

# Rapid River Township

Permanent

# Zoning Ordinance

June 2011

Copy Number\_\_\_\_\_

Rapid River Township Zoning Ordinance  
Adopted June 2011

TABLE OF CONTENTS

<b>Article One TITLE AND PURPOSE</b>	
1.01 Title	1-1
1.02 Purpose	1-1
1.03 The Purpose and Intent of the Sections of this Ordinance Pertaining to the Regulation of Sexually Oriented Businesses	1-1
1.04 The Purpose and Intent of the Sections of this Ordinance Pertaining to the Regulation of Wireless Telecommunication Towers, Alternative Tower Structures and Antennas.	1-2
1.05 Effect of Zoning	1-2
<b>Article Two ZONING DISTRICTS</b>	<b>2-1</b>
2.01 Classification of Zoning Districts	2-1
2.02 Interpretation of District Boundaries	2-1
2.03 Replacement of Official Zoning Map	2-1
2.04 Unlisted Property Uses	2-2
2.05 Prohibited Property Uses	2-2
<b>Article Three RESIDENTIAL DISTRICT</b>	<b>3-1</b>
3.01 Purpose	3-1
3.02 Property Uses	3-1
<b>Article Four LAKEFRONT RESIDENTIAL DISTRICT (L-R)</b>	<b>4-1</b>
4.01 Purpose	4-1
4.02 Property Uses	4-1
<b>Article Five RESERVED FOR FUTURE USE</b>	<b>5-1</b>
<b>Article Six RESORT-RESIDENTIAL DISTRICT (R-R)</b>	<b>6-1</b>
6.01 Purpose	6-1
6.02 Property Uses	6-1
<b>Article Seven RESERVED FOR FUTURE USE</b>	<b>7-1</b>
<b>Article Eight AGRICULTURAL-RESIDENTIAL DISTRICT (A-R)</b>	<b>8-1</b>
8.01 Purpose	8-1
8.02 Property Uses	8-1
<b>Article Nine FOREST-RECREATIONAL DISTRICT (F-R)</b>	<b>9-1</b>
9.01 Purpose	9-1
9.02 Property Uses	9-1
<b>Article Ten COMMERCIAL DISTRICT (C-1)</b>	<b>10-1</b>
10.01 Purpose	10-1
10.02 Review Procedures	10-1
10.03 Property Uses	10-2
10.04 Site Plan Review	10-4
<b>Article Eleven RESERVED FOR FUTURE USE</b>	<b>11-1</b>
<b>Article Twelve RESERVED FOR FUTURE USE</b>	<b>12-1</b>
<b>Article Thirteen GENERAL INDUSTRIAL DISTRICT (G-1)</b>	<b>13-1</b>
13.01 Purpose.	13-1
13.02 Review Procedure	13-1
13.03 Property Uses	13-1
13.04 Site Plan Review	13-3
13.05 Use Requirements	13-3
<b>Article Fourteen LIGHT INDUSTRIAL DISTRICT (L-1)</b>	<b>14-1</b>
14.01 Purpose	14-1
14.02 Review Procedure	14-1
14.03 Permitted Uses	14-1
14.04 Use Requirements	14-3
14.05 Site Plan Review Procedure	14-4

**Rapid River Township Zoning Ordinance  
Adopted June 2011**

<b>Article Fifteen SCHEDULE OF REGULATIONS</b>	<b>15-1</b>
15.01 Schedule of Regulations	15-1
15.01 Table 15-1, Schedule of Requirements by Zoning District	15-2
15.02 Land Division Regulations	15-3
<b>Article Sixteen WATERFRONT REGULATIONS</b>	<b>16-1</b>
16.01 Waterfront Lots	16-1
16.02 Setback Exemptions	16-3
16.03 Other Related Sections	16-3
<b>Article Seventeen PARKING AND LOADING REGULATIONS</b>	<b>17-1</b>
17.01 Intent of Parking Provisions	17-1
17.02 Parking Space Requirements	17-2
17.03 Location of Parking Areas	17-3
17.04 Site Development Requirements	17-3
17.05 Loading and Unloading Space Requirements	17-5
<b>Article Eighteen LANDSCAPING AND SCREENING REGULATIONS</b>	<b>18-1</b>
18.01 Purpose and Scope	18-1
18.02 Landscape Maintenance	18-1
18.03 Berms	18-1
18.04 Buffer Strips	18-2
18.05 Fence/Wall	18-2
18.06 Greenbelt	18-3
18.07 Interior Landscaping	18-3
18.08 Reserved for Future Use	18-3
18.09 Dumpster and Trash Receptacle Area Screening	18-3
18.10 Existing Plant Material	18-4
18.11 Reserved for Future Use	18-4
18.12 Suggested Trees and Shrubs for Greenbelt Areas and Interior Landscape Areas	18-4
18.13 Recommended Salt Resistant Trees and Shrubs	18-5
18.14 Recommended Trees and Shrubs for Shady Areas	18-5
<b>Article Nineteen SIGN REGULATIONS</b>	<b>19-1</b>
19.01 Purpose	19-1
19.02 Signs in Residential Districts	19-1
19.03 Signs in Commercial or Industrial Districts	19-1
19.04 Moving or Revolving Signs	19-1
19.05 Signs Not to Constitute a Traffic Hazard	19-1
19.06 Portable or Movable Signs	19-1
19.07 Outdoor Advertising Structures and Billboards	19-1
19.08 Existing Nonconforming Signs	19-1
19.09 Signs within the MDOT Right-of-Way	19-3
19.10 Off Premises Directional Signs	19-3
<b>Article Twenty NONCONFORMING USES</b>	<b>20-1</b>
20.01 Intent	20-1
20.02 Discontinuation of Nonconforming Use	20-1
20.03 Change of Nonconforming Use	20-1
20.04 Repair of Nonconforming Structures.	20-1
20.05 Completion of Nonconforming Buildings	20-2
20.06 Reserved for Future Use	20-2
20.07 Reconstruction and Restoration of Nonconforming Buildings	20-2
20.08 Application for Expansion or Extension of Nonconforming Use of Structures	20-2
20.09 Substandard Lots of Record	20-3
20.10 Hardship Cases	20-3
20.11 Illegal Nonconforming uses	20-4
20.12 Permits	20-4

**Rapid River Township Zoning Ordinance  
Adopted June 2011**

<b>Article Twenty-One GENERAL PROVISIONS</b>	<b>21-1</b>
21.01 Conflicting Laws, Regulations and Restrictions.	21-1
21.02 Michigan Zoning Enabling Act (MZEA) 110 of 2006, as amended	21-1
21.03 The Effect of Zoning	21-1
21.04 Protecting the Public Health, Safety and General Welfare	21-1
21.05 Reserved for Future Use	21-1
21.06 Land Alteration	21-2
21.07 Water Supply and Waste Disposal	21-2
21.08 Public Utility Structures	21-2
21.09 Home Occupations	21-2
21.10 Accessory Buildings, Structures and Uses	21-3
21.10 Table 21-1, Accessory Building Standards	21-4
21.11 Height Exceptions	21-7
21.12 Dwelling Units Outside of Mobile Home Parks.	21-7
21.13 Transient Occupancies	21-8
21.14 Deterioration of Dwellings	21-8
21.15 Moving of Buildings	21-9
21.16 Principal Use	21-9
21.17 Temporary Buildings, Structures and Uses	21-9
21.18 Condominium Subdivisions	21-10
21.19 Exterior Lighting	21-11
21.20 Clear Vision Corners	21-11
21.21 Fences	21-12
21.22 Frontage Requirements	21-12
21.23 Access Standards.	21-13
21.24 Reserved for Future Use	21-14
21.25 Swimming Pools	21-14
21.26 Communication Towers	21-15
21.27 Keeping of Wild Animals	21-16
21.28 Equine Boarding Stables	21-16
21.29 Wind Turbine Generators, Commercial Installations	21-17
21.29.A Intent	21-17
21.29.B Siting Standards for Wind Turbine Generators (WTGs)	21-18
21.29.C Exception	21-18
21.30 Performance Guarantees and Performance Bonding for Compliance	21-18
<b>Article Twenty-Two RESERVED FOR FUTURE USE</b>	<b>22-1</b>
<b>Article Twenty-Three SPECIAL USES</b>	<b>23-1</b>
23.01 Purpose	23-1
23.02 Application Procedures	23-1
23.03 Basis of Determinations	23-4
23.04 Effective Date	23-5
23.05 Permit Validity	23-5
23.06 Requirement for Compliance – Penalties	23-6
23.07 Once Granted A Special Use Permit, the Use is a Permitted Use	23-6
23.08 Reserved for Future Use	23-6
23.09 Reserved for Future Use	23-6
23.10 Standards for Specific Special Uses; Special Uses Listing	23-6
<b>Article Twenty-Four PLANNED UNIT DEVELOPMENT (PUD)</b>	<b>24-1</b>
24.01 Description and Purpose	24-1
24.02 Objectives	24-1
24.03 Area Regulations	24-2
24.04 Eligibility Requirements	24-2
24.05 Application Review and Approval Procedures	24-3

