

LONG RAPIDS TOWNSHIP
ZONING ORDINANCE

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LONG RAPIDS TOWNSHIP ZONING ORDINANCE

An Ordinance to provide for the establishment in the unincorporated portions of Long Rapids Township of zoning districts within which the proper use of land and natural resources may be encouraged or regulated, and within which districts provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that would be required for, and the maximum number of families that may be housed in dwellings, buildings, and all structures, including tents and trailer coaches, that are hereafter erected or altered;

to provide for the adoption of this Ordinance and amendments thereto;

to provide for the administration of this Ordinance;

to provide penalties for violations;

to provide for the collection of fees;

to provide for petitions, public hearings, referenda, and appeals pertinent to the provisions of the Ordinance;

and, to regulate areas that have unique land resource problems or need special attention.

EFFECTIVE DATE

Public Hearing having been held hereon, the provisions of this Ordinance, as amended, are hereby declared to be immediately necessary for the preservation of the public health, peace and safety and are hereby ordered to take effect immediately. Made and passed this 13th day of September, 1990.

THIS ORDINANCE IS ENACTED PURSUANT TO P.A. 184 OF 1943, AS AMENDED, (BEING THE TOWNSHIP ZONING ACT, M.C.L. 125.271 ET SEQ.). THE CONTINUED ADMINISTRATION OF THIS ORDINANCE, AMENDMENTS TO THIS ORDINANCE, AND ALL OTHER MATTERS CONCERNING OPERATION OF THIS ORDINANCE SHALL BE DONE PURSUANT TO P.A. 110 OF 2006, AS AMENDED, (BEING THE MICHIGAN ZONING ENABLING ACT, M.C.L. 125.310 ET SEQ.), HEREINAFTER REFERRED TO AS THE “ZONING ACT”. (Effective date of amendment – July 24, 2008)

ARTICLE I

Section 1.01 - PURPOSE

The zoning districts and regulations set forth in this Zoning Ordinance have been made in accordance with a master plan for the purpose of promoting the health, safety, convenience, and general welfare of all the people of Long Rapids Township. This Zoning Ordinance is designed to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land; to meet the needs of the Township citizens for food, fiber, energy, and other natural resources; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads, streets and highways; to reduce hazards to life and property; to aid in the adequate provision for a system of transportation, safe and adequate water supply, sewage disposal, education, recreation, and other public utilities, facilities, and services; and to conserve the expenditures of tax monies and other funds for public improvements and services through their conformity with the master plan for the uses of land, resources and properties; and to the natural and developed character of each district, its peculiar suitability for particular uses, the conservation of natural resources, and real property quality and value, and the general and appropriate character and trend of land, buildings, and population development as expressed in the Long Rapids Township Comprehensive Plan.

Section 1.02 - ZONING DISTRICTS AND MAP

For the purpose of this Ordinance, Long Rapids Township is divided into six districts designated as follows:

Agricultural	AG District
Forestry-Recreation	FR District
Residential	R District
Environmental Conservation	
Overlay District	EC District
Commercial	C District
Industrial	I District

Section 1.03 - BOUNDARIES

The boundaries of these districts are hereby established as shown on a map filed in the office of the Township Clerk, entitled "Zoning Districts-Long Rapids Township," dated September 11, 1980 as amended; said Districts Map is hereby adopted and made a part of this Ordinance. A facsimile of this map is attached to this Ordinance. Periodic comparison to official map is advised.

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.

2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

Section 1.04 - DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of "GENERAL PROVISIONS" and "GENERAL EXCEPTIONS."

ARTICLE II
AGRICULTURAL DISTRICT

Section 2.00 - PURPOSE

The purpose of this district is to protect and stabilize the essential characteristics of agricultural areas within the township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment and economy, including the tax base. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the township.

Section 2.01 - PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. One or two family dwellings associated with a farm enterprise operating on not less than 1 acre of land.

- B. Single family dwellings, modular or mobile homes located on not less than 1 acre of land, whose occupants are not associated with a farm enterprise. This provision is designed to permit a limited amount of non-farm residential building in the Agricultural District. All residents in the agricultural zone, by choosing to live therein, accept the sights, sounds and odors normally associated with farming operations. In no case will they be considered a nuisance provided they result from generally accepted agricultural practices. Each resident of 1 or more acres in an agricultural district shall have the land use rights listed in Section 2.01-Permitted Uses.

Such rights carry responsibility for the landowner, regardless of acreage owned, to fence in livestock or pets, avoid pollution runoff or chemical wind drift on to neighboring property, and the prevention of unsanitary conditions. Such infringements on neighboring property will be considered a public nuisance and abatement required.

- 1. There shall be no more than 1 dwelling on each such 1 acre parcel.

2. The owner or proprietor of a tract of land in the agricultural district may not partition more than 3 parcels not less than 1 acre for non-farm uses within a 10 year period.
3. In the sale or resale of any existing dwellings each dwelling shall be located on not less than 1 acre.
4. Any private road entering a public road and serving, or planned to serve 3 or more residences, shall be built to the local road construction standard of the county road commission.

C. A parcel may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, and other farm animals, products and foodstuffs, and any building or structure may be located thereon and used for the day-to-day operation of such activities for the quartering, storage, or preservation of said crops, livestock, poultry, animals, products and foodstuffs raised or grown on said lot or in said building or structure, provided that any parcel that is kept as idle cropland shall be treated as to prevent soil erosion by wind or water.

D. A parcel may be used and a building or structure located thereon for the raising or keeping of poultry, rabbits, and other similar furbearing animals whether for profit or pleasure.

E. A parcel may be used and a building or structure located thereon for a riding academy or stable, or the raising or keeping of cattle, hogs ponies, goats, and similar livestock whether for profit or pleasure upon a lot having an area not less than one (1) acre.

F. A parcel may be used for the raising or growing of plants, trees, shrubs and nursery stock, and any building or structure may be located thereon and used for such raising or growing and for the storage of equipment and materials necessary for such raising or growing.

G. A parcel may be used for public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.

H. A parcel may be used for the growing, stripping, and removal therefrom of sod provided that said lot or portion thereof shall be seeded after stripping by fall of the year in which it was stripped as to reduce the actual or potential erosion by water or wind.

I. Home Occupations.

Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1)

physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner; Provided that such home occupation shall satisfy the following conditions:

1. The non-residential use shall be only incidental to the primary residential use of the property.
2. The home occupation shall be limited to the principal structure only and utilize no more than thirty (30) percent of the total floor area.
3. There shall be no more than two (2) employees other than members of the immediate family working on the premises.
4. All activities shall be conducted indoors.
5. There shall be no external evidence of such occupation other than one (1) non-illuminated sign, not to exceed eight (8) square feet in area.
6. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.
7. For the purpose of this provision, principal and accessory farm operations shall not be considered home occupations.
8. No interior structural alterations shall be permitted to accommodate a home occupation except that exterior structures may be constructed provided the same constitute no more than thirty (30) percent of the existing floor area of the principal dwelling.

J. Storage of not more than two (2) recreational units provided that such units shall be completely within the side and rear yards. No outdoor storage or overnight parking of a commercial vehicle over one (1) ton rate capacity shall be permitted unless such vehicle be necessary to the function of the premises on which it is located or necessary to an occupation of an occupant of the premises provided that such vehicle be parked entirely within a side or rear yard or completely enclosed within a structure.

K. An accessory use, building, or structure.

L. Essential service structures.

M. Temporary Roadside Stands.

The sale of seasonal items such as flowers, vegetables or fruit grown by the owner of the property on the same land on which the stand is located is allowed. Permanent stands or signage are not permitted. Stands or tables shall be located off the public right of way. Parking for customer vehicles off the roadway and road shoulders should be provided. (Effective date of amendment adding paragraph Section 2.01 M – August 26, 2013)

(Effective date of Section 2.01 March 12, 2015).

Section 2.02 - USES PERMITTED ON SPECIAL APPROVAL

The following buildings and structures, and uses or similar uses of parcels, lots, buildings and structures are permitted in this district upon obtaining a Special Use Permit, pursuant to the provisions of Article VIII-Section 8.03.

- A. The removal of soil, sand, gravel, and other surface material for any purpose other than excavation for new building construction.
- B. Public and private parks, campgrounds, golf courses, driving ranges and other outdoor recreational facilities.
- C. Community buildings.
- D. Private landing strips for aircraft or helicopters.
- E. Public and private nursery, primary and secondary schools, colleges and universities.
- F. Hospitals, medical centers, nursing homes, adult and child day care centers.
- G. A church, synagogue, cathedral, mosque, temple or other building uses for public worship, including associated cemeteries.
- H. Permanent roadside stands, selling nursery stock or other agricultural products.
- I. Veterinarian offices, animal clinics and kennels.
- J. Commercial radio or television stations or transmitters.
- K. Meat and/or dairy products production and processing operations.
- L. Public and private recreation areas such as forest preserves, game refuge, recreation parks and similar public and private low intensity use.
- M. farm associated businesses such as grain drying, produce packaging or processing, fertilizer, feed or seed distribution, agricultural research laboratories.
- N. Intensive livestock operations, animal feed lots or sales yards.
- O. Bakeries and restaurants.
- P. Cider mills, wineries and breweries.
- Q. Agricultural equipment dealers.
- R. Sawmills and forest product processing facilities including such activities such as wood chip production, planing mills, lumber drying, pallet production, forest products, novelties, wooden furniture and household decorative item production and assembly.

- S. Short term lodging facilities such as bed and breakfasts and resorts.
- T. Single story offices. Administrative, professional or general.
- U. Home occupations utilizing yard area or accessory buildings for business purposes providing that:

1. A site plan is prepared and approved according to the requirements set forth in Section 8.04 of this ordinance, including the site plan content requirements listed in Section 8.04C, items 1 through 13, as applicable. No substantive alternation or expansion of operations beyond those addressed in the site plan may take place without submittal and approval of an amended site plan.

