.

22.3.2 Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements of the Osceola Township Zoning Ordinance and the following standards.

22.3.2.1 The requirements of this Article shall be met.

22.3.2.2 The requirements of the underlying Zoning District and applicable general provisions of this ordinance must be met.

22.3.2.3 All necessary development permits shall have been issued by appropriate local, state and federal authorities including a floodplain permit, approval, or a letter of no authority from the Michigan Department of Environmental Quality (<http://www.michigan.gov/deq>) under authority of Act 245, Public Act of 1929 as amended by Act 167, Public Act of 1968. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

22.4 General Standard for Flood Hazard Reduction.

22.4.1 All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and mobile homes, shall:

22.4.1.1 Be designed and anchored to prevent floatation, collapse or lateral movement of the structure;

22.4.1.2 Be constructed with materials and utility equipment resistant to flood damage.

22.4.1.3 Be constructed by methods and practices that minimize flood damage.

22.4.2 All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the system.

22.4.3 All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

22.4.4 All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

- 22.4.5** Adequate drainage shall be provided to reduce exposure to flood hazards.
- 22.4.6** Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
- 22.4.7** Available flood hazard data from Federal, State or other sources shall be reasonably utilized in meeting the standards.

22.5 Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.

This Article does not imply that areas outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of Osceola Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

23 **Adult Businesses**

23.1 **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 down grading of the surrounding neighborhood. The provisions of this ordinance are intended to prevent deterioration or blighting of residential neighborhoods.

23.2 **Definitions. As used in this Article.**

- 23.2.1 Adult Business** includes, but is not limited to, adult book stores, adult video stores, adult personal service business, adult cabarets, adult novelty business, massage parlors, nude and/or semi-nude modeling studios and tattoo parlors.
- 23.2.2 Adult book store** means an establishment which has in excess of twenty-five percent (25%) of its stock-in-trade for sale or rent, 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 by virtue of age.
- 23.2.3 Adult cabaret** means a café, 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.
- 23.2.4 Adult store** means an establishment which has in excess of twenty-five percent (25%) of its stock-in-trade for sale or rent, videotapes, video discs and motion pictures which are characterized by an emphasis on specified sexual activities or specified anatomical areas.
- 23.2.5 Adult motion picture theater** 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 therein.
- 23.2.6 Adult novelty business** means a business which has as a principal activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

23.2.7 Adult personal service business means a business having as its principal 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, performances or entertainment, and lingerie parlors using nude or semi-nude models.

23.2.8 Specified sexual activities means:

23.2.8.1 The stimulation or arousal of human genitalia

23.2.8.2 Acts of human masturbation, sexual intercourse or sodomy or,

23.2.8.3 Fondling or other erotic touching of human genitalia, pubic region, buttock or female breast.

23.2.9 Specified anatomical areas means:

23.2.9.1 Less than completely and opaquely covered

23.2.9.1.1 Human genitalia and pubic region:

23.2.9.1.2 Buttock; or,

23.2.9.1.3 Female breast below a point immediately above the top of the aureola; or

23.2.9.1.4 Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

23.2.10 Sexual intercourse includes fellatio, cunnilingus, anal intercourse and any other intrusion, however slight, of any part of a person's body, or of any object into the genital or anal openings of another's body.

23.2.11 Sodomy means anal intercourse .

23.2.12 Buttock includes the anus and perineum of any person.

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

23.2.14 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.

23.2.15 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.

23.2.16 Protected use means a church, school, public park, day care facility or cemetery.

- 23.2.17 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.
- 23.2.18 Church** means a building used for regular public worship services and exempt from taxation under the General Property Tax Act of the State.
- 23.2.19 Public park** means any park owned and maintained by a city or township.
- 23.2.20 Tattoo parlor** means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols or other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

23.3 Authorization

The Planning Commission may, by the issuance of a Special Use Permit, authorize the uses specified within this Ordinance only in the “C-1” zoning district and after finding that the following conditions exist:

- 23.3.1** The parcel upon which the use is intended is located outside a three hundred (300) foot radius of any parcel upon which is located any residence, dwelling place, day care facility, church, public park, cemetery or school.
- 23.3.2** The use is not located within a three hundred (300) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made.
- 23.3.2.1** That the proposed use will not be contrary to the interest, or injurious to nearby properties, and that the spirit and intent of this section will be observed.
- 23.3.2.2** That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
- 23.3.2.3** That 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.
- 23.3.2.4** That all applicable state laws and local ordinances will be observed.

23.4 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 said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

23.5 Miscellaneous Requirements

- 23.5.1** The height, yard, lot area, lot width, building coverage, sign and parking requirements of an adult business shall conform to the requirements for the zone in which it is located and with the standards for special land use approval contained within the Osceola Township Zoning Ordinance.
- 23.5.2** The distance between an adult business and a protected 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.
- 23.5.3** No person shall reside in, or permit any person to reside in, the premises of an adult business.
- 23.5.4** If employees or patrons of an adult entertainment business promote, offer, solicit, or engage in acts of prostitution on the premises, the special use permit may be suspended or revoked. No criminal charge need be brought for suspension or revocation of the special use permit to occur. The acts described in this subsection may be shown to have occurred by a preponderance of the evidence.

23.6 Procedure

The procedure and requirements established for uses requiring special approval as contained in the Osceola Township Zoning Ordinance shall be followed to process an application for an adult business.

23.7 Exceptions

The provisions of this ordinance regarding massage parlors shall not apply to licensed masseuses 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 the patron.

23.8 Sever-ability of invalid provisions.

If any provision of this ordinance shall be held invalid, its invalidity shall not effect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be sever-able.

23.9 Effective Date

This Ordinance shall take effect upon approval by the Township Board of Trustees.

Osceola Township, Osceola Count, MI, Zoning Ordinance

24 Construction Standards

24.1 The Osceola COUNTY Building Department regulates the construction and/or setup of all homes, accessory buildings, decks, etc in Osceola TOWNSHIP. This includes homes and other buildings that are “stick-built”, manufactured, modular, panelize, pre-cut, new or used. (See definitions in Section 12)

24.2 Additions to COUNTY requirements.

24.2.1 Manufactured Homes (previously know as “Mobile Homes” (See definition in Section 12)

24.2.1.1 Shall have a federal Housing and Urban Development (HUD) certification tag or sticker on the outside and/or inside of the home.

24.2.1.2 Shall be a minimum of 14' wide (nominal width).

24.2.1.3 Shall have a minimum of 750 sq ft of floor space.

24.2.1.4 Shall have a shingled roof.

24.2.1.5 Shall have vinyl siding.

24.2.1.6 Shall be installed on a foundation or have “skirting” installed between the bottom of the home and the ground.

24.2.1.7 Shall be anchored to the foundation or ground using a method recommended by the manufacturer of the home or as required by the COUNTY building department.

24.2.1.8 Shall be consistent in appearance with homes on neighboring property.

24.2.2 Exception for used Manufactured Home when replacing an existing Manufactured Home (or Mobile Home).

24.2.2.1 The Planning Commission may grant a waiver from one or more of the requirements of section 24.2.1 provided that the replacement manufactured home (but not Mobile Home) represents a significant upgrade in quality and appearance from the existing manufactured home or mobile home.

24.2.3 Removal of Buildings . Any Manufactured Home or Mobile Home which is replaced, abandoned or no longer used shall be removed from Osceola Township, at the owner's expense, within 60 days, unless valid Zoning and Building Permits are issued permitting the replaced Manufactured Home, (but not Mobile Home) to be relocated to another lot in the Township.