# Rapid River Township Zoning Ordinance Adopted June 2011

24.06 Basis of Determination	24-4
24.07 Fees	24-5
24.08 Open Space Requirements	24-5
24.09 Nonresidential Uses of a PUD	24-6
24.10 Appeal to Circuit Court	24-7
24.11 Reserved for Future Use	24-7
24.12 Hardship Planned Unit Development	24-7
<b>Article Twenty-Five SITE PLAN REVIEW</b>	<b>25-1</b>
25.01 Purpose	25-1
25.02 Uses Requiring Site Plan Approval	25-1
25.03 Application Procedures	25-1
25.04 Preliminary Site Plan Review and Submittal Requirements	25-2
25.05 Standards for Review of Preliminary and Final Site Plans	25-3
25.06 Final Site Plan Submittal Requirements	25-4
25.07 Planning Commission Public Hearing, Site Plan Review and Approval Procedures	25-6
25.08 Conditional Approvals	25-6
25.09 Recording Conditions with Registrar of Deeds	25-7
25.10 Site Plan Amendment	25-7
25.11 Conformity to Approved Site Plans	25-7
25.12 Appeals of Site Plan Decisions	25-8
25.13 As-Built Site Plans	25-8
<b>Article Twenty-Six RESERVED FOR FUTURE USE</b>	<b>26-1</b>
<b>Article Twenty-Seven ADMINISTRATION</b>	<b>27-1</b>
27.01 Zoning Administration	27-1
27.02 Duties and Powers of the Zoning Administrator	27-1
27.03 Building Permits, Zoning Permits, Plot Plans, Temporary Zoning Permits, and Certificates of Zoning Compliance	27-2
27.04 Fee Schedule and Escrow Account for Zoning Fees	27-5
27.05 Administrative Waiver	27-6
27.06 Appeals to the Zoning Board of Appeals	27-7
27.07 Public Notices	27-7
<b>Article Twenty-Eight VIOLATIONS AND ENFORCEMENT</b>	<b>28-1</b>
28.01 Nuisance Per Se	28-1
28.02 Violations	28-1
28.03 Each Day A Separate Offense; Rights and Remedies	28-1
<b>Article Twenty-Nine ZONING BOARD OF APPEALS</b>	<b>29-1</b>
29.01 Creation and Membership	29-1
29.02 Meetings	29-1
29.03 Duties and Powers	29-1
29.04 Procedures	29-3
29.05 Appeals Regarding Sexually Oriented Businesses	29-4
29.06 Review by Circuit Court	29-4
<b>Article Thirty AMENDMENTS</b>	<b>30-1</b>
30.01 Initiation of Amendments	30-1
30.02 Public Hearing	30-1
30.03 Finding of Facts Required	30-1
30.04 Consideration by the Rapid River Township Board	30-2
30.05 Reserved for Future Use	30-3
30.06 Effective Date of Amendment	30-3
30.07 Publication of Notice of Ordinance Amendments	30-3
30.08 Options Upon Denial of Amendment Request	30-3
30.09 Resubmittal	30-3
30.10 Reconsideration	30-3
30.11 Comprehensive Review of Zoning Ordinance	30-4
<b>Article Thirty-One RESERVED FOR FUTURE USE</b>	<b>31-1</b>

**Rapid River Township Zoning Ordinance  
Adopted June 2011**

**Article Thirty-Two DEFINITIONS**

32.01 Rules Applying to the Text  
32.02 Definitions

**32-1**  
32-1  
32-1

**Article Thirty-Three VALIDATION AND EFFECTIVE DATE**

33.01 Severability  
33.02 Effective Date

**33-1**  
33-1  
33-1

**LIST OF TABLES**

Table 15-1 Schedule Limiting Height, Yard Setbacks and  
Minimum Lot Size by Zoning District  
Table 21-1 Accessory Building Standards

**LIST OF FIGURES**

Figure 17-1 Parking Space Dimensions  
Figure 17-2 Turning Template  
Figure 21-1 Clear Vision on Corner  
Figure 32-1 Basement and Story  
Figure 32-2 Building Heights  
Figure 32-3 Average Grade  
Figure 32-4 Lot Types  
Figure 32-5 Lot Frontage, Width & Depth  
Figure 32-6 Net and Gross Lot Area  
Figure 32-7 Lot Lines and Yards  
Figure 32-8 Street and Highway Classification Map  
Figure 32-9 Minimum Lot Width and Setback Determinations

# Rapid River Township Zoning Ordinance Adopted June 2011

An ORDINANCE to establish Zoning Districts and regulations for those areas of RAPID RIVER TOWNSHIP, Michigan, lying outside the limits of incorporated cities and villages in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, amended, MCL 125.3101, et seq, and the Michigan Planning Enabling Act, PA 33 of 2008, as amended, MCL 125.3801, et seq, :to encourage and regulate proper use of land; to provide for regulations governing nonconforming uses of lands and waters, buildings and structures; and to provide for a Township Zoning Board of Appeals, for amendments, and for the administration and enforcement of this ordinance. **Amended by Amendment # 15-01 adopted May 2015**

*THE RAPID RIVER TOWNSHIP BOARD ORDAINS:*

## **ARTICLE ONE TITLE AND PURPOSE**

### **SECTION 1.01 TITLE**

This Ordinance shall be known as the Rapid River Township Zoning Ordinance.

### **SECTION 1.02 - PURPOSE**

The fundamental purposes of this Zoning Ordinance are:

- A. To promote the public health, safety, morals, peace, and general welfare of the inhabitants of Rapid River Township.
- B. To provide for the protection and preservation of the high water quality of our lakes, rivers, streams, and wells to the end that the waters thereof shall continue to afford a safe and adequate water supply and optimum recreational enjoyment.
- C. To encourage the use of lands in accordance with their character and adaptability, thereby conserving natural resources and property values and limiting the improper use of land.
- D. To avoid the overcrowding of population; to lessen congestion on public streets and highways, to reduce hazards to life and property due to fire, flooding, erosion, pollution, excessive dust, fumes, noise, vibration, noxious odors or other hazards.
- E. To prevent the over-burdening of existing or available public services and utilities, to facilitate the adequate provision of a system of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public improvements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous use of land, resources and properties.
- F. To provide for the orderly growth of the residential and economic attributes of the Township.

### **SECTION 1.03 - THE PURPOSE AND INTENT OF THE SECTIONS OF THIS ORDINANCE PERTAINING TO THE REGULATION OF SEXUALLY ORIENTED BUSINESSES**

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or Article 1, Section 5 of the Michigan Constitution of 1963, or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their

# Rapid River Township Zoning Ordinance

## Adopted June 2011

intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by County ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional. Amended by Amendment # 15-01 adopted May 12, 2015

### **SECTION 1.04 - THE PURPOSE AND INTENT OF THE SECTIONS OF THIS ORDINANCE PERTAINING TO THE REGULATION OF WIRELESS TELECOMMUNICATION TOWERS, ALTERNATIVE TOWER STRUCTURES AND ANTENNAS**

The purpose of the wireless telecommunication tower regulations is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of Rapid River Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:

1. Protect residential areas from potential adverse impact of towers and antennas;
2. Encourage the location of towers in nonresidential areas;
3. Minimize the total number of towers throughout the community;
4. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
5. Encourage developers of towers and antennas to configure them in a way that minimizes their Adverse visual impact;
6. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively and efficiently;
7. Consider the public health and safety of telecommunication towers and alternative tower structures; and
8. Avoid potential damage to adjacent property from tower failure.