2. Adequate and appropriate provisions are made to screen home occupation activities from view of public right-of-way and from any neighboring residents. Screening methods may include setbacks, fencing, building enclosures or landscaping. Adequacy and appropriateness of screening is to be determined in the judgment of the Planning Commission, taking into consideration the need to maintain consistency and harmony with other existing and permitted uses in the Agricultural zone.

(Effective date of Section 2.02 P now U – September 12, 1991)

(Effective date of Section 2.02 A – T March 12, 2015)

Section 2.03 - REGULATIONS

A. Lot Area

No building or structure shall be established on any lot less than one (1) acre of land.

B. Yard and Setback Requirements

1. Front Yard. Not less than forty (40) feet from the right-of-way line.
(Effective date of paragraph B.1 – August 26, 2013)

2. Side Yards. Least width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than forty (40) feet. (Effective date of paragraph B.2 – August 26, 2013)

3. These requirements shall apply to every lot, building, or structure.
(Effective date of paragraph B.3 – August 26, 2013)

4. Rear Yard. Every building or structure hereafter erected shall have a rear yard of not less than twenty (20) feet. (Effective date of amendment adding paragraph B.4 – July 25, 2003)

C. Minimum Floor Area

All structures used as One-Family Dwellings shall have a minimum floor area of no less than six hundred (600) square feet.

D. Height.

The following height requirement shall apply in this district:

1. For Dwelling and Non-Farm Building and Structures: No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.

E. Signs.

One (1) non-illuminated sign pertaining to the rental or sale of the property on which it is located, but not to exceed sixteen (16) square feet.

F. Unlicensed Vehicles.

The storage of unlicensed motor vehicles for a period of six (6) months or more is prohibited except that the same be in covered storage in a side or rear yard. Covered storage shall constitute at least 80% of the surface area of the vehicle being covered by a structure, tarp or other waterproof covering maintained in good condition. This section does not apply to vehicles used in farm operations. (Effective date of Section 2.03 F - June 11, 1998)

ARTICLE III

FORESTRY-RECREATION DISTRICT

Section 3.00 - PURPOSE

The primary purpose of this district is to promote the proper use and economic return from forest land and woodlot, and promote the conservation and enjoyment of the streams and the animal and vegetative resources of this district. To facilitate this goal, certain uses may only be provided by Special Approval.

Section 3.01 - PERMITTED USES

- A. Seasonal, single family, or mobile home dwellings located on not less than 1 acre of land subject to regulations, Sec. 2.03.
- B. Permanent single family or mobile home dwellings located on not less than 1 contiguous acre of land providing that the dwelling is accessible to an improved public road and the applicant shall agree to construct and maintain such a road at his own cost and expense. Any permanent residence erected in this district shall meet the requirements of Article II.
- C. Farm or agricultural activities including stock nurseries, animal and livestock raising.
- D. Timber harvesting including temporary sawmills.
- E. Home occupations as defined in Section 2.01(I). (Effective date of Section 3.01 E - June 11, 1998)

Section 3.02 - USES PERMITTED ON SPECIAL APPROVAL

All Special Approval Uses permitted and regulated in the Agricultural District are permitted in the Forest and Recreation District and are subject to the same provisions thereof.

Section 3.03 - REGULATIONS

- A. Not more than one (1) dwelling or mobile home may be located on each parcel.
- B. No seasonal or mobile home dwelling shall be occupied on a permanent basis without the Special Approval of the Planning Commission who shall require that the dwelling meet the requirements of Section 3.01B.
- C. Unlicensed Vehicles.

The storage of unlicensed motor vehicles for a period of six (6) months or more is prohibited except that the same be in covered storage in a side or rear yard. Covered storage shall constitute at least 80% of the surface area of the vehicle being covered by a structure, tarp, or other waterproof covering maintained in good condition. This section does not apply to vehicles used in farming operations. (Effective date of Section 3.03 C - June 11, 1998)

ARTICLE IV

RESIDENTIAL DISTRICT

Section 4.00 - PURPOSE

The purpose of creating a Residential District is to provide areas dedicated primarily to residential use, with each dwelling located on an individual lot or premises adequate in size to provide safe water/sewage disposal facilities and limit spread of fire, and set-back from public thoroughfare to provide safe exit from and entrance to the premises. Since certain property uses are generally accepted as compatible with residential developments, if properly integrated, the inclusion of such uses is provided by Special Use Approval.

Section 4.01 - PERMITTED USES

- A. One-family or two-family residences, private passenger car garages.
- B. Publicly-owned parks and playgrounds without buildings.
- C. Home occupations as defined.
- D. State licensed residential facilities providing supervision or care, or both, to six or less persons.
- E. Temporary Roadside Stands. The sale of seasonal items such as flowers, vegetables or fruit grown by the owner of the property on the same land on which the stand is located is allowed. Permanent stands or signage are not permitted. Stands or tables shall be located off the public right of way. Parking for customer vehicles off the roadway and road shoulders should be provided.
- F. Child and Adult Care Facilities providing care to six or less persons.

(Effective date of Section 4.01 E – August 26, 2013)

(Effective date of Section 4.01 F – March 12, 2015)

Section 4.02 - USES PERMITTED ON SPECIAL APPROVAL

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district contingent upon obtaining a special use permit, pursuant to the provisions of Article VIII-Section 8.03.

- A. Churches and related religious buildings.
- B. Parks and playgrounds with related buildings.

- C. Community center and publicly owned buildings including libraries and museums.
- D. Boarding houses and Bed and Breakfasts.
- E. Multiple family residences.
- F. State licensed nursing homes, assisted living facilities, child and adult day care facilities providing care to more than six persons.
- G. Public and private schools.
- H. Small professional, health care or personal services offices. (Attorney, Dentist, Doctor, Hair and Nail Salons, etc.)

(Effective date of Section 4.02 B - H – March 12, 2015)

Section 4.03 - REGULATIONS

A. The storage of not more than one (1) unoccupied trailer coach, provided that said coach does not obstruct views of adjacent neighbors or cause devaluation of the adjacent property.

B. A sign not over nine (9) square feet in area advertising the sale, rental, or lease of the premise. A sign not over four (4) square feet in area identifying an enterprise or activity permitted on the premise.

C. Keeping of ordinary household pets in reasonable numbers but not including domestic livestock such as; horses, cattle, goats, sheep, swine, poultry or furbearing animals such as rabbits or mink. Animals maintained under this paragraph shall not constitute a nuisance to neighboring property by reason of noise, odor, sanitary conditions, or trespass. All outdoor enclosures housing permitted animals are subject to the setback requirements of the R District.

D. The storage of unlicensed motor vehicles for a period of six (6) months or more is prohibited except that the same be in covered storage. Covered storage shall constitute at least 80% of the surface area of the vehicle being covered by a structure, tarp or other water proof covering.

E. Minimum Lot Size-Dwellings.

Every dwelling hereafter erected shall be located on a lot pursuant to the following schedule:

Single-family dwellings	12,000 square feet
Two-family dwellings	15,000 square feet
Multiple-family dwellings	10,000 square feet each unit proposed

Minimum street frontage on lots developed for dwellings shall be as follows:

Single-family dwellings	100 feet
Two-family dwellings	100 feet
Multiple-family dwellings	150 feet

F. Minimum Yard Setback

1. The front line of every building hereafter erected shall be set back not less than forty (40) feet from the front lot line of highway right-of-way line. Where premises have more than one frontage, the same set-back shall be provided on both thorough-fares.

2. Every building hereafter erected shall have side yards not less than twenty (20) feet wide on each side.
3. Every building hereafter erected shall have a rear yard not less than twenty (20) feet.

G. Minimum Floor Area

All structures used as One-Family Dwelling shall have a minimum floor area of no less than six hundred (600) square feet.

H. In instances of property destruction from natural causes, a home owner would be allowed to rebuild on said lot.

I. Height Limit: No dwelling or structure shall exceed a height of two stories or 30 feet.
(Effective date of amendment adding paragraph I – July 25, 2003)

ARTICLE V

ENVIRONMENTAL CONSERVATION DISTRICT

Section 5.01 - PURPOSE AND DEFINITION

Consistent with the public policy of Long Rapids Township and in the interest of the residents of Long Rapids Township, the Township Board of Long Rapids Township finds that uncoordinated and unplanned land development within and around the wetlands, floodplains, watercourses and other environmentally sensitive lands within Long Rapids Township, which development, if allowed to continue, will result in; (1) loss, damage, despoiling, pollution or elimination of these natural environments; (2) increased potential for flooding of low lands causing damage to real and personal property and threatening human life; (3) the destruction of valuable ground water recharge areas which supply public and private water needs; (4) increased possibility for subsequent expensive construction of public water and/or wastewater systems and facilities; (5) loss of natural filtering processes which would otherwise protect and enhance the water quality of lakes and streams and; (6) loss of wildlife and fish habitats. These sensitive environments; if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to this community and its residents. It is public policy to encourage a coordinated and planned land and water management program in Long Rapids Township which will locate permanent structures and artificial obstructions so as not to interfere with the passage and natural flow of waters nor destroy the natural wetlands, floodplains and other environmentally sensitive lands of Long Rapids Township.

Therefore, it is the intent of the Environmental Conservation Overlay District (EC) to:

1. Reduce the danger to public health by protecting the quality and quantity of surface and groundwater supplies from conflicting land-use activities by providing sufficient storage, filtering and recharge of these resources.
2. Reduce the financial burdens imposed upon Long Rapids Township and the individuals therein caused by increased flooding, the need for new or expanded wastewater treatment facilities or public water supply systems or other public and private expenses which would otherwise not be required.
3. Permit and encourage land use developments which will not impede or alter the natural flow of surface and ground-water resources nor cause danger to life or property.

