

Appendix C. Osceola Township, Osceola County, MI Zoning Ordinances

Summary of the Proposed changes to the Ordinance

Overview:

In order to satisfy new State of Michigan laws, the Osceola Township Planning Commission is developing the first, 5-Year Land Use Plan for the Township . As part of that process, the Planning Commission has reviewed the entire Osceola Township Zoning Ordinance and is proposing the following changes. Once a final version of the ordinance is approved by the Township Board the Zoning Ordinance will be included in the 5-year plan.

There are 2 ways to identify proposed changes to the existing ordinance. In the left hand margin, the reader will occasionally find a vertical bar. Proposed changes can be found in the text to the right of this bar. Also, in the text itself, change are documented with colored fonts. Text to be removed will appear with a ~~strike-through~~ while new text will appear underlined and in color. The different colors have no meaning and are a result of multiple editing sessions.

There are 4 types of changes that the reader will find in the proposed Zoning Ordinance:

Typographical corrections.

These changes are spelling, grammatical and punctuation errors in the original document identified by the Planning Commission. The reader is encouraged to report any other errors to a member of the Planning Commission. These changes are not documented in this document since no substantive change is intended. In the Ordinance they appear next to a vertical bar in the left margin and as colored text.

Example: The word “is” is changed to “are”: ~~is~~are

Formatting Changes.

The entire document has been renumbered and reformatted (tab stops and indents) to improve readability and ease of use. In addition, over the years, a number of sections have been added to the “bottom” of the document. The proposed ordinance includes those changes in the appropriate section. These changes are also not documented here. Most of these changes cannot be readily identified in the Proposed Ordinance either. The reader is encourage to compare the older ordinance with the Proposed Ordinance to study these changes.

Rewording for clarity.

A number of changes are proposed that reword small portions of the ordinance to improve clarity and remove confusion. These changes are often only a word or two long but can be a phrase or sentence. The intent is to NOT change the content of the ordinance but rather make the document easier to read or understand. These proposed changes are not documented here since they represent no change to the intent of the ordinance. These change are, however, easily identified in the Proposed Ordinance by looking for the vertical bar in the left margin of the text and then for the actual change in line to the right.

Here is an example of this type of change:

“Before any dimensional variance may be granted, the Board of Appeals must and shall find all of the following”.

Substantive changes

The primary purpose of this summary is to identify proposed substantive changes to the ordinance. A thorough review of this document will provide the reader with the text of the proposed change and the rationale behind the recommendation. The reader is also encouraged to review the entire Proposed Ordinance as well!

2.13 Corner Lots

The text has been modified in two ways. First, the last half of the definition has been eliminated since it is in conflict with a provision found in each Zoning District. Second, the sentence has been modified to require that corner lots meet the set back requirement of all abutting roads. The changes protect the rights of a lot owner adjacent to a corner lot. The desire is to avoid a corner lot owner building too close to a neighboring lot line.

Corner Lots.

When a lot is bounded by two intersecting ~~streets~~ roads, the front yard requirements shall be met on ~~both one~~ abutting roads. ~~only providing that no portion of the lot within 25 feet of the side lot line of any adjoining property may be utilized for building unless the front yard requirements for the adjoining property are met.~~

6.14. and 6.13 Shooting ranges and Hunt Clubs

The provision in the existing ordinance for Hunt clubs and Shooting ranges had been reformatted, relocated in the document and modified. A new definition for Hunt Club and Shooting Range is recommended based on definitions found in other zoning ordinances. These definitions can be found in sections **12.48** and **12.79** and are intended to provide a more robust meaning to the terms without changing the original intent. These changes are included here to highlight the new definitions and allow the reader to review them. The changes are designed to protect the 2nd amendment rights of property owners two “bare arms” while helping to ensure safety and freedom from noise to neighboring property owners.

12.48 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, **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.

12.79 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 silhouettes 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.** .

12.5, 12-6, 12-7 Animals

In order to protect the rights of land owners, the Planning Commission recommends that 3 categories of “Animals” be recognized by the Zoning Ordinance. These categories are, “Companion Animals”, “Farm Animals” and “Exotic Animals”. The proposed definitions are listed below. The purpose is to more clearly define what types of animals are permitted within a Zoning District and which are not. In general, “Companion Animals” are permitted in all districts. “Farm Animals” are permitted in Agricultural, Open Space and larger Rural Residential Districts. Exotic Animals are excluded from all districts to protect Township residents from injury or harm. The text of each zoning district also includes a list of which types of animals are permitted.

12.5 Animals, Companion

Companion Animals are defined as 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.

12.6 Animals, Livestock or Farm Animals

Livestock or Farm Animals are defined as 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.

12.7 **Animals, Exotic**

Exotic Animals include 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.

13.2.7 14.2.2.6 15.2.1.3 16.3.3 17.2.1.3 Uses by Right, Churches and Cemeteries

The existing ordinance contains a provision exempting the first 2 acres of “church” and “cemetery” property from taxation. The text of this provision has been copied and included in each zoning district for clarity.

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.

13.4 Hardships.

The current ordinance allows up to 2 residences to be built on an Agricultural parcel, one for the landowner and one for a “hired hand”. The existing wording is no longer useful and has been modified to allow one of these residences to be rented out.

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

~~Existing farm dwelling utilized in conformance with the provisions of this section which become vacant as a result of the owner, operator, employee of a farm or the termination of an ownership, operational or employee relationship with a farm may be used as a non-farm related dwelling.~~

16.4.7

The Planning Commission recommends that “day care” facilities for 5 or fewer children not require a special use permit to allow neighbors, friends and family to provide day care when needed. Day care facilities for 6 or more children are regulated by the State.

~~Day nurseries for not more than six (6) children.~~

19.2

The “Uses by Right” section was copied from the Commercial District.

19.4.2

In the Industrial District a provision was modified to require all outdoor storage to have a special use permit to allow the Planning Commission to review the proposed storage facility for visual compatibility with neighboring property.

~~Screened Storage: Screened outdoor storage is permitted only inside or in the rear yards and shall be no closer than 10 feet to any street or right-of-way, no closer than 60 feet to any property line.~~

A special use permit is required for any outdoor storage.

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Minor modification are recommended to provide more separation between adult business.

Example: ~~150'~~ 200'

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Housing Construction Standards

Osceola County no longer regulates the age of manufactured home that are set up in our Township. Several new definition and a new Section 24 have been added to assure that better quality used and new manufacturing home are placed on Township property.

Factory Built Housing Many types of structures are built in a factory and designed for long-term residential use. In the case of manufactured and modular homes, units are built in a factory, transported to the site and installed. In panelized and pre-cut homes, essentially flat sub-assemblies (factory-built panels or factory-cut building materials) are transported to the site and assembled.

Manufactured Homes

These are homes built entirely in a factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single- or multi-section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally-regulated national building code. On-site additions, such as garages, decks and porches, often add to the attractiveness of manufactured homes and must be built to local, state or regional building codes.

Mobile Home.

This is the term used for factory-built homes produced prior to June 15, 1976, when the HUD Code went into effect (see Manufactured Home above). By 1970, these homes were built to voluntary industry standards that were eventually enforced by 45 of the 48 contiguous states. A mobile home is 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.

Modular Home

These factory-built homes are built to the state, local or regional code where the home will be located. Modules are transported to the site and installed

Panelized Home

These are factory-built homes in which panels - a whole wall with windows, doors, wiring and outside siding - are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

Pre-Cut Home

This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.

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.