### **SECTION 1.05 - EFFECT OF ZONING**

See Section 21.03 and related General Provisions for the effect of zoning on property



# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE TWO ZONING DISTRICTS

### SECTION 2.01 - CLASSIFICATION OF ZONING DISTRICTS

A. For the purposes set forth in Section 1.02, all of the area lying within the limits of Rapid River Township is hereby divided into the following Zoning Districts:

1. Residential Districts (R)
2. Lakefront-Residential Districts (L-R)
3. Resort-Residential Districts (R-R)
4. Agricultural-Residential Districts (A-R)
5. Forest-Recreational Districts (F-R)
6. Commercial Districts (C-1)
7. General-Industrial Districts (G-1)
8. Light-Industrial Districts (L-I)

B. Except as otherwise provided in this Ordinance, the location of each Zoning District is shown on a map entitled, "Zoning Districts Map of Rapid River Township, Kalkaska County, Michigan," which map is hereby made a part of this Ordinance. All proper notations on the map shall be as much a part of this Ordinance as though specifically described herein.

C. Any lands not specifically classified on the Zoning Districts Map into one of the above listed zoning districts shall be zoned "Forest-Recreational."

D. All waterfront lots are also subject to the requirements of Article 16.

### SECTION 2.02 - INTERPRETATION OF DISTRICT BOUNDARIES

A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Districts Map, the boundary lines of Zoning Districts shall be interpreted as following along section lines, or customary division lines of sections, such as quarter or eighth lines; or the center line of highways, streets, alleys, railroad lines and natural water courses; or the boundary lines of incorporated areas, recorded plats or subdivisions; or legal property lines of record at the office of the Kalkaska Registrar of Deeds on the date of enactment of this ordinance, or the straight-line projection of any of said lines.

B. Boundaries indicated as parallel to, or extensions of, features indicated above shall be so construed.

C. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the scale of the map, if not indicated in the text of this Ordinance.

D. Insofar as some or all of the various districts may be indicated on the Zoning Districts Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

E. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Districts Map, or in other circumstances not covered by sections A through D above, the Zoning Board of Appeals shall interpret district boundaries.

F. All platted subdivisions in Rapid River Township with a gross lot size of less than 1 acre will be considered Resort-Residential zoning districts.

### SECTION 2.03 - REPLACEMENT OF OFFICIAL ZONING MAP

# Rapid River Township Zoning Ordinance Adopted June 2011

A. In the event that the official Zoning Districts Map of Rapid River Township, Michigan is damaged, destroyed, lost, or in need of replacement because of difficulties in interpretation due to scale, poor drafting technique or the nature or number of changes made thereto, the Township Board may by Resolution, authorize the preparation of a new official Zoning Districts Map which shall accurately depict the zoning districts of Rapid River Township. The replacement map may correct drafting or other errors or omissions on the existing official map, but no corrections shall have the effect of amending the Zoning Ordinance or official Zoning Districts Map. Any difficulty encountered in determining zoning boundaries or district classifications shall be resolved by the Zoning Board of Appeals. The Township Board may take this action on the recommendation of the Township Planning Commission. A replacement zoning map shall take effect upon signing the certification thereof by the Chairman of the Township Planning Commission and each member of the Zoning Board of Appeals that it is an accurate reproduction of the official Zoning Districts map it replaces. The new official Zoning Districts Map shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk, below the following:

“This is to certify that this is the official Zoning Districts Map referred to in the Zoning Ordinance of Rapid River Township, Kalkaska County, Michigan, certified on \_\_\_\_\_ which replaces and supersedes the Zoning Districts Map of Rapid River Township, Michigan, which was adopted on \_\_\_\_\_.”

B. Unless the official Zoning Districts Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof which remain, shall be preserved together with all available records pertaining to its adoption or amendment.

## **SECTION 2.04 - UNLISTED PROPERTY USES**

The Zoning Board of Appeals shall have the power on written request of any property owner, the Zoning Administrator or the Planning Commission to classify a use not listed in this Zoning Ordinance. In determining the proper classification for an unlisted land use or structure, the Board of Appeals shall consider the characteristics of the use under consideration in relation to similar and comparable uses listed in this Zoning Ordinance. Once classified, the use is subject to all applicable regulations pertaining to similar uses in that district, including Special Use Permit considerations if classified as such by the Board of Appeals.

## **SECTION 2.05 - PROHIBITED PROPERTY USES**

Uses that are not specifically listed in and permitted by this Ordinance or otherwise determined to be similar to listed uses and permitted uses are hereby determined to be prohibited uses. Uses for enterprises or purposes that are contrary to Federal, State or local laws or ordinances are prohibited.

**This section added by amendment# 15-01 adopted y 12, 2015**

# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE THREE

### RESIDENTIAL (R) DISTRICT

The following provisions shall apply to all Residential (R) Districts:

#### SECTION 3.01 - PURPOSE

A. It is hereby acknowledged that there are limited areas within the Township within which new small residential lots can be established without upsetting the rural character of the Township, threatening water quality and without creating unreasonable public service burdens. It is also recognized that small residential lots can serve an important public service by offering sites for affordable housing when adequate public services are available and no unreasonable public health and safety threats would be created thereby. It is therefore the purpose of providing Residential (R) Districts to establish areas for primarily residential use at a rural small town density of one-half acre lots when there is no public sewer, and up to six dwelling units per acre when public sewer is available. Residential Districts may be established and maintained in the future, in areas so identified in the Township Master Plan. It is further intended that each single family dwelling hereafter erected is located on an individual lot or premises adequate in size and shape to provide safe water and sewage disposal facilities, to minimize spread of fire, and which are set back from the public thoroughfare to facilitate safe exit from and entrance to the premises.

B. The requirements of this District are intended to protect and stabilize the basic qualities of each such district as well as provide suitable and safe conditions for family living. Since a limited number of other uses of land, buildings and structures are generally accepted as compatible with residential use, if properly integrated, the inclusion of such uses is provided by Special Use Permit.

C. Reserved for future use

#### SECTION 3.02 - PROPERTY USES

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures in Residential (R) Districts shall hereafter be limited to the following:

##### A. Primary Uses (not subject to Special Use Permit)

1. Churches and related buildings and structures customarily incidental thereto, but not including tents or other temporary structures. Lot area shall provide side yard not less than thirty (30) feet on each side.
2. Home occupation and home professional offices are permitted provided there is no external change of the dwelling and the normal accessory buildings. No sign or name plate may be more than eight (8) square feet in size.
3. One-family and two-family dwellings, including mobile homes as provided in Section 21.12.
4. Parks and playgrounds, publicly owned and operated, or owned and maintained by owners of the lots served, such as by a subdivision or condominium association.
5. Recreational accessory spaces within accessory structures.

##### B. Uses Subject to Special Use Permit, as provided by Article Twenty-Three or by Planned Unit Development as provided by Article Twenty-Four.

The Zoning Board of Appeals shall classify unlisted uses pursuant to Section 2.04. Uses subject to a Special Use Permit or Planned Unit Development approval include but are not limited to the following:

1. Adult foster care homes for more than six persons, Section 23.10.B.
2. Boarding, tourist homes and bed and breakfast inns, Section 23.10.J.
3. Convalescent or nursing homes, Section 23.10.X.
4. Detached accessory dwelling units, Section 23.10.Z.3
5. Funeral home and mortuaries, Section 23.10.EE.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

6. Libraries (see standards for public facilities), Section 23.10.BBB.
7. Mobile home parks in compliance with Public Act 96 of 1987, the Mobile Home Commission Act, shall also meet the relevant requirements of Section 23.03, Section 23.10.RR, and Article Twenty-five.
8. Multi-family development, Section 23.10.RR.
9. Oversized accessory buildings for personal storage only, per the requirements of Section 23.10.XX or Section 23.10.YY.
10. Planned Unit Developments, including a mixture of dwelling unit types and sizes, including townhouses, apartments and detached one-family dwellings (see Article Twenty-Four).
11. Public utility buildings, and publicly owned buildings, but not garages, shops, or storage yards for these uses (see standards for public facilities), Section 23.10.BBB.
12. Residence-based occupation, Section 23.10.HHH.
13. Schools, primary and secondary, whether or not public, charter, parochial or private, but not including trade schools, Section 23.10.LLL.
14. Surface Mining Section 23.10.OOO

### C. Accessory Uses, Buildings and Structures

Accessory uses, and minor buildings customarily incidental to any Primary or Special Permit Uses or to a Planned Unit Development are permitted pursuant to the requirements of Section 21.10. Oversized accessory buildings are subject to the Special Use Permit requirements of Sections 23.10.XX or YY.

### D. Lot Size

Each dwelling together with its accessory buildings hereafter erected, shall be located on a lot or parcel of land not less than 12,000 square feet in size if there is no public sewer, and not less than 7,250 square feet in size if there is public sewer. Each lot shall be at least 65 feet in width at the building line. This Ordinance shall not prevent the use of a lot or parcel of land of lesser size, provided that the lot or parcel was of legal record on the date of the passage of this Ordinance or amendment thereto.