4. Permit and encourage land uses which are compatible with the preservation and maintenance of these sensitive environments and their natural functions, including the providing of fish and wildlife habitat.
5. Avoid increased runoff of surface waters from developed areas to prevent pollution from directly entering lakes, streams, or other public waters.
6. Provide sufficient land area to absorb and store abnormal flows of storm water in periods of heavy precipitation which would prevent expenditure of public funds in emergencies resulting from otherwise inadequate holding capacity if developed.
7. Prevent the placement of artificial fill or obstructions which restrict the natural flow and functions of floodplains, watercourses, wetlands, and other water-related environments.

The Environmental Conservation Overlay District (EC) applies to all areas within Long Rapids Township where any of the following conditions exist:

All land area along rivers, streams or tributaries for a horizontal distance of 1/4 mile (1320 feet) or to an appropriate physical boundary from the waters edge thereof. Those river systems include: Thunder Bay River, Gaffney Creek and Bean Creek.

The "Environmental Conservation Overlay District Map of Long Rapids Township" is hereby established to depict the location of this district. This map is superimposed on the "Long Rapids Township Official Zoning Map" to identify those parcels, or portions thereof, within Long Rapids Township affected by the provisions of the Environmental Conservation Overlay District (EC). Precise boundaries of this District will be determined by the Zoning Administrator using criteria established above.

Section 5.02 - USES PERMITTED

The following uses are permitted by right in the Environmental Conservation Overlay District:

1. Hunting, fishing and boating.
2. Nature Study

3. Any use otherwise permitted by right in the underlying district, subject to the provision of Article VIII-Section 8.04 of this Ordinance.

Section 5.03 - USES ALLOWED BY SPECIAL APPROVAL

Any uses permitted in any underlying district and identified as a Special Use may be permitted in the EC District, provided the Long Rapids Township Planning and Zoning Commission authorizes the issuance of a Special Permit by the Zoning Administrator, subject to the standards established in Article VIII-Section 8.04 and such further requirements as the Planning and Zoning Commission may establish.

Section 5.04 - GREENBELT ZONE

In the 1/4 mile area along rivers and streams (Section 5.01-7c) a native vegetative strip of 100 feet from the water's edge shall be maintained. The purpose of this strip is to trap nutrient and erosion runoff from the land and to provide extensive root structure to minimize shoreline erosion. This shall not be interpreted to prohibit selective tree cutting and such other sound forestry practices as may be necessary to maintain the vegetative strip in a healthy, erosion-resistant condition. No permanent structure of any type is allowed within this area unless permitted by the provisions of Section 5.03 of this ordinance.

Any parcel fronting on a river or stream shall meet the following requirements: (Effective date of amendment with addition of paragraphs A, B & C – July 25, 2003)

- A. No parcel shall contain less than 220 feet of shoreline frontage as measured along the normal course of the river or stream. (Effective date of amendment – July 25, 2003)
- B. Minimum parcel size is 220 by 300 feet deep. Depth is the distance perpendicular to waters edge and the rear lot line. (Effective date of amendment – July 25, 2003)
- C. No parcel shall be less than 66,000 square feet in size. (Effective date of amendment – July 25, 2003)

Section 5.05 - APPEALS

Any person aggrieved by the Planning Commission's decision on an application for a Use Permit, as herein provided, may appeal to the Long Rapids Township Board of Appeals. Appeals must conform to the requirements of the appeal procedure as outlined in Article XI.

ARTICLE VI

COMMERCIAL DISTRICT

The following provisions shall apply to all commercial districts:

Section 6.00 - PURPOSE

The primary purpose of establishing a commercial district is to provide areas suitable for a variety of commercial and service establishments including personal, professional, and other services commonly associated with local commercial and business centers.

As in other Districts, provision is also made for enterprises and property uses by Special Approval.

Section 6.01 - PROPERTY USES

No land shall hereafter be used, and no building or structure erected and used for other than one or more of the following purposes:

A. Primary Uses

1. Retail stores and shops offering chiefly new merchandise, but excluding antique shops.
2. Personal service shops; such as, barber shops, beauty parlors, dressmaking, tailoring, shoe repairing.
3. Business and professional offices, banks, studios.
4. Radio and Television repair shops.
5. Restaurants and bakeries, but not including drive-ins.
6. Public buildings and Recreation Facilities.
7. Motels, hotels, cabin courts.
8. Auto sales provided such use is completely within an enclosed structure.
9. Funeral Homes.

B. Uses Permitted On Special Approval

The following buildings and structures, and uses or similar uses of parcels, lots, buildings and structures are permitted in this district upon obtaining a Special Use Permit, pursuant to the provisions of Article VIII-Section 8.03.

1. Assembly halls.
2. Dry cleaning establishments and self-service laundries.
3. Gasoline service stations.
4. Used car lots.
5. Dance halls, night clubs, and similar establishments.
6. Bowling alleys.
7. Drive-in food, drink, and other drive-in services.
8. Hospitals and clinics for human care.
9. Servicing and repair of boats, trailers, and vehicles including automobiles.
10. Commercial parking lots.
11. Wholesale commercial establishments.
12. Building material sales and storage.

C. Accessory Uses

Accessory building, structure and uses customarily incidental to any primary or permitted use.

Section 6.02 - MINIMUM YARDS

A. Front Yards. The front line of every building hereafter erected shall be set back not less than twenty (20 feet) from the front line of highway right-of-way line. Where premises have more than one frontage, the same set-back shall be provided on both thoroughfares.

B. Side Yards. Every building hereafter erected shall provide side yards on each side not less than ten (10) feet in width, provided that if side walls are of masonry construction and without openings, no sideyard shall be required; Provided further, if the premises occupied by an existing dwelling, the side yard shall be no less than ten (10) feet in width.

C. Rear Yards. Every building hereafter erected shall be provided with a rear yard no less than twenty (20) feet in depth, which shall be maintained open and unobstructed at all times for access by firefighting facilities.

D. Off Street Parking. One car space, at least 200 square feet in area, shall be provided for every 100 square feet of floor area devoted to selling, office or consumer service space.

E. Height. The maximum height of all structures shall be 30 feet. (Effective date of amendment adding paragraph E – July 25, 2003)

ARTICLE VII
INDUSTRIAL ZONE

Section 7.00 - PURPOSE

The following uses and dimension regulation apply in the Industrial (I) Zone:

Section 7.01 - PERMITTED USES

Any use permitted in the Agricultural (AG) District, provided that all structures and uses shall conform to the requirements of the (AG) District instead of the requirements listed below:

Those industries which manufacture, compound, and process or package the following:

Bakery goods; Bottling plant; Candy; Creamery; Cosmetics or toiletries; Food products; Pharmaceuticals.

Those industries which manufacture, compound, or assemble products using the following materials:

Bone or shell; Cellophane; Clay (except for building materials); Feathers; Fur or hair; Glass; Graphite; Leather; Plastics; Precious or semi-precious metals or stones; Rubber; Textiles in clothing products; Tobacco; Wood or wood products.

Those industries which manufacture or assemble from prepared materials:

Clock or watch; Electrical appliances; Electronic devices; Instrument equipment, manufactures or assembled for medical, dental, drafting, surveying, or science; Light sheet or wire metal products; Machine tools and machinery (except those with drop hammers); Musical instruments; Office equipment; Optical goods and equipment manufacture or assembly; Toys or novelties; Other light industries, Blacksmith shop-Experimental, photographic, or test laboratories.

Section 7.02 - PERMITTED ACCESSORY USES

Any accessory use permitted in a Agricultural (AG) and Forestry-Recreational (FR) Zone, provided that such accessory structures and uses shall conform to all requirements of a FR Zone.

Any other structure or use clearly accessory and incidental to a permitted Industrial (I) use.

Signs pertaining to a permitted Industrial (I) use on same site.

Section 7.03 - USES PERMITTED ON SPECIAL APPROVAL

Acetylene gas manufacture or storage; Alcohol manufacture; Ammonia or bleaching powder manufacture; Asphalt manufacture or refining; Automobile or automotive manufacture or assembly; Boiler works; Brewery or distillery; Brick, tile, terra cotta, or cinder block manufacture; Cardboard, paper, or building board manufacture; Chemical manufacture, Concrete or cement product manufacture; Fish smoking, curing or canning; Gas manufacture from coal or petroleum; Iron or steel foundry, steel furnace or rolling mill; Locomotive or railroad car manufacture; Junk yard; Machine tools and machinery using drop hammers; Meat products manufacture; Metal plating and galvanizing; Municipal sewage treatment plant or incinerator; Oil, cloth or linoleum manufacture; Paint, oil, shellac, turpentine, lacquer, or varnish manufacture; Petroleum refining and petroleum products manufacture; Plastic and pyroxylyn manufacture; Pot ash and fertilizer manufacture; Rubber or gutta-percha manufacture and treatment; Sand, gravel, or stone quarry, Soap manufacture; Sodium compounds manufacture; Stove or shoe polish manufacture; Tanning or curing of raw hides; Tar distillation or tar products manufacture; Wool pulling or scouring;

Temporary office and storage of materials as defined in Article XII.

Utility structures as defined in Article XII.

Section 7.04 - PROHIBITED USES

Acid manufacture; Cement lime, gypsum, or plaster of paris manufacture; Charcoal manufacture; Charcoal manufacture; Chlorine manufacture; Creosote manufacture and treatment; Disinfectant, insecticides, or fungicides; Distillation of bones; Explosives manufacture or storage in bulk quantities; Glue manufacture; Offal or dead animal reduction or dumping; Processing of vinegar or yeast; Rendering or refining of fat and oils; Smelting of tin, copper, zinc, or iron ore including blast furnace or blooming mill.

Section 7.05 - REGULATIONS

- A. Minimum lot size:
Four times the area covered by all or principal uses or structures.
- B. Minimum street frontage:
150 feet
- C. Maximum lot coverage by all or principle structures:
25%

- D. Minimum yard setback:
 - Front: 20 feet
 - Side: 20 feet
 - Rear: 20 feet

- E. Minimum setback from lot lines for accessory structures in rear yards:
 - 20 feet

- F. Maximum height of principal structures:
 - 40 feet

- G. Maximum height of accessory structures:
 - 30 feet

- H. Minimum off-street parking:
 - One car space, at least 200 square feet in area shall be provided for every two persons employed.