### E. Dimensional, Area and Bulk Requirements

The Schedule of Regulations in Article Fifteen provide the minimum requirements for height, bulk, yards, setbacks, and minimum lot size per land use which must be complied with in constructing any structure in this district.

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE FOUR**

**LAKEFRONT-RESIDENTIAL (L-R) DISTRICT**

The following shall apply to all Lakefront-Residential (L-R) Districts:

**SECTION 4.01 - PURPOSE**

A. Lakefront-Residential Districts are intended to promote the proper use, enjoyment, and conservation of the land which abuts the water of a lake within Rapid River Township and to protect the water from pollution, impairment or destruction. The focus of this District is on residential lots which abut the water. This District recognizes that a large number of narrow waterfront lots already exist in the County, and that both groundwater and surface water quality has suffered as a result from poorly functioning septic systems and fertilizer and pesticide runoff. Consequently, while it is the purpose of this District to permit the continued use of lakefront lots that already have a principal residential dwelling located upon them, and to permit a dwelling unit to be erected on a nonconforming lot of record, provided that Public Health Department requirements can be conformed with, it is not the purpose of this Ordinance to permit the creation of any more narrow lots around Rapid River Township lakes, nor to permit the creation of private keyhole or funnel developments which allow large numbers of people to use the lake surface. The minimum width for a lot established abutting a lake within Rapid River Township shall be one-hundred (100) feet for any lot created after the effective date of the amendment creating this provision.

B. It is further the purpose of this District to discourage the creation of nonresidential uses generally and new intensive land uses particularly along the waterfront of Rapid River Township lakes. To this end, only a limited number of nonresidential uses recognized as desirable and compatible with the primary uses of the District are provided for by Special Permit. It is further declared that this District is intended to be located in harmony with the Resort-Residential District, which permits a mixture of residential and nonresidential waterfront related land uses. New Resort-Residential land uses are encouraged to be located on other than waterfront lots, and/or deeply setback from the waterfront to minimize the impact of the more intensive land uses on the waterfront.

C. A permanent greenbelt comprised largely of naturally occurring vegetation is strongly encouraged to be established along lakes by various provisions of this Ordinance. Waterfront associations are encouraged to be formed or their activities expanded to help promote and protect the natural character of vegetation around water bodies because of the water quality benefits of keeping land adjacent to the water vegetated with natural plants and not fertilized. Each property owner requesting approval for a Zoning Permit will be informed and encouraged to do their part to institute and maintain a greenbelt along the lakefront.

**SECTION 4.02 - PROPERTY USES**

Except as otherwise provided by this Ordinance, the use of all lands and premises, and erection and use of all buildings and structures in Lakefront-Residential (L-R) Districts, shall hereafter be limited to the following:

A. Primary Uses (not subject to Special Use Permit):

1. Home occupation and home professional offices are permitted provided there is no external change of the dwelling and the normal accessory buildings. No sign or name plate may be more than eight (8) square feet in size.
2. One and two-family dwellings 1, mobile homes, and summer cottages. See Section 21.12.
3. Parks and playgrounds, publicly owned and operated, or owned and maintained by owners of the lots served, such as by a subdivision or condominium association. Any park or playground on a riparian lot serving more than one residence may maintain a dock, provided not more than two (2) watercraft are moored there at any time and that no other watercraft are launched from there.
4. Recreational accessory spaces within accessory structures.

# Rapid River Township Zoning Ordinance Adopted June 2011

5. A waterfront lot serving other than a Planned Unit Development may not be used to moor or launch watercraft other than those owned or under the control of the owner of the lot. No non-riparian owner or back-lot owner may gain access to the waterfront via a lot established or used for a one-family dwelling, unless a deed restriction or easement established before the effective date of the amendment creating this Section permitted such an arrangement.

## B. Uses Subject to Special Use Permit, as provided by Article Twenty-Three or by Planned Unit Development as provided by Article Twenty-Four

The Zoning Board of Appeals shall classify unlisted uses pursuant to Section 2.04. Uses subject to a Special Use Permit or Planned Unit Development approval include but are not limited to the following:

1. Additional dwellings on one (1) parcel, Section 23.10.A3
2. Boarding, tourist homes and bed and breakfast inns, Section 23.10.J.
3. Campground and R-V parks (see standards for outdoor commercial recreation facilities, Section 23.10.S).
4. Churches and religious institutions, and related buildings and structures customarily incidental thereto. Lot area shall provide side yards not less than thirty (30) feet on each side, Section 23.10.O.
5. Detached accessory dwelling units, Section 23.10.Z.4
6. Golf courses with a club house or country club, Section 23.10.GG.
7. Motels and rental cabins, Section 23.10.00.
8. Multi-family developments, Section 23.10.RR.
9. Oversized buildings for personal storage only, per the requirements of Section 23.10 XX or Section 23.10.YY.
10. Planned Unit Developments, including a mixture of dwelling unit types and sizes, including townhouses, apartments and detached one-family dwellings (see Article Twenty-Four).
11. Residence-based occupation - occupation performed on premises and operated only by owner as provided under Section 23.10.HHH.
12. Residence-based occupation - occupation performed at a location away from that site as provided under Section 23.10.HHH.
13. Watercraft launching per the requirements of Section 23.10.UUU
14. Surface Mining Section 23.10.OOO

## C. Accessory Uses, Buildings and Structures

Accessory uses and minor buildings and structures customarily incidental to any Primary or Special Use or Planned Unit Development, are permitted pursuant to the requirements of Section 21.10. Oversized accessory buildings (greater than 1200 square feet) 5 are subject to the Special Use Permit requirements of Section 23.10 XX or Section 23.10.YY.

## D. Lot size

Each dwelling unit erected on a lot created after the date of the amendment establishing this section, together with its accessory buildings shall be located on a lot or parcel of land not less than twenty-thousand (20,000) square feet in size, and at least one hundred (100) feet in width at the building line.

## E. Dimensional, Area and Bulk Requirements

The Schedule of Regulations in Article Fifteen, provides the minimum requirements for height, bulk, yards, setbacks, and minimum lot size per land use which must be complied with in constructing any structure in this district. See Article Sixteen with other waterfront related regulations.

## F. Keyhole or Funnel Development

Keyhole or funnel development is prohibited unless an application for a Planned Unit Development receives approval according to the requirements of this Ordinance. Approval shall not be given if use of the waterfront lot or waterfront access point is likely to be greater than that of other lots around the lake. This means not more than a single dock may be erected per the minimum lot width of the frontage on the lake, and not more boats moored than the average of other docks on the lake. See also the regulations in Section 23.10.UUU.

## G. For purposes of definition, Areas Zoned Lakefront-Residential (L-R) Districts were established as:

1. All land contiguous to a lake or pond that is greater than two (2) acres in size to a depth of five-hundred (500) feet from the water's edge, and
2. that is zoned Forest-Recreational (F-R), Agricultural-Residential (A-R), or all land that is zoned Resort-Residential (R-R) and not used for a commercial use or a use for which a Special Use Permit

Rapid River Township Zoning Ordinance  
Adopted June 2011

has been granted,

3. unless the lot or parcel contiguous to the lake or pond is less than five-hundred (500) feet in depth, in which case the District shall only extend to the depth of such lot and not to five hundred (500) feet.

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE FIVE**

**RESERVED FOR FUTURE USE**



# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE SIX

### RESORT-RESIDENTIAL (R-R) DISTRICT

The following shall apply to all Resort-Residential (R-R) Districts:

#### SECTION 6.01 - PURPOSE

Resort-Residential (R-R) Districts are intended to promote the proper use, enjoyment, and conservation of land and associated resources of the Township deemed peculiarly adapted to and historically used for a relatively "intense" mix of recreational and residential property uses. They generally abut Lakefront-Residential (L-R) Districts. They were often initially created as platted lots or multiple metes and bounds lots for erection of cottages intended for intermittent or seasonal use. Many of these lots now contain homes adapted and used for year-round occupancy. Nonresidential uses in this District serve residences in the Resort-Residential (R-R) District as well as in abutting waterfront, forest and agricultural districts. This mixture of limited nonresidential and residential uses is characteristic of Resort-Residential (R-R) Districts and is desired to be maintained as long as new nonresidential uses are compatible with the predominant residential uses in the District. This will be accomplished by the application of Special Use Permit procedures to the creation or expansion of nonresidential uses in this District.

#### SECTION 6.02 - PROPERTY USES

Except as otherwise provided by this Ordinance, the use of all lands and premises and erection and use of all buildings and structures in Resort-Residential (R-R) Districts shall hereafter be limited to the following:

##### A. Primary Uses (not subject to Special Use Permit)

1. Antique shops, and art galleries.
2. Churches and related buildings and structures customarily incidental thereto. Lot area shall provide side yards not less than thirty (30) feet on each side.
3. Farm animals in numbers and enclosures that meet minimum standards for animal health and safety, and which pose no unreasonable nuisance to residents of abutting property and which are not in violation of the County Animal Control Ordinance or the Right-to-Farm Act, Public Act 93 of 1981, as amended.
4. Home occupation and home professional offices are permitted provided there is no external change of the dwelling and the normal accessory buildings. No sign or name plate may be more than eight (8) square feet in size.
5. One and two-family dwellings, mobile homes, and summer cottages. See Section 21.12.
6. Parks and playgrounds, publicly owned and operated, or owned and maintained by owners of the lots served, such as by a subdivision or condominium association.
7. Recreational accessory spaces within accessory structures.

##### B. Uses Subject to Special Use Permit, as provided by Article Twenty-Three or by Planned Unit Development as provided by Article Twenty-Four

The Zoning Board of Appeals shall classify unlisted uses pursuant to Section 2.04. Uses Subject to a Special Use Permit or Planned Unit Development Approval include but are not limited to the following:

1. Additional dwellings on one (1) parcel, Section 23.10.A.
2. Adult foster care homes for more than six persons, Section 23.10.B.
3. Airfields and landing strips, Section 23.10.D.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

4. Amusement center, Section 23.10.F.
5. Automobile service and repair station, Section 23.10.H.
6. Boarding, tourist homes and bed and breakfast inns, Section 23.10.J.
7. Boat storage and repair, Section 23.10.L.
8. Campgrounds and RV parks (see standards for outdoor commercial recreation facilities), Section 23.10.S.
9. Cemeteries, crematories and/or mausoleums, Section 23.10.N.
10. Civic, social and fraternal buildings, non-profit (see private recreation facilities, Section 23.10.AAA).
11. Commercial kennels, Section 23.10.O.
12. Convalescent or nursing homes, Section 23.10.X.
13. Convenience and party stores, Section 23.10.Y.
14. Detached accessory dwelling units, Section 23.10.Z.
15. Drive-in and drive-through establishments, Section 23.10.AA.
16. Equine boarding stables, equine training facility, and equine breeding facility (see standards for commercial equine establishments, Section 23.10.P).
17. Equine riding academies and time rental riding facility (see standards for commercial equine establishments, Section 23.10.P).
18. Golf courses, and country clubs, Section 23.10.GG.
19. Greenhouse/nurseries, Section 23.10.HH.
20. Indoor recreational facilities, Section 23.10.R.
21. Marinas, Section 23.10.NN.
22. Mini-warehouses and rental storage buildings, Section 23.10.OO.
23. Mobile home parks provided they meet all state requirements, and especially those of the Mobile Home Commission under Public Act 96 of 1987, as well as the standards of Section 23.03, 23.10RR and those of Article Twenty-five.
24. Motels and rental cabins, Section 23.10.OO.
25. Multi-family developments, Section 23.10.RR.
26. Outdoor commercial recreation facilities, Section 23.10.S.
27. Oversized accessory buildings for personal storage only, per the requirements of Sections 23.10.XX or YY.
28. Planned Unit Developments, including a mixture of dwelling unit types and sizes, including townhouses, apartments and detached one-family dwellings (see Article Twenty-four).
29. Public utility buildings and publicly owned buildings, but not garages, shops, or storage yards for these uses (see standards for public facilities), Section 23.10.BBB.
30. Rental stores and shops, Section 23.10.GGG.
31. Residence-based occupation - occupation performed at a location away from that site as provided under Section 23.10.HHH.
32. Residence-based occupation - occupation performed on premises and operated only by owner as provided under Section 23.10.HHH.
33. Restaurants, Section 23.10.111
34. Tavern, bar, beer garden and nightclubs (see standards for restaurants), Section 23.10.111.
35. Surface Mining Section 23.10.OOO

### C. Accessory Uses, Buildings and Structures

Accessory uses and minor buildings and structures customarily incidental to any Primary or Special Use or Planned Unit Development, are permitted pursuant to the requirements of Section 21.10. Oversized accessory buildings (greater than 1200 square feet) are subject to the Special Use Permit requirements of Section 23.10.XX or Section 23.10.YY.

### D. Lot size

Each dwelling unit together with its accessory buildings erected on a lot created after the effective date of this Ordinance shall be located on a lot or parcel of land not less than 15,000 square feet in size and at least 100 feet in width at the building line.

## Rapid River Township Zoning Ordinance Adopted June 2011

### E. Dimensional, Area and Bulk Requirements

The Schedule of Regulations in Article Fifteen provides the minimum requirements for height, bulk, yard setbacks, and minimum lot size per land use which must be complied with in constructing any structure in this district.

Rapid River Township Zoning Ordinance  
Adopted June 2011  
**ARTICLE SEVEN**

**RESERVED FOR FUTURE USE**

# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE EIGHT AGRICULTURAL-RESIDENTIAL (A-R) DISTRICT

The following provisions shall apply to all Agricultural-Residential (A-R) Districts:

### SECTION 8.01 – PURPOSE

A. The predominant land uses in this District are rural: farms with interspersed woodlots and scattered nonfarm residences. State forests surround the district in many places. It is the purpose of the provisions of the Ordinance to conserve this rural character in a general way. Farms and legitimate agricultural uses are the principal permitted uses of the district. These are intended to be permitted as long as agriculture is a viable economic use in the opinion of the owner. As such, agricultural acreage is encouraged to be maintained in parcels at least forty acres in size. On lands no longer economically viable for agricultural use in the opinion of the owner, residential development is permitted on lots at least one (1) acre in size.

B. A limited number of other uses consistent with existing uses in this District, are permitted by Special Use Permit, provided they conform with Ordinance standards and are in keeping with the rural character of the area. It is not intended that any land be rezoned out of Agricultural-Residential to a commercial or industrial district classification except where consistent with the Township Master Plan.

### SECTION 8.02 - PROPERTY USES

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures in the Agricultural-Residential (A-R) Districts shall hereafter be limited to the following:

#### A. Primary Uses (not subject to Special Use Permit)

1. Antique shops and art galleries.
2. Churches and related buildings customarily incidental thereto. Lot area shall provide not less than thirty (30) feet on each side yard.
3. Commercial kennel on parcels with 10 acres or more.
4. Crop and livestock farming including truck gardens, tree farms, greenhouses, nurseries, and other specialty crops.
5. Equine boarding stables, equine training facility, equine breeding facility (see standards in Section 21.28).
6. Farm animals in numbers and enclosures that meet minimum standards for animal health and safety, and which pose no unreasonable nuisance to residents of abutting property and which are not in violation of the County Animal Control Ordinance or the Right-to-Farm Act, Public Act 93 of 1981, as amended.
7. Fish rearing ponds.
8. Florist shops, herb farms, and garden supply stores if located on property where flowers, herbs, or vegetables are commercially grown.
9. Forest reserves and forest management
10. Commercial kennels with less than ten (10) acres
11. Greenhouses/nurseries.
12. Home occupation and home professional offices are permitted provided that there is no external change of the dwelling and the normal accessory buildings. No sign or name plate may be more than eight (8) square feet in size.
13. One and two-family dwellings, including mobile homes as provided in Section 21.12
14. Parks and playgrounds, privately owned and operated, such as by a subdivision or condominium association.
15. Processing of products produced on the farm premises, including a roadside stand for the sale thereof, provided there is safe ingress and egress off the public road, adequate parking, and a setback for the stand at least equal to that of the principal structure of the district.
16. Publicly owned and operated buildings, parks and playgrounds and recreational lands.