ARTICLE VIII

GENERAL PROVISIONS

Section 8.00 - CONFLICTING REGULATIONS

Wherever in Long Rapids Township there are provisions in two (2) or more laws or Ordinances concerning identical subjects and there are conflicts between said provisions, the law or ordinance with the more stringent requirements, regulations, restrictions or limitations shall govern.

Section 8.01 - SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and a new use or change shall be made to any building, structure, or land, or part thereof, except in conformity with the provisions of this Ordinance.

No building permit requiring well or septic tank shall be issued until prior approval of the District Health Dept. No. 4.

All requests for buildings permits shall be accompanied by a site plan as described in Sec. 8.04C. Site plans covering individual dwellings and accessory buildings in the Agricultural, Forestry-Recreational and Residential Districts may be approved by the Zoning Administrator who shall date and sign them for retention in the building permit file.

Site plans for construction in the Commercial and Industrial Districts and for any use requiring Special Approval must be approved by the Planning Commission. After Planning Commission approval of site plans for Commercial or Industrial construction or for a residential subdivision, the Zoning Administrator may approve site plans for building of individual dwellings or necessary buildings on subdivision lots or additions to commercial or industrial buildings.

Section 8.02 - NON-CONFORMING USES

A. SCOPE

The lawful use of any dwelling, building, or structure and of any land or premise as existing and lawful at the time of enactment of the Zoning Ordinance, or, in the case of an amendment to this Ordinance, then at the time of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or amendment.

B. COMPLETION

Any non-conforming building or structure under construction at the time of enactment of this Zoning Ordinance, or in the case of an amendment to this Ordinance, then at the time of such amendment, shall be permitted to be completed in accordance with a description of the uncompleted construction which is to be filed with the Zoning Administrator within 60 days of the effective date of this Ordinance or subsequent amendments.

C. ABANDONMENT OF NON-CONFORMING BUILDINGS

Any nonconforming use of land, premises, building, or structure which is discontinued for a period of one (1) year or more shall be construed as abandoned, following which the use thereof shall conform to the provisions of this ordinance.

D. RESTORATION, RECONSTRUCTION, DESTRUCTION, DEMOLITION

Damaged Building: A nonconforming building existent on the date of enactment of this Ordinance and subsequently damaged by fire, explosion, an Act of God or the public enemy, exceeding one-half of its prior usable space shall not be restored except in conformity with the provisions of this Ordinance. If damaged a lesser amount, such building may be repaired and used as before on issuance of a Certificate of Approval, provided such repair is completed within one (1) year of the date of damage.

Repair: Nothing in this Ordinance shall prevent the repair of a nonconforming building existing on the date of enactment of this Ordinance as may be necessary to insure a reasonable use thereof during the remainder of its natural life.

E. SUBSTITUTION OR CHANGE OF USE

The nonconforming use of any building structure, or land shall not be changed to any other conforming use. Whenever the nonconforming use of any building, structure, or land is changed in whole or part to a conforming use, such use shall not thereafter be reverted to any non-conforming use.

F. EXTENSION, ADDITION, OR ENLARGEMENT

1. A non-conforming use of land where no structures are involved shall not in any way be extended on the same or adjoining property.

2. A structure non-conforming as to use or otherwise not conforming with the provisions of this Ordinance shall not be added to or enlarged unless the whole structure, including the addition or enlargement conforms with the regulation concerning lot coverage by structures.

G. ACQUISITION BY GOVERNING BODY

The Township of Long Rapids may acquire, by purchase, condemnation, or otherwise private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in townships. The elimination of the nonconforming uses and structures in a zoning district is declared to be a public purpose and for a public use. The township board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public acts of 1911 as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

Section 8.03 - USES PERMITTED BY SPECIAL APPROVAL

A. **PURPOSE:** In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the township, the Planning Commission, in addition to its other functions, is authorized to designate certain uses as "Uses Permitted on Special Approval" within the various zoning classifications set forth in the Ordinance.

Such uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

Such uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its absolute discretion, is satisfied with the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefor, and imposed by said Commission, would be compatible with the other uses expressly permitted within said district; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the conditions required by the Commission for the allowance of such use can and will, in its judgment, be met at all times by the applicant.

The burden of proof of facts which might establish a right to a Special Use Permit under the foregoing conditions shall be upon the applicant.

B. REVIEW PROCEDURE: All applications for Uses Permitted on Special Approval shall be processed in accordance with and subject to all provisions of Section 8.04-Site Plan Review. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, each application presented them for consideration. It shall be the Planning Commissions responsibility to insure that specific conditions associated with each use are compiled with.

C. NOTICE REQUIREMENTS: Upon receipt of an application for Special use Permit and accompanying required site plan, a public hearing shall be scheduled. Notice of the hearing shall be made pursuant to the requirements of the Michigan Zoning Enabling Act. (Effective date of amendment – July 24, 2008)

D. ADDITIONAL USES PERMITTED ON SPECIAL APPROVAL

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted subject to the provisions of this Section and those of Section 8.04 of this Ordinance.

1. Outdoor Theaters

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in the AG District and FR District upon approval by the Planning Commission. Outdoor theaters shall further be subject to the following conditions:

a. The proposed internal design shall require approval from the Zoning Administrator as to adequacy of drainage, lighting and other technical aspects.

b. Point of ingress and egress shall be available to the outdoor theater from abutting primary road and shall not be available from any residential street.

c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed on to the premises of the outdoor theater site.

2. Commercial radio and television towers, microwave, telecommunication towers and wireless communication antennas. (Effective date: 6/14/01)

Telecommunication towers, television and radio towers, microwave and antenna or masts for cellular phone and other personal or business communication services may be authorized as a

special use by the Planning Commission in any zoning district, except the Environmental Conservation District; provided said use shall be located centrally on a continuous parcel of not less than one and a half (1 ½) times the height of the tower measured from the base of said tower to all points on each property line. Towers or masts erected and operated as a residential accessory use, and not more than thirty-five (35) feet in height, are exempt from the provisions of this section. In considering authorization of such towers and masts, the Planning Commission shall apply the standards of Article XIII (Site Plan Review) and the following specific standards:

a. The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.

b. In addition to the required site plan, the applicant will provide a graphic depiction of the visual appearance of the tower from important vantage points in the surrounding area.

c. Cellular phone or other personal or business communication service towers shall be exempt from the building height limits established by zoning district regulations, provide that the tower height shall not exceed the minimum height necessary to serve its intended functions or one hundred and ninety-nine (199) feet, whichever is less.

d. The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicants proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers or alternative technology.

e. A statement which indicates that applicants intend to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity.

f. Towers, guy line anchors and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height, and equipped with appropriate anti-climbing devices. A key to the compound shall be provided to the Long Rapids Township Fire Chief for emergency access.

g. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from surrounding properties. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

h. Where a feasible alternative exists, towers, tower structures and supporting structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property. Temporary generators used to create power during periods of interruption of the primary power source are allowable.

i. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views (i.e. special lenses, shielding, etc.).

j. Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.

k. No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed on an antenna or tower.

l. Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.

m. The applicant shall be responsible for the maintenance of any permitted tower in a safe condition for as long as the tower remains in operation. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not be come effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special use permit given pursuant to this section.

n. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations, including but not limited to, NEPA studies, RF reports, etc. filed by the applicant and/or any co-locating entity.

3. Race Tracks (Including Midget Auto and Karting Tracks)

Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted in the AG, FR, and I Districts when located abutting a major thoroughfare and shall be subject further to the following conditions and such other controls as the Planning Commission, after holding a hearing, deems necessary to promote health, safety, and general welfare in the Township.

a. All parking shall be provided as off-street parking within the boundaries of the development.

b. All access to the parking areas shall be provided from major or secondary thoroughfares. Review of ingress and egress points by the Zoning Administrator and proper police authority of the Township shall be required.

c. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot greenbelt planting or obscuring fence or wall so as to obscure from view all activities within the development.

4. Mobile Home Parks

Mobile Home Parks for the parking of three (3) or more mobile homes shall be developed pursuant to the requirements of Act 419 of the Public Acts of 1976, as amended. Pursuant to said Act 419, preliminary plan review responsibility is delegated to the Planning Commission on behalf of the municipality of Long Rapids Township. Review responsibility is limited, in part, to insuring that the proposed development is located, in its entirety in the AG District.

5. Campgrounds

Campgrounds for the parking of five (5) or more recreational units shall be developed pursuant to the requirements of Act 368 of the Public Acts of 1978, Part 125, Sections 12501 to 12516 and administrative Rules. Pursuant to said Act 368, preliminary plan review responsibility is delegated to the Planning Commission on behalf of the municipality of Long Rapids Township. Review responsibility is limited, in part, to insuring that the proposed development is located, in its entirety, within the F Zoning District.

6. Soil, Sand, Clay Gravel or Similar Materials; Removal; Filling

a. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any top soil, sand, clay, gravel, or similar material, for any purpose other than excavation for new building construction, on sites of less than one (1)

acre, without first submitting an application and procuring a permit therefore from the Planning Commission.

b. Any earth change activities, on sites of one (1) acre or more and similar to those identified on 8.03(6)(a) to the natural cover or topography of land including cut and fill activities, are to be accomplished pursuant to Act 347, Public Acts of 1972.

- i) Prior to any earth change activities as defined herein, on sites of one (1) acre or more, the Zoning Administrator shall be provided a valid and timely permit issued by the County authority designated to enforce Act 347, Public Acts 1972.
- ii) The Zoning Administrator shall report all violations of Act 347, Public Acts of 1972 to the designated local enforcement agency.

c. Application. Before approving and authorizing a permit on sites of less than one (1) acre, the Planning Commission may conduct a public hearing concerning such application. A separate permit shall be required for each separate site. No such excavations shall be permitted in the R District. Each application for a permit shall be made in writing to the Township Zoning Administrator and shall contain the following information as a condition precedent to the obligation to consider such request:

- i. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
- ii. Full legal description of the premises wherein operations are proposed.
- iii. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
- iv. Detailed statement as to exactly what type of material is proposed to be extracted.

- v. Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
- vi. Such other information as may be reasonably required by the Township Planning Commission to base an opinion as to whether a permit should be issued or not.

Any reclamation proposal requiring the use of fill shall insure that all materials deposited shall be adequately covered so as not to cause a nuisance. No permit shall be issued for fill operations which involve the burning of materials or deposition of garbage, offal and similar wastes capable of producing odors, vermin, and/or other nuisances.

d. Where in the opinion of the Township Planning Commission there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the keeping of the health, safety and general welfare of Township residents.

e. Permits. After reviewing all the information submitted by the applicant and such other information as may be in the hands of the Township Planning Commission, said Commission shall determine whether or not a permit shall be issued and for which a fee may be charged relative to the size of excavation.

7. Convalescent and Nursing Homes

Convalescent and nursing homes when the following conditions are met:

- a. The site shall consist of at least one (1) acre.
- b. The maximum coverage shall not exceed twenty-five (25) percent for all buildings including principal and accessory structures.
- c. The minimum setback requirements of the R District shall apply.

8. General Hospitals

General hospitals except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, when the following conditions are met:

- a. A site plan layout showing the hospital site with building location, drives, service areas, parking, landscape screening and other physical features shall be submitted for review.
- b. All such hospitals shall be developed only on sites consisting of at least two (2) acres in area.
- c. The proposed site shall have at least one (1) property line abutting a major thoroughfare.
- d. The minimum distance of any main or accessory building from bordering lot lines or streets shall be at least fifty (50) feet for front, rear, and side yards for all two (2) story structures. Where a street borders a yard, a one-half (1/2) the street width may be used in computing the yard setback bordering such street; however, in no instance shall a yard setback of less than thirty (30) feet be provided. For every story above two (2), the minimum yard distance shall be increased by at least five (5) feet for each additional story.
- e. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six (6) feet in height. Ingress and egress to the site shall be directly from a major thoroughfare.
- f. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.

9. Gasoline Stations

Gasoline service stations when the following conditions are met:

- a. Entrance and exits shall be not less than twenty-five (25) feet from a street intersection or residential district.
- b. All lighting shall be shielded so as not to glare or reflect upon any residential district.
- c. There shall be provided, on those sides abutting or adjacent to a residential district or use, a four feet six inch (4'6") completely obscuring wall or fence, measured from the surface of the ground of the butting residential district.
- d. The minimum lot area shall be ten thousand (10,000) square feet with a minimum lot frontage of one hundred (100) feet and so arranged that ample space is available for motor vehicles which are required to wait.

e. Gasoline pumps, air and water hose stands and other appurtenances shall be setback not less than fifteen (15) feet from all street right-of-way lines.

10. Intensive Livestock Operations/Animal Feed Lots

The following site, performance, and developmental requirements shall apply:

a. In the case of Intensive Livestock Operations, the applicant complies and provides proof of compliance with all applicable local, state and federal standards including, for example, the Federal Clean Water Act (being P.L. 92-500 of 1972, as amended, 33 USCS 1251 *et seq.*), point source pollution control parts of the Michigan Natural Resources and Environmental Protection Act (being parts 31-53 of P.A. 451 of 1994, as amended, MCL 324.3101-324.5399), and the most recent Generally Accepted Agricultural Management Practices, published and adopted by Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (being P.A. 93 of 1981, as amended, MCL 286.471 *et seq.*).

b. Feedlots must be no closer than one thousand (1,000) feet from an residential dwelling.

c. Minimum lot size shall be twenty (20) acres.

d. Structures associated with the livestock operation shall be located no closer than one hundred and fifty (150) feet to a public right-of-way or to any adjacent property line.

e. The area utilized for the disposing of waste material shall be no closer than three hundred (300) feet to any public right-of-way, or to any adjacent property line.

f. All pastured animals shall be maintained at least fifty (50) feet from any dwelling on adjacent premises.

g. Intensive Livestock Operations are allowed only in the Agricultural and Forestry-Recreation Districts.

11. Gas and Oil Processing Facilities

The purpose of the provisions of this Section is to preserve the desirable character and personality of Long Rapids Township, as well as to recognize the desirability of developing the gas and oil resources lying beneath the Township, the rights of those owning and developing such resources, and the rights of other residents to be as free as possible of an unpleasant or less than desirable atmosphere which may occur should standards not be enacted and applied to the facilities used in the development of the resource. Therefore, the location of all gas and oil processing facilities shall be subject to the following provisions:

a. Shall comply with all state and local building, environmental and health codes and regulations.

b. Shall, in addition to providing of data required by Section 8.04(c) (Site Plan Review and Approval), provide as part of any site plan, copies of the application for permit to drill, permit to drill, survey record of well location, and plat, as provided to the Supervisor of Wells,

Department of Environmental Quality, as part of the permit process for the location and erection of oil and gas processing facilities.

c. The Planning Commission may impose conditions in order to comply with the Zoning Ordinance standards.

d. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, copies of the lease must be submitted to the Township.

e. Because the subject facilities are industrial in nature, the site plan shall show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties. Hazardous materials storage shall meet DEQ standards for containment.

f. In the event the facility is no longer required or is not used for two (2) years, the existing facility shall be removed and the area restored to its original state. Further, the area shall be checked by an agency concerned with environmental protection to insure it is clear of pollutants.

REGULATIONS BY DISTRICT:

g. In all Residential, Forestry and Recreational, Agricultural, Commercial, and Industrial zoned districts, the following regulations shall apply:

1. The sound level of any such facility shall not exceed fifty (50) decibels as measured 450 feet from an existing dwelling.

2. The facility shall be built no closer than 450 feet from an existing dwelling.

3. The facility shall comply with the standards of 8.04 (Site Plan Review) and 8.03 (Use Subject to Special Approval).

h. Gas and Oil Processing Facilities are not allowed in the Environmental Conservation District.

12. Wind Turbine Generators (WTG), Private and Commercial (Effective Date: 7/14/05)

Wind turbine generators for commercial or private power generation usage may be permitted in the Agricultural and Forestry Recreation Districts.

A. Intent. To establish Special Use Permit standards for reviewing proposals for commercial wind turbine generators to produce electrical energy. Special use treatment is required because:

1. WTG's are large structures, projecting up to 400 feet in height and may be constructed in a concentrated area (e.g. wind energy farm).

2. WTG's are a relatively new technology and are intended to provide electrical energy from wind forces as opposed to fossil fuel combustion.

3. WTG's require special sites with favorable wind and land surface conditions not necessarily limited to a zoning district.

4. Wind generators influence the landscape and therefore require special consideration to fit into areas where permanent or seasonal housing exists.

B. Site Standards.

1. Permitted Districts. WTG's are permitted only in the Agricultural and Forestry Recreation Districts.

2. Site Plan Review. All commercial (rated capacity of more than 300 Kw) WTG construction must satisfy all the same Site Plan standards as outlined in section 8.4. In addition to the required site plan, the applicant will provide a graphic depiction of the visual appearance of the tower from important vantage points in the surrounding area. Small (rated at less than 300 Kw) WTG's for private site use are permitted without special approval but must meet all the following standards.

3. Setbacks. Setbacks must equal the height of the tower including the height of the blade in its vertical position.

4. Maximum Noise Level. The maximum level of noise generated by any WTG shall not exceed fifty-five (55) decibels as measured on the dB(A) scale, measured at the property line. The applicant shall provide certification before and after construction that the WTG does not exceed the maximum noise standard.

5. Lighting of Towers. The applicant will apply the Federal Aviation Administration (FAA) for lighting standards that:

- (a) Are of the lowest intensity allowable.
- (b) Avoids strobe lighting or other intermittent white lighting fixtures.
- (c) May be a red top light that does not pulsate or blink.
- (d) Are in compliance with FAA requirements.

6. Clearance. The lowest point of the arc created by rotating blades shall be at least twenty (20) feet above ground level at the tower location.

7. Towers, guy line anchors and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height, and equipped with appropriate anti-climbing devices. Signage shall be present to warn of the potential danger of falling ice. An emergency contact phone number should also be posted.

8. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower from surrounding properties. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

9. No lettering, advertising or graphics shall be on any portion of the tower, hub or blades.

10. Minimum Site area. The minimum eligible site area shall be twenty acres, but a minimum five (5) acres of site area is required for each WTG tower proposed within an eligible property. There is no minimum parcel size for private residential WTG's.

11. The applicant shall be responsible for the maintenance of any permitted tower in a safe condition for as long as the tower remains in operation. Any tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, such owner shall restore the site of said tower to its original condition prior to location of the tower subject to reasonable wear and tear. Failure to remove an abandoned tower within said ninety days shall be grounds to remove the tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of

removing the tower and other supporting structures as a condition of a special use permit given pursuant to this section.

13. Airports, Private Landing Strips, Heliports and related uses. (Effective date of amendment – July 24, 2008).

A. Public airports, private landing strips, heliports and similar uses are allowed in the Agricultural District and Forestry – Recreation Districts only.

B. Airports shall comply with the provisions of the Airport Zoning Act (Act 23, PA of 1950 as amended).

C. Proof of filing and a copy of FAA form 7480-1 (or its equivalent) if applicable, shall be submitted along with each request for a special use permit for any public or private landing strip.

D. Runways and landing pads shall be located at least 450 feet from any property line. Every effort should be made to avoid locating approach and takeoff areas over neighboring residential structures.

E. The site plan required by Section 8.04 shall indicate the location and identification of all existing structures within a 1,320 foot radius of the site.