# Rapid River Township Zoning Ordinance Adopted June 2011

17. Recreational accessory spaces within accessory structures.
18. Wildlife preserves.
19. Seasonal Recreational Structures as defined in Article Thirty-Two.  
**This section amended by amendment #5-01 adopted May 12, 2015**

## B. Uses Subject to Special Use Permit, as provided by Article Twenty-Three

The Zoning Board of Appeals shall classify unlisted uses pursuant to Section 2.04. Uses subject to a Special Use Permit include but are not limited to the following:

1. Additional dwellings on one (1) parcel, Section 23.10.A.
2. Adult foster care homes for more than six persons, Section 23.10.B.
3. Agricultural supplies and service center, Section 23.1D.C.
4. Air fields and landing strips, Section 23.10.D.
5. Animal sales yards/stockyards, Section 23.10.C.
6. Boarding, tourist homes, and bed and breakfast inns, Section 23.10.J.
7. Campground and R-V parks (see standards for outdoor recreation facilities), Section 23.10.S.
8. Cemeteries, including mortuaries, columbaria and crematories, Section 23.10.N.
9. Civic buildings, libraries, museums and Township halls (see standards for public facilities Section 23.10.BBB. )
10. Communication towers, telecommunication towers and facilities and alternative tower structures, Section 23.10.U.
11. Convenience and party stores, Section 23.10.Y.
12. Detached accessory dwelling units, Section 23.10.Z.5
13. Equine riding academies and time rental riding facility (see standards for commercial equine establishments), Section 23.10.P.
14. Flea markets (see standards for outdoor commercial recreation), Section 23.10.S.
15. Golf courses and country clubs, Section 23.10.GG.
16. Golf driving range (see outdoor commercial recreation facilities), Section 23.10.S.
17. Mines, quarries, (see standards for surface mining), Section 23.10.000.
18. Natural gas compressor facilities, Section 23.10.TT.
19. Planned unit developments per the requirements of Article 24.
20. Outdoor commercial recreation facilities, Section 23.10.S.
21. Oversized accessory buildings for personal storage only on residential lots, per the requirements of Sections 23.10.XX or YY.
22. Public utility buildings, including storage and service yards (see standards for public facilities), Section 23.10.BBB.
23. Rental cabins, Section 23.10.QQ.
24. Residence-based occupation - occupation performed at a location away from that site as provided under Special Use Permits, Section 23.10.HHH.
25. Residence-based occupation -occupation performed on the premises and operated only by the owner as provided under Section 23.10.HHH.
26. Restaurants, Section 23.10. III.
27. Sanitary landfills, Section 23.10.KKK.
28. Schools, primary and secondary, whether or not public, charter, parochial or private, but not including trade schools, Section 23.10.LLL.
29. Surface mining, including sand and gravel, Section 23.10.000.
30. Veterinary clinic, veterinary hospitals and kennels associated with a veterinary facility on parcels less than 10 acres in size, Section 23.10.SSS.
31. Wild game shooting preserves, Section 23.10.VW.

## C. Accessory Uses, Buildings and Structures

Accessory uses and minor buildings and structures customarily incidental to any Primary or Special Uses, are permitted pursuant to the requirements of Section 21.10. Oversized accessory buildings for residential use and not associated with a farm are subject to the Special Use Permit requirements of Sections 23.10.XX or YY.

## D. Lot Size

1. Each dwelling together with its accessory buildings hereafter erected shall be located on a lot or

## Rapid River Township Zoning Ordinance Adopted June 2011

parcel of land not less than one (1) acre in size and at least 150 feet in width at the building line. But this shall not prevent the use of a lot or parcel of land of lesser size, provided that same was of legal record on the effective date of this Ordinance or an amendment thereto.

2. Lots not smaller than one-half (1/2) acre in size nor more than one and one-half (1 1/2) acres in size may be permitted as part of a cluster residential development pursuant to the requirements of Section 23.10.WW. Smaller lots are permitted in planned unit developments per the requirements of Article 24. Land restricted to permanent open space shall be so protected by a deed restriction recorded with the County Registrar of Deeds.

### E. Dimensional, Area and Bulk Requirements

The Schedule of Regulations in Article Fifteen provides the minimum requirements for height, bulk, yard setbacks, and minimum lot size per land use which must be complied with in constructing any structure in this district.

# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE NINE FOREST-RECREATIONAL (F-R) DISTRICT

The following shall apply to all Forest-Recreational (F-R) Districts:

### SECTION 9.01 - PURPOSE

A. Forest-Recreational (F-R) Districts are intended to promote the use, enjoyment and conservation of the forest, water, topographic, geologic, historic, and other resources of the Township peculiarly adapted to forestry, forest industries, and woodland based outdoor recreational uses in general. New parcels may be established for single family residential purposes on not less than one (1) acre, except in an approved planned unit development pursuant to Article 24.

B. Various uses are provided for by Special Use Permit where consistent with the standards of this Ordinance and in keeping with the rural character of the area. It is not intended that any land would be rezoned out of Forest-Recreational (F-R) to a commercial or industrial district classification except where consistent with the Township Master Plan.

### SECTION 9.02 - PROPERTY USES

Except as otherwise provided in this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures in Forest-Recreational (F-R) Districts shall hereafter be limited to the following:

#### A. Primary Uses (not subject to Special Use Permit)

1. Archery and shooting ranges for individual personal use.
2. Churches and related buildings and structures customarily incidental thereto. Lot area shall provide side yards not less than thirty (30) feet on each side.
3. Equine boarding stables, equine training facility, equine breeding facility (see standards in Section 21.28).
4. Farm animals in numbers and enclosures that meet minimum standards for animal health and safety, and which pose no unreasonable nuisance to residents of abutting property and which are not in violation of the County Animal Control Ordinance or the Right-to-Farm Act, Public Act 93 of 1981, as amended.
5. Fish rearing ponds.
6. Forest reserves, forest management, and production of forest crops.
7. Greenhouse/nurseries.
8. Harvesting of any native or wild crop permitted by law.
9. Home occupations are permitted provided there are no external changes of the dwelling and the normal accessory buildings. No sign or name plate may be more than eight (8) square feet in size.
10. Hunting and fishing cabins.
11. One and two-family dwellings and mobile homes as provided in Section 21.12.
12. Private parks and playgrounds owned and maintained by owners of the lots served, such as by a subdivision or condominium association.
13. Publicly owned buildings.
14. Publicly owned parks and playgrounds, and recreation lands.
15. Recreational accessory spaces within accessory structures.
16. Roadside stand selling produce provided there is safe ingress and egress off the public road, adequate parking, and a setback for the stand at least equal to that of a principal structure in the District
17. Tree farms.
18. Wildlife preserve.



# Rapid River Township Zoning Ordinance

## Adopted June 2011

### B. Uses Subject to Special Use Permit, as provided by Article Twenty-Three

The Zoning Board of Appeals shall classify unlisted uses pursuant to Section 2.04. Uses subject to a Special Use Permit include but are not limited to the following:

1. Additional dwellings on one (1) parcel, Section 23.10.A.
2. Adult foster care homes for more than six persons, Section 23.10.B.
3. Airfield and landing strips, Section 23.10.D.
4. Boarding, tourist home and bed and breakfast inns, Section 23.10.J.
5. Campgrounds, R.V. parks and seasonal mobile home parks (see standards for outdoor commercial recreation facilities), Section 23.10.S.
6. Civic buildings, library, and Township Hall (see standards for public facilities), Section 23.10.BBB.
7. Commercial kennels, Section 23.10.O.
8. Communication towers, telecommunication towers and facilities and alternative tower structures, Section 23.10.U.
9. Convenience and party stores, Section 23.10.Y.
10. Detached accessory dwelling units, Section 23.10.Z.
11. Drive-in and drive-through food and drink services, Section 23.10.AA.
12. Equine riding academies and time rental riding facility (see standards for commercial equine establishments), Section 23.10.P.
13. Farm buildings exceeding 2,000 square feet in size (See Section 23.10.YY.)
14. Flea markets, Section 23.10.S.
15. Florist shops, herb farms, and garden supply stores if located on property where flowers, herbs, or vegetables are commercially grown (see standards for greenhouses and nurseries), Section 23.10.HH.
16. Golf courses and country clubs, Section 23.10.GG.
17. Golf driving ranges (see standards for outdoor commercial recreation facilities), Section 23.10.S.
18. Library, Section 23.10.BBB.
19. Mines, and quarries (see standards for surface mining), Section 23.10.OOO.
20. Mini-warehouse and rental storage buildings with the following conditions included in the rental contracts and posted on the premises: Excluding storage of flammable liquids or gases, explosives and toxic materials, Section 23.10.OO.
21. Motels, Section 23.10.OO.
22. Museum, Section 23.10.BBB.
23. Natural gas compressor facilities, Section 23.10.TT.
24. Planned unit developments per the requirements of Article 24.
23. Outdoor and sportsman clubs. (See Section 23.10.S regarding outdoor commercial recreation and Section 23.10.VVV regarding wild game shooting, game and hunting preserves; the relevant provisions of each Section shall be applied to the siting of outdoor and sportsman clubs.)
24. Outdoor commercial recreation, Section 23.10.S.
25. Oversized accessory buildings associated with a residential use for personal storage only, per the requirements of Sections 23.10 XX or YY.
26. Public utility buildings, including storage and service yards (see public facilities), Section 23.10.BBB.
27. Rental cabins, Section 23.10.OO.
28. Rental stores and shops, Section 23.10.GGG.
29. Residence-based occupation - occupation performed at a location away from that site as provided under Article Twenty-Three, Section 23.10.HHH.
30. Residence-based occupation - occupation performed on premises and operated only by the owner as provided under Article Twenty-Three, Section 23.10.HHH.
31. Restaurants (eat inside), Section 23.10.111.
32. Sanitary landfills, Section 23.10.KKK.
33. Surface mining, including sand, gravel and top soil, Section 23.10.OOO.
34. Veterinary hospital, veterinary clinic and related kennel facilities, Section 23.10.SSS.
35. Wild game shooting preserve. (Commercial pay-to-shoot), Section 23.10.VVV.