Section 8.04 - SITE PLAN REVIEW REQUIREMENTS

A. PURPOSE:

The proper development of Long Rapids Township requires that various uses allowed within any district be as compatible as possible. There are, however, certain activities and structures which, because of size, the amount of traffic generated, the suitability of the natural environment, or other reasons, lend themselves to potential conflict with surrounding uses or to the intent of this Ordinance. Therefore, it is the responsibility of the Long Rapids Township Planning Commission to establish a mechanism by which to review in detail, certain types of proposed land use activities to insure they conform to the provisions and intent of this Ordinance.

B. CIRCUMSTANCES REQUIRING A SITE PLAN:

In accordance with the provisions of this Section, the Planning Commission shall be furnished a site plan of the proposed development under the following conditions.

1. Any use in any zoning district, which requires Special Approval.
2. In connection with a rezoning request.
3. Any use, permitted or allowed by Special Approval, in the Environmental Conservation Overlay District (Article V).
4. Any land-use activity permitted by right in the various district which so stipulates site plan review and approval.

C. SITE PLAN REQUIREMENTS:

"Site plans involving only one family dwelling shall show the size and location of the property and the dwelling. It shall also show the location of wells, septic tank, drain field, access drive, and any river, streams, lakes, or public roads fronting the property." Each site plan, except those involving only one dwelling, submitted shall contain the following information, unless specifically waived, in whole or in part, by the Planning Commission:

1. The date, north arrow, scale, and name of individual or firm responsible for preparing said plan. The scale must be at least 1 inch=50 ft. for parcels under three (3) acres and not less than 1 inch=100 ft. for parcels three (3) acres or more.
2. The boundary lines of the property, to include all dimensions.
3. The location of all structures on the site, including proposed driveways, walkways, signs, exterior lighting, parking (show the dimensions of a typical parking area), loading and unloading areas, common use areas, recreation areas and facilities.
4. The location and widths of all abutting rights-of-way (streets, alleys, or easements).
5. The location of unusual environmental features, such as streams, wetlands, shorelines, etc.
6. The location and identification of all existing structures within a two hundred (200) ft. radius of the site.
7. The name and address of the property owner.
8. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.

9. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
10. A locational sketch of the proposed use or structure.
11. The type, and location, and size of all utilities existing and proposed for the site.
12. The location, size, and slope of all subsurface drainage facilities.
13. A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information.
 - a. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
 - b. The residential area of the proposed units in square feet, as well as area dimensions of driveways, and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.

D. REVIEW CONSIDERATIONS:

In the process of reviewing the site plan, the Planning Commission shall consider the following minimum criteria, among other things:

1. The location and design of driveways providing vehicular ingress to and egress from the site, in relations to streets giving access to the site, and in relation to pedestrian traffic.
2. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
3. Whether the sewage disposal facilities and water supply will be safe and adequate.
4. Whether the location, use, and the nature of the operation will be in conflict with the primary permitted uses of the District or neighborhood.

5. Whether the use will be more objectionable to adjacent and nearby properties than the operation of the primary uses of the District, by reason of traffic, noise, vibration, dust, fumes, odor, fire-hazard, glare, flashing lights, or disposal of waste sewage.

6. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

E. SUBMITTAL AND APPROVAL:

Two copies of the site plan, including all required additional or related information, shall be presented to the Zoning Administrators Office, or its designate, by the petitioner or property owner of his designated agent. The Zoning Administrator, or designate, shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Notice of said meeting shall be in conformance with the Michigan Zoning Enabling Act. (Effective date of amendment – July 24, 2008)

The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the subject Site Plan in accordance with this Section and the purpose of this Ordinance.

Conditions imposed shall be based in part on one or more of the following purposes:

1. To insure that public services can accommodate increased loads caused by the proposed use.
2. To insure protection of the natural environment and/or the conservation of resources and energy.
3. To insure compatibility between the proposed use and adjacent land uses.
4. To promote the beneficial uses of all lands within Long Rapids Township.

Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting. The Planning Commission may, as it deems necessary to promote the purpose of this Ordinance, require landscaping, walls, fences, drives, lighting, sidewalks, drainage, and other improvements. As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission associated with granting Site Plan approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area.

When approved, at least two copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission. One of these two approved copies shall be kept on file by

the Township Zoning Administrator, and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary after final approval, requires mutual consent of both the Planning Commission and the petitioner.

F. PERFORMANCE:

To insure compliance with the provisions of this section and any conditions imposed thereunder, a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements associated with a project for which site plan approval is sought to be deposited with the Clerk of the Township to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Deposit of the performance guarantee is not required prior to the issuance of said permit. The Township may return any unused portion of the cash deposit to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

G. ADMINISTRATIVE FEES:

Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant.

H. REVOCATION:

When the construction of a building or creation of a use is found to be in nonconformance with the approved Site Plan, the Planning Commission may fully and finally revoke, by official action its original approval, by giving the owner evidence in writing of such action, which becomes effective ten days following the original notice of such impending action, being properly communicated to the owner. The owner may remedy the violation during this ten day period, at which time he shall so notify the Planning commission, who may then, by official action, defer revocation.

I. APPEAL:

The decision of the Planning Commission may be appealed by the owner to the Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within sixty days of the notice to the owner of such revocation action by the Planning Commission.

ARTICLE IX

GENERAL EXCEPTIONS

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

1. Essential Services-Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

2. Voting Place-The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

3. Height Limit-The height limitations of this Ordinance shall not apply to chimneys, church spires, flag poles, public monuments or wire transmission towers provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted on Special Approval as authorized in the section "Uses Permitted on Special Approval" in this Ordinance.

4. Yard Regulations-When yard regulations cannot reasonably be complied with, except in the case of a multiple-family development, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective and on lots of peculiar shape, topography, such regulations may be modified or determined by the Board of Appeals.

5. State Licensed Residential Facility-A State Licensed Residential Facility, as defined in Article XII of this Ordinance, is considered a residential use of property for the purpose of zoning and a permitted use in all residential zones, including those zoned for single family dwelling, and shall not be subject to a special use or procedure different from those required for other dwellings of similar density in the same District.

6. Other Regulations-The following regulations shall prevail in all applicable situations and can only be modified through appeal to the Long Rapids Zoning Board of Appeals.

A. PROJECTIONS INTO REQUIRED OPEN SPACES

1. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

2. Fences, not exceeding five (5) feet in height may occupy a required side or rear yard.
3. Fences, walls, chimneys or other obstructions more than (4) feet above the established grade required for the proper maintenance of the land, may occupy parts of the side yard but may not extend more than sixteen (16) inches.
4. Architectural features such as, but not limited to: window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.
 - B. Accessory buildings not over one story of fifteen (15) feet in height may occupy part of the rear yard but not a side yard. Such occupancy shall not exceed forty (40) percent of the total rear yard in a residential district. Accessory buildings attached to the principal building shall be treated as a principal building. In a business district, or industrial district, accessory buildings may occupy only the ground the principal building is permitted to occupy..
 - C. Unenclosed vehicle storage, or loading space may occupy parts of a side or rear yard and the area thus used shall not be computed in the total percentage of lot occupancy as long as it remains unenclosed.
 - D. Structure four (4) feet in height or less shall not be considered in computing maximum percent of lot coverage in residential districts.
 - E. Unenclosed paved areas, patios and other surfaced areas may occupy a required yard.

ARTICLE X

CREATION

Section 10.01 - CREATION

Pursuant to the Township Planning Act, being Act Number 168 of the Public Acts of 1959, the Township Board of Trustees has transferred and assigned the zoning powers of the Zoning Board as defined in the Rural Zoning Act being Act Number 184 of Public Acts of 1943 to the Long Rapids Township Planning Commission, thus consolidating the planning and zoning functions of the Township within the Planning Commission. The Planning Commission shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act. (Effective date of amendment – July 24, 2008)

Section 10.02 - MEMBERSHIP

1. The Planning Commission shall consist of not less than five (5) members who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation, and industry. All members shall be qualified electors and property owners of the Township. One member of the Township Board shall be a member of the Planning Commission.

2. All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed by the Township Supervisor, after a hearing, with the approval of the Township Board.

3. The term of each member shall be for three (3) years except that of the members first appointed, 1/3 shall serve for one (1) year, 1/3 for two (2) years and 1/3 for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

Section 10.03 - COMPENSATION AND BUDGET

Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Township Planning Commission, including attendance at conferences and meetings. The Planning Commission shall prepare a detailed budget and submit same to the Township Board for approval or disapproval. The Township Board annually may appropriate and make available funds for carrying out the purposes and functions permitted under this act, and may match Township funds with federal, state, county or other local government or private grants. The

Township board may accept and use gifts and grants for Planning Commission purposes. Money so accepted shall be deposited with the Township Treasurer in a special non-reverting Planning Commission Fund for expenditure by the Planning Commission for the purpose designated by the Donor. The Township Treasurer shall draw warrants against the special non-reverting fund only upon vouchers signed by the chairman and secretary of the Planning Commission and upon orders drawn by the Township Clerk. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.

Section 10.04 - MEETINGS

1. The Planning Commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices or committees as it considers advisable. The term of each officer shall be one (1) year. The Planning Commission may appoint advisory committees outside of its membership.

2. The Planning Commission shall hold not less than four (4) regular meetings each year, and by resolution shall determine the time and place of the meeting. A special meeting may be called by 2 members upon written request to the secretary or by the chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date and place of a regular or special meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976 and the secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

3. The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

4. The Planning Commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the Public in compliance with Act No. 267 of the Public Acts of 1976, being Sections 15.261 to 15.275 of the Michigan Compiled Laws.

ARTICLE XI

ADMINISTRATION

Section 11.01 - ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Long Rapids Township Board for such term and subject to such conditions as the Board deem desirable to carry out the provisions of the Ordinance. He shall hold office at the pleasure of the Board, and receive such compensation as shall be determined by the Board.

The matter of enforcement of the Long Rapids Zoning Ordinance rests with the Zoning Administrator as authorized by this Ordinance. The enforcement by said official so designated, shall have the power of a police officer. The actions of the Zoning Administrator should be consistent and impartial. Lax or improper endorsement can be directly responsible for the failure of zoning. The Zoning Administrator does not have the power to interpret the zoning ordinance, or to grant a variance from or a special exception to the provisions of this ordinance. When the Administrator is in doubt as to whether to issue a zoning certificate or permit, the only proper action is for the administrator to deny the application.

The Zoning Administrators' duties, in part, includes the following:

1. Explain and describe the zoning ordinance to citizens, potential developers or users of township lands. This includes explaining the ordinance text as well as describing districts on the zoning map.
2. Review of developmental site plans, elevation drawings and other illustrations that may be necessary, to see that potential development conforms to the Township Zoning Ordinance. If it is found that the potential development does not conform, the Administrator informs the developer of the steps to be taken for conformance.
3. Issues certificates of zoning compliance when so requested, if the potential development conforms to the provisions of the zoning ordinance.
4. Field inspection of projects under construction to see that they are conforming to the zoning ordinance.
5. Field inspection of township lands and their uses to see that general conformance of the zoning ordinance is taking place.

6. Investigation of zoning violation complaints. This includes field inspections, checking through the zoning ordinance, records, and plans available, to determine if a violation does exist.

7. Collects fees associated with the administration of this ordinance (i.e. appeals, amendments, site plan review, compliance certificates).

ARTICLE XII

ZONING BOARD OF APPEALS

Section 12.01 - CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in Section 18 of Act 184 of Public Acts of 1943, as amended and the Michigan Zoning Enabling Act in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following three (3) members: (Effective date of amendment – July 24, 2008)

1. The first member shall be a member of the Township Planning and Zoning Commission, for the term of his or her office.

2. One member may be a member of the Township appointed by the Township Board, for the term of his or her office. An elected officer of the Township shall not serve as chairperson of the Board of Appeals.

3. The remaining member(s) of the board of appeals shall be selected from the electors of the township. The member(s) selected shall be representative of one or more of the various interests present in the township. An employee or contractor of the township board may not serve as a member or an employee of the township board of appeals.

4. The term for each member shall be for three (3) years. All vacancies for unexpired terms shall be filled for the remainder of such term.

5. The Township Board may appoint not more than 2 alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals. (Effective date of amendment – July 24, 2008)

Section 12.02 - MEETINGS

Meeting of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. A Township Board of Appeals shall not conduct business unless a majority of the members of the Board are present. All hearing conducted by said Board shall adopt its own rules or procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indication of

said fact; and shall file a record of its proceedings in the office of the Township Clerk, and it shall be a public record. The Township Board shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute malfeasance in office. 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 the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance. (Effective date of amendment – July 24, 2008)

Section 12.03 - APPEAL

An appeal from the ruling of the Township Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be taken to the Board of Appeals within such time as shall be prescribed by said Board of Appeals by a general rule. Such appeal may be taken by any person, firm or corporation, or by any Officer, Department, Board or Bureau of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds thereof.

The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. The ground of each determination shall be stated.

Section 12.04 - STAY

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice of the Zoning Administrator and on due course shown.

Section 12.05 - FEES FOR APPEAL

The Township Board shall, from time to time, determine by resolution the fee which shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the Zoning Administrator shall forthwith pay over to the Township Treasurer to the credit of the General Fund of the Township.

Section 12.06 - JURISDICTION

The Board of Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.

2. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured, and substantial justice done, including the following:

a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, were street layout actually on the ground varies from the street layout as shown on the map aforesaid.

b. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved with such modification.

3. Where, owing to special conditions, a literal enforcement of the use provisions, of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance*, the Board shall have power upon appeal in specific cases to authorize such variation or modifications of the provisions of this Ordinance *with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district zone.

b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

d. That the granting of such variance will not adversely affect the purposes or objectives of the Zoning Plan of the Township.

4. In consideration of all appeals and all proposed variations to this Ordinance the Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonable increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance of the Zoning Map, such power and authority being reserved to the Township Board of the Township in the manner hereinafter provided by law.

*imposed conditions require an affirmative vote of the entire Board.

Section 12.07 - EXERCISING POWERS

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken and may issue or direct the issuance of a permit. The decision of such Board shall be final, however, any person having an interest affected by any such determination, shall have the right to appeal to the Circuit Court on question of law and fact, pursuant to Section 23A of PA 184 of 1943 as amended through 1978 (MCL 125.293a).

Section 12.08 - NOTICE OF HEARING

The Board of Appeals shall make no recommendations except in a specific case and after a public hearing conducted by said Board. A notice of the time and place of such hearing shall be published in a paper of general circulation in the Township at least fifteen (15) days previous to the hearing. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the Board of Appeals is sought, as well as a brief description of the nature of the appeal.

Section 12.09 - MISCELLANEOUS

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless such 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 (with one permitted 12 month extension) for said erection or alteration is obtained within such period or erection or alteration is started and proceeds to substantial completion within 36 months of the original issuance of the permit in accordance with the terms of such permit. (Effective date of Section 12.09 – August 26, 2013)

ARTICLE XIII

DEFINITIONS

Section 13.00

For the purpose of this ordinance, certain terms used are herewith defined. When not inconsistent with content, 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.

ACCESSORY BUILDING

A supplemental building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

ACCESSORY USE

A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

ALLEY

A public thoroughfare or way not less than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

ALTERED

Any change in the location or use of the building or structure and/or any change in the construction or the structural members of a building or structure such as bearing walls, columns, posts, beams, girders, and similar components.

BASEMENT AND CELLAR

A. A basement is that portion of a building partly below the grade but so located that the vertical distance from average grade to the floor is not greater than the vertical distance from the average grade to the ceiling.

B. A cellar is that portion of a building partly below the grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

BOARDING HOUSE

Primarily a family dwelling where meals, with or without lodging, are furnished for compensation on a weekly or monthly basis to three or more persons who are not member of the family occupying and operating the premises, but not necessarily to anyone who may apply.

BUILDING

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, and vehicles whether or not mounted on wheels, and situated on private property and used for purposes of a building.

BUILDING, HEIGHT OF

The vertical distance from the established grade at the center of the front of the building from the highest point of the roof surface, if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip, and gambrel roofs.

CABIN/COTTAGE

Any building or structure which is maintained, offered or used for overnight sleeping quarters or for temporary occupancy by transients, or for secondary seasonal residence.

CABIN CAMP

Any site, lot, field, tract, or parcel of land on which two (2) or more cabins are located.

DEPOSIT

To fill, place or dump material.

DWELLING

Any building, structure, or part thereof, occupied as the home, residence, or sleeping place of one or more persons, either permanently or transiently, except cabins and trailer coaches. Where only part of a building or structure is occupied for dwelling purposes, the part so occupied shall comply with all provisions applicable to dwellings in the district in which said building or structure is located except where specific exemption is provided by other sections of this ordinance.

A. One-Family Dwelling:

A dwelling occupied by but one (1) family, and so designed and arranged as to provide independent living, cooking and kitchen accommodations for only two (2) families.

ENVIRONMENTAL AREA

All lands within Long Rapids Township where any or all of the following conditions exist:

- a. Any area which now provided for the preservation and maintenance of fish for spawning, nursery, feeding, or migration purposes.
- b. Any area which now provides for the preservation and maintenance of wildlife for breeding, nesting, rearing of young or feeding purposes.
- c. A floodplain as defined by this Ordinance.
- d. A lake, river, stream, or watercourse as defined by this Ordinance.
- e. A wetland as defined by this Ordinance.

ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operations of the land required for the building, excavations, fill, drainage, and the like shall be considered a part of the erection.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, underground or overhead; gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, municipal departments or commissions, or for the public health or safety or general welfare. Telecommunication towers or facilities, alternative tower structures and wireless communication antennas are not included within this definition.

FAMILY

Any number of individuals living together and cooking together on the premises as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, or similar structure, together with all necessary employees of the family.

FARM

All of the unplatted contiguous neighboring or associated land operated as a single unit on which bona fide 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 the land to be considered a farm hereunder shall include a contiguous unplatted parcel of not less than forty (40) acres in area. Provided further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms, and similar specialized agricultural enterprises may be considered as farms; but establishments keeping or operating fur-bearing animals, game, fish hatcheries, dog kennels, stock yards, slaughter houses, stone quarries, or gravel or sand pits shall not be considered farms hereunder unless combined with and constituting only a minor part of bona fide farm operations on the same continuous tract of land; nor shall premises operated as fertilizer works, bone yards, piggeries, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, or offal or junk constitute a farm hereunder.

FARM BUILDINGS

Any building or structure, other than a dwelling, moved upon, maintained, used, or built on a farm which is essential and customarily used on farms in the pursuit of agricultural activities.

FARM DWELLING

Any dwelling located on a farm as defined by this ordinance and occupied as the home, residence, or sleeping place of the owner-operator, manager, or tenant farmer of that farm.

FLOOD

An overflow of water onto lands not normally covered by water and having the following characteristics; the inundation is temporary; and the land adjacent to the body of water which inundates it.

FLOOD PLAIN

Low lying land adjacent to the channel of a watercourse or body of standing water as identified by a study performed by Long Rapids Township or designated agent thereof; or by one or more of the following public agencies or programs.

- a. U.S. Department of Housing and Urban Development, Flood Administration.
- b. U.S. Army Corps of Engineers.
- c. U.S. Department of Agriculture, Soil Conservation Service
- d. Michigan Department of Natural Resources.

GARAGE, PRIVATE AND COMMERCIAL

- A. A private garage is any building, or any part thereof, not over one (1) story or fifteen (15) feet in height for storage of motor vehicles or trailer coaches where no servicing for profit is conducted.
- B. A commercial garage is any garage other than a private garage.

GAS AND OIL PROCESSING FACILITIES

Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Supervisor of Wells, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operation and facilities.