### C. Accessory Uses, Buildings and Structures

Accessory uses, and minor buildings and structures customarily incidental to any Primary or Special Permit

## Rapid River Township Zoning Ordinance Adopted June 2011

Use, are permitted pursuant to the requirements of Section 21.10. Oversized accessory buildings are subject to the Special Use Permit requirements of Sections 23.10.XX or YY.

### D. Lot Size

Each dwelling together with its accessory buildings hereafter erected shall be located on a lot or parcel of land not less than one (1) acre in size and at least 150 feet in width at the building line, but this shall not prevent the use of a lot or parcel of land of lesser size, provided that same was of legal record on the effective date of this Ordinance.

1. Except lots for a single family dwelling not smaller than one-half (1/2) acre in size nor more than two and one-half (2 1/2) acres in size may be permitted as part of a cluster residential development pursuant to the requirements of Section 23.10.WW. Smaller lots are permitted in planned unit developments per the requirements of Article 24. Land restricted to permanent open space shall be so protected by a deed restriction recorded with the County Registrar of Deeds.

### E. Dimensional, Area and Bulk Requirements

The Schedule of Regulations in Article Fifteen provides the minimum requirements for height, bulk, yard setbacks, and minimum lot size per land use which must be complied with in constructing any structure **in** that district.

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE TEN  
COMMERCIAL(C-1) DISTRICT**

The following provisions shall apply to all Commercial (C-1) Districts:

**SECTION 10.01 – PURPOSE**

A. The purpose of establishing Commercial (C-1) Districts is to provide areas primarily dedicated to a variety of establishments, including retail, personal, professional and other services commonly associated with commercial, office, and business centers. It is further the purpose of this zone to limit residential dwellings, except where associated with a business (as in a second floor dwelling), where dwellings would not disrupt the intended business character of the area, or where a mobile home park has been located in a commercial area of the Township before the Township initiated zoning.

B. Certain uses are permitted by Special Use Permit where compatible with existing uses of land within and adjacent to the district. It is further the intent of this district to discourage the creation of strip or spot Commercial (C-1) Districts throughout the Township. To that end, no land is intended to be zoned into a Commercial (C-1) District unless the land is proposed to be so used in the Township Master Plan. Public services must be adequate to service the proposed commercial property or such a rezoning is premature. to minimize hazards created by too many commercial driveways along public roads, and facilitate the safe flow of traffic and safe turning movements both in and out of commercial establishments, various access controls are required. Compliance with standards for landscaping, buffering and/or fencing are necessary to ensure compatibility between uses within this zone and with uses in adjacent districts. These requirements are most restrictive when commercial development is adjacent to residential development. All proposed uses within the Commercial District (C-1) must go through Site Plan Review as provided in Article Twenty-Five.

C. Boundaries: The boundaries of the Commercial District shall be five hundred (500) feet from the centerline of US131, or to the property line of lesser parcels. **Part C added by amendment #16-02 adopted March 10, 2016.**

**SECTION 10.02 - REVIEW PROCEDURES**

A. Required Information

Before a Zoning Permit for a use within this district shall be issued, the owners or lessees shall submit the following material to the Township Planning Commission for review and approval.

1. A SITE PLAN of the property showing the location of all present and proposed buildings, parking areas, parking spaces, waste disposal fields, screening, fences or walls, and other construction features which may be proposed. See Article Twenty-Five.
2. A DESCRIPTION OF THE OPERATIONS proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

B. General Standards

The Township Planning Commission shall review the particular circumstances of the proposed commercial use under consideration in terms of the following standards, and shall approve the request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

1. The use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic noise, smoke, odor, fumes or glare.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

2. Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material, as established by Section 18.05, or by a well maintained dense evergreen planting, which screening shall be not less than six (6) feet in height. These standards may be superseded by the Planning Commission if another design meeting the Requirements of Article Eighteen more adequately protects adjacent premises.

### **SECTION 10.03 – PROPERTY USES**

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures in Commercial (C-1) Districts shall be limited to one or more of the following:

#### A. Primary Uses

1. Administrative offices
2. Amusement center
3. Art galleries and antique shops
4. Auditoriums
5. Automobile sales, rentals, and repairs
6. Automotive/boat restoration for profit.
7. Bakeries.
8. Banks, business and professional offices.
9. Boat sales, repairs and rentals.
10. Building material sales and storage.
11. Bus terminal.
12. Business offices.
13. Carpentry, plumbing, upholstery, sign painting, interior decorating, baking, jewelry and curio making, photography, and similar establishments when conducted within a completely enclosed building without outside storage and operated as a retail business.
14. Christmas tree sales.
15. Churches and related religious buildings and facilities customarily incidental thereto.
16. Civic, social, and fraternal buildings not operated for profit
17. Clinics, hospitals, including health services such as baths and massage and other therapies.
18. Contractor's motorized equipment sales, rental and service.
19. Multiple Family Developments
20. Convenience store, party store and grocery store.
21. Farm supply sales and service.
22. Film and photography lab.
23. Fire, security and allied facilities.
24. Florist shops, nurseries, garden supply stores, and greenhouses.
25. Fruit and vegetable stands.
26. Gasoline service automobile service and repair stations.
27. Graphics and art equipment
28. Hardware supplies.
29. Indoor commercial shooting range (only if within a fully enclosed building).
30. Indoor private recreation facilities including bowling alleys, swimming pools, miniature golf, skating rink, etc.
31. Libraries.
32. Lodging, boarding, tourist homes and bed and breakfasts inns.
33. Machine shops.
34. Mobile home sales and service.
35. Mortuaries and funeral homes.
36. Motels.
37. Museums.
38. Personal service shops such as: beauty parlors, barber shops, dress making, tailoring and shoe repair shops.
39. Printing, publishing, Photostatting, lithographing and blueprinting.
40. Public assembly halls.
41. Publicly owned grounds and buildings.

## Rapid River Township Zoning Ordinance Adopted June 2011

42. Publicly owned parks and playgrounds.
43. Radio and TV shops and studios.
44. Real estate offices.
45. Rental storage building with the following conditions included in the rental contracts and posted on the premises: Excluding storage of flammable liquids or gases, explosives or toxic materials.
46. Retail or consignment stores
47. Rental stores and shops.
48. Restaurants (not drive-thru).
49. Retail stores and shops when conducted within enclosed buildings and offering chiefly new merchandise.
50. Sale and service of farm machinery, fertilizers, feeds and other farm supplies.
51. Studios: art, photographic, music and dance.
52. Tavern, bar, nightclub.
53. Taxi terminal.
54. Trade schools and business colleges.
55. Used car lots.
56. Watercraft launching for properties located on riparian property (all required state and/or federal permits must be obtained).
57. Water Well Driller.