HELIPORT

An area used for the purposes of takeoff, landing or storage of helicopters. Also known as Helipads, Helistop, etc. (Effective date of amendment – August 26, 2013)

HIGHWAY

Any public thoroughfare in the township road system, including county, federal, and state roads and highways where and whether of a depressed surface, or elevated construction.

HOME OCCUPATION

A gainful occupation conducted by members of the family only within its place of residence; provided, that the space used is incidental or residential use and that no article is sold or offered for sale except such as is produced by such home occupation, and provided further, that there is not external display of such articles. Clinics, hospitals, tea rooms, tourist homes, animal hospitals, animal boarder establishments, or the production of any kind of livestock shall not be deemed home occupation.)

- A. The home occupation shall be limited to the principal structure only, except in the Agricultural District, where limited use of yard area or accessory structures may be allowed under provisions of Section 2.02 P of this Ordinance. A home occupation shall be the subordinate use,

and shall not utilize more than thirty percent (30%) of the total floor area of the principal structure. (Effective date of Section 13.00 A – August 26, 2013)

B. There shall be no more than two (2) employees other than members of the immediate family working on the premises.

INTENSIVE LIVESTOCK OPERATIONS

Intensive livestock operations means an animal feeding operation where the following conditions are met:

A. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve month period, and;

B. Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility, and;

C. More than the number of animals specified, in any of the following categories, are confined:

1. 1,000 slaughter or feeder cattle
2. 700 mature dairy cattle (whether milked or dry cows)
3. 2,500 swine each weighing over 25 kilograms, (approximately 55 pounds)
4. 500 horses
5. 10,000 sheep or lambs
6. 55,000 turkeys
7. 100,000 laying hens or broilers (if the facility has a continuous overflow watering)
8. 30,000 laying hens or broilers (if the facility has a liquid manure handling system)
9. 5,000 ducks
10. 1,000 animal units (means a unit measured for any animal feeding operation calculated by adding the following numbers)
 - a. the number of slaughter and feeder cattle multiplied by 1.0 plus
 - b. the number of mature dairy cattle multiplied by 1.4 plus
 - c. the number of swine weighing over 25 kilograms (approx. 55 pounds) multiplied by 0.4 plus
 - d. the number of sheep multiplied by 0.1 plus
 - e. the number of horses multiplied by 2.0 plus

- f. the number of turkeys multiplied by .01818 plus
- g. the number of laying hens or broilers multiplied by .01.

JUNK YARD

Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition, or use of junk including scrap metals, motor vehicles, machinery, and building and construction materials, or parts thereof. A "junk yard" shall include any premises upon which two (2) or more motor vehicles, which cannot be operated under their own power and which have not been licensed for the past consecutive six (6) months, or kept or stored for a period of six (6) months or more. Provided however, that the premises shall not be considered a junk yard solely because two or more inoperable, unlicensed vehicles are stored thereof if said vehicles are in covered storage. Covered storage shall constitute at least eighty (80%) per cent of the surface area of the vehicle being covered by a structure, tarp or other weather proof covering.

JUNK

Any personal property which is or may be salvaged for reuse, resale, reduction, or similar use or disposition, or which is possessed, transported, owned, accumulated, dismantled, or assorted for any such reasons. Without limiting the definition of junk, the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, bags, paper, glass, rubber, and similar articles, and motor vehicles which are parked, deposited, employed, or possessed for the purpose of dismantling or salvaging any part thereof.

LOT

The parcel of land on which one (1) principal building and its accessories are located or intended to be located together with any open spaces required by this ordinance.

LOT LINES

A. Front Lot Lines

The Line dividing a lot from a street, or highway. In the event any lot as defined by this ordinance, fronts upon a right-of-way, then the right-of-way line crossing such lot shall be deemed the front lot line. On a corner lot, both lot lines adjacent to a highway, or street, shall be considered a front lot line for the purpose of setbacks. If access to a lot is by a road easement, rather than a street, or highway right-of-water, a front lot line is defined as the line dividing the easement from the lot. (Effective date – August 26, 2013)

B. Rear Lot Line

The line opposite the front line.

C. Side Lot Line

Any lot lines other than the front lot line or rear lot line.

NON-CONFORMING STRUCTURE

A structure conflicting with the provisions of this ordinance.

NON-CONFORMING USE

The use of a structure or land conflicting with the provisions of this ordinance.

PUBLIC AIRPORT

A facility open to the use of the general public and where commercial aviation operations may be based. (Effective date – August 26, 2013)

PRIVATE LANDING STRIP

An improved or unimproved airstrip intended for the use of the owner of the property only. This includes all airstrips not meeting the definition of a Public Airport. (Effective date – August 26, 2013)

PUBLIC UTILITY

Any person, farm, corporation, municipal department or board duly authorized to furnish to the public under municipal regulation, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services.

RESTAURANT

A business located in a building wherein in consideration of the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises; having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals; and deriving the major portion of its receipts from the sale of food.

RETAIL COMMERCIAL ESTABLISHMENT

A store, market, or shop in which commodities are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages, automobile service stations are included in this classification.

ROADSIDE STAND

A farm structure used or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only the seasonal farm products of the immediate locality in which the roadside stand is located.

SETBACK LINES

Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within a setback line" means between the setback line and the highway right-of-way.

SOIL SCIENTIST, QUALIFIED

A person qualified in soils classification and recommended or approved by the District Conservationist, Soil Conservation Service, with jurisdiction within Long Rapids Township. The District Conservationist is considered a qualified soil scientist.

STORY

That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the distance from the average established grade to the ceiling of the story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

STORY, HALF

A story which is situated within a sloping roof, the area of which at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in the story below.

STREET

A public thoroughfare which affords a principal means of access to abutting property.

STRUCTURE

Any construction artificially built up or composed of parts joined together in some definite manner.

TAVERN

Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises is defined as a tavern for the purpose of this ordinance.

TENT

As employed by this ordinance, the term "tent" shall not include any tent used solely for children's recreational purposes.

TOURIST HOME

Primarily a family dwelling where lodging with or without meals is furnished for compensation chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.

MOTEL

A building made up of two (2) or more separate living or sleeping quarters used independently of each other and used principally for overnight accommodations.

USE

The purpose for which land or a building thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied or maintained.

WATERCOURSE

Any waterway or other body of water having a reasonably well defined bed, channel or bank, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, lakes, ponds or any other natural or man-made impoundment for the conveyance of such water and to provide direction to the flow of water.

WETLANDS

Areas, greater than one-quarter acre, of transitional land between dry ground and open water, characterized by low topography, poor drainage, organic soils and standing water. Cattail marshes, cedar swamps, bogs, ponds, mud flats, wet meadows and floodplains are all considered wetlands for the purpose of this ordinance.

-or-

Areas, greater than one-quarter of an acre, where the soil is classified as "somewhat poorly drained," and/or "very poorly drained" mineral or organic soils as identified by the Cooperative Soil Survey of the U.S. Department of Agriculture, Soil Conservation Service and the Michigan Agriculture Experiment Station.

YARD

A space open to the sky and unoccupied or unobstructed, except by encroachments permitted by this ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

A. Yard, Front

A yard extending across the full width of the lot between the front lot line and the nearest line of the main building.

B. Yard, Rear

A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

C. Yard, Side

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.

EDUCATIONAL INSTITUTION

A school other than those conducted as commercial enterprises for teaching instrumental music, dancing, barbering, hairdressing, or industrial skills in which machinery is used as a means of instruction.

GRAVEL PIT, MINE, QUARRY

An excavation on the surface or beneath the ground for the removal of sand, gravel, stone or other recognized mineral.

LOT OF RECORD

A parcel of land recorded in the office of the Alpena County Register of Deeds.

PARKING AREA

A parking area off the street for the parking of three or more vehicles and which lot may require maneuvering aisles.

STATE LICENSED RESIDENTIAL FACILITY

A structure constructed for residential purpose that is licensed by the State of Michigan pursuant to Act. No. 218 of the Public Acts of 1979, the Adult Foster Care Facility Licensing Act, or Act. No.

116 of the Public Acts of 1973, as amended, which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care.

As used in this Ordinance, the term "State Licensed Residential Facility," does not include adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

STREET LINE

A lot line separating a lot from an adjacent street right-of-way.

TEMPORARY OFFICE AND/OR STORAGE

A structure or use permitted by the Board of Appeals to exist during period of construction of the main building or for special events.

CAMPGROUND

Is a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units.

MOBILE HOME (TRAILER COACH):

Is a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

MOBILE HOME PARK

Any parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which offered to the public for that purpose regardless of whether a charge is made therefore, together with and building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

MOBILE HOME SITE OR SPACE

A portion of the mobile home park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or trailer coach.

RECREATIONAL UNIT

Is a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit includes Travel trailer, Camping trailer, Motor home, Truck camper, Slide-in camper and Chassis-mount camper.

ARTICLE XIV

CHANGES AND AMENDMENTS

The Long Rapids Township Board may from time to time, on recommendation from the Township Planning Commission, on its own motion, or on petition, amend, supplement, or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 184 of the Public Acts of 1943 as amended and the Michigan Zoning Enabling Act. (Effective date of amendment – July 24, 2008)

ARTICLE XV

INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires by such Ordinance or agreements, the provisions of this Ordinance shall control.

ARTICLE XVI

VESTED RIGHT

It is hereby expressly declared that nothing in this Ordinance shall be held of construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

ARTICLE XVII

SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not effect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XVIII

ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Section 18.01 - VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) and the costs of prosecution, or in default of the payment thereof, shall be punished by imprisonment in the discretion of the court, together with the costs of such prosecution.

Section 18.02 - PUBLIC NUISANCE PER SE:

Any building or structure which is erected, altered or converted, or any use of the 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 per se, and may be abated by order of any Court of competent jurisdiction.

Section 18.03 - FINES, IMPRISONMENT:

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

Section 18.04 - EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 18.05 - RIGHTS AND REMEDIES ARE CUMULATIVE:

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

LONG RAPIDS TOWNSHIP ZONING ORDINANCE

This edition contains all amendments through August 26, 2013.