**This Section amended by amendment# 15-01 adopted May 12, 2015**

### B. Uses Subject to Special Use Permit, as provided by Article Twenty-Three

The Zoning Board of Appeals shall classify unlisted uses pursuant to Section 2.04. Uses subject to a Special Use Permit include but are not limited to the following:

1. Adult foster care facilities for more than six persons, Section 23.10.B.
2. Commercial kennels, Section 23.10.O.
3. Communication towers, Section 23.10.U.
4. Convalescent or nursing homes, Section 23.10.X.
5. Dance halls (see standards for indoor commercial recreational facility), Section 23.10.R.
6. Drive-in theater, Section 23.10.S.
7. Drive-in and drive-through establishments, Section 23.10.AA
8. Equine boarding stables, equine training facility, and equine breeding (see standards for commercial equine establishments), Section 23.10.P.
9. Equine riding academies and time rental riding facility (see standards for commercial equine establishments), Section 23.10.P.
10. Excavating and grading equipment, storage and maintenance (see standards for contractor's establishments), Section 23.10.V.
11. Flea markets (see standards for outdoor commercial recreation Section 23.10.S.)
12. Fuel storage facilities, Section 23.10.DD.
13. Laundromats, laundries or cleaning establishments, Section 23.10.LL.
14. Marina, Section 23.10.NN.
15. Mini-warehouses, Section 23.10.OO.
16. Mobile home parks, provided they meet all state requirements, and especially those of the Mobile Home Commission under Public Act 96 of 1987, as well as the standards of Section 23.03, 23.10.RR and those of Article 25.
17. Natural gas compressor facilities, Section 23.10.TT.
18. Oil field related services and petroleum related suppliers (see standards for contractor's establishments), Section 23.10.V.
19. Parking lots, commercial (unassociated with any principal use). See Articles 17 and 19.
20. Public utility buildings, including storage and service yards (see standards for public facilities), Section 23.10.BBB.
21. Recycling facilities, Section 23.10.EEE.
22. Sexually oriented businesses, Section 23.10.MMM.
23. Veterinary clinic, veterinary hospitals and related kennel facilities, Section 23.10.SSS.
24. Single family dwellings.
25. Recreational accessory spaces within accessory structures.
26. Detached accessory dwelling units.

## Rapid River Township Zoning Ordinance Adopted June 2011

27. Vehicle wash facilities, Section 23.10.RRR.
28. Welding services.
29. Car freight terminals.
30. Trucking companies.
31. Storage yards for repossessed goods.
32. Surface Mining Section 23.10.OOO

### C. Accessory Uses, Buildings and Structures

Accessory Uses and minor buildings and structures incidental to any of the preceding uses are permitted pursuant to the requirements of Section 21.10.

### D. Dimensional, Area and Bulk Requirements

The Schedule of Regulations in Article Fifteen provide the minimum height, bulk, yard setbacks, and minimum lot size per land use which must be complied with in constructing any structure in this district.

## **SECTION 10.04 - SITE PLAN REVIEW**

Before a Zoning Permit for a use within this district shall be issued, the owners or lessors shall submit a site plan conforming with the requirements of Article Twenty-Five to the Rapid River Township Zoning Administrator for review and approval.

Rapid River Township Zoning Ordinance  
Adopted June 2011  
**ARTICLE ELEVEN**

**RESERVED FOR FUTURE USE**

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE TWELVE**

**RESERVED FOR FUTURE USE**



# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE THIRTEEN GENERAL INDUSTRIAL (G-1) DISTRICT

The following provisions apply to all General-Industrial (G-1) Districts:

### SECTION 13.01 - PURPOSE

The primary purpose of General Industrial (G-1) district is to provide areas within the Township for the encouragement, promotion and conduct of industries for processing of raw materials and semi-finished products, for storage of raw materials and industrial products, and for wholesale commercial establishments, including office facilities and employee facilities customarily associated with any permitted use, PROVIDED that no use shall be permitted, the conduct of which shall constitute a nuisance to any prior existing permitted use on any adjacent premises.

Various uses are provided for by Special Use Permit where consistent with the standards of this Ordinance and in keeping with the character of the area. It is not intended that any land would be rezoned into a General Industrial (G-1) District classification except where consistent with the Township Master Plan. All industrial uses must go through Site Plan Review as provided in Article Twenty-Five.

### SECTION 13.02 - REVIEW PROCEDURE

#### A. Required Information

Before a Zoning Permit for a use within this district shall be issued, the owners or lessees shall submit the following material to the Township Planning Commission for review and approval:

1. A SITE PLAN of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, screening, fences or walls, and other construction features which may be proposed. See Article Twenty-Five.
2. A DESCRIPTION OF THE OPERATIONS proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

#### B. General Standards

The Township Planning Commission shall review the particular circumstances of the proposed industrial use under consideration in terms of the following standards, and shall approve the request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic noise, smoke, odor, fumes or glare.
2. Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material as established by Section 18.05, or by a well-maintained dense evergreen planting, which screening shall be not less than six (6) feet in height. These standards may be superseded by the Planning Commission if another design meeting the requirements of Article Eighteen more adequately protects adjacent premises.

### SECTION 13.03 - PROPERTY USES

Except as otherwise provided by this Ordinance, the use of all lands and the erection, use and alteration of

# Rapid River Township Zoning Ordinance

## Adopted June 2011

all buildings and structures in General-Industrial (G-1) Districts shall hereafter be limited to the following:

### A. Primary Uses

1. The production, processing, assembly, manufacturing or packaging of any non-explosive goods, or materials including testing, repair, storage and distribution, and sale of such products at wholesale.
2. Administrative and business offices.
3. Airports.
4. Automobile body repair and paint shops and auto mechanical repair facility.
5. Automobile sales, rental and service.
6. Automobile service and repair garages.
7. Automotive/boat restoration for profit.
8. Bakeries.
9. Blueprinting and similar imaging services.
10. Building materials and hardware supplies.
11. Bus terminal.
12. Contractor's motorized equipment sales, rental and service.
13. Film and photography lab.
14. Fire security and allied facilities.
15. Glass Manufacturing
16. Lumber and other building material storage
17. Machine shops.
18. Office buildings.
19. Oil field related services, petroleum related services.
20. Petroleum related supply companies.
21. Public utility buildings, including storage and service yards.
22. Publicly owned buildings and grounds
23. Rental storage buildings with the following conditions included in the rental contracts and posted on the premises: excluding storage of flammable liquids or gases, explosives and toxic materials.
24. Sales and service of farm machinery, fertilizers, feeds and other farm supplies.
25. Storage and warehousing, but excluding therefrom commercial explosives, or commercial bulk storage of flammable liquids or gases.
26. Trade or industrial schools.
27. Truck terminals, maintenance and repair.
28. Welding services.
29. Wholesale houses.
30. Wholesale contractor's yards and buildings, but excluding retail activities.
31. Car freight terminals.
32. Trucking companies.
33. Storage yards for repossessed goods.
34. Vehicle wash facilities, Section 23.10.RRR.
35. Well drilling (**added by amendment #12-01 adopted 8/14/12**)

### B. Uses Subject to Special Use Permit, as provided by Article Twenty-Three

The Zoning Board of Appeals shall classify unlisted uses pursuant to Section 2.04. Uses subject to a Special Use Permit include but are not limited to the following:

1. Billboards, Section 19.07.
2. Communication towers, telecommunication towers and facilities and alternative tower structures (see standards in Section 23.10.U)
3. Excavating and grading equipment, storage and maintenance (see standards for contractor's establishments), Section 23.10.V
4. Junk yards, and salvage Section 23.10. JJ
5. Laundries or cleaning establishments, Section 23.10.LL.
6. Ready-mix concrete, and asphalt plants, Section 23.10.000.
7. Recycling Facilities, Section 23.10.EEE
8. Reduction and/or conversion of waste materials, but not as disposal or dumps (see standards for recycling facilities),

# Rapid River Township Zoning Ordinance

## Adopted June 2011

9. Slaughter houses, (see standards for agricultural supplies and service centers), Section 23.10.C
10. Stock Yards, Section 23.10.C
11. Storage of petroleum and other flammable products (see standards for fuel storage facilities), Section 23.1D.DD.
12. Surface mining including sand, gravel and topsoil, Section 23.10.OOO

### C. Accessory Uses, Buildings and Structures

Accessory uses, and minor buildings and structures customarily incidental to any of the preceding uses are permitted pursuant to the requirements of Section 21.10.

### D. Dimensional, Area and Bulk Requirements

The Schedule of Regulations in Article Fifteen provides the minimum requirements for height, bulk, yard setbacks, and minimum lot size per land use which must be complied with in constructing any structure in this district. **This Section amended by Amendment# 1-01 adopted May 12, 2015**

## **SECTION 13.04 - SITE PLAN REVIEW**

Before a land use permit for a use within this district shall be issued, the owners or lessors shall submit a site plan conforming with the requirements of Article Twenty-Five to the Township Zoning Administrator for review and approval.

## **SECTION 13.05- USE REQUIREMENTS**

A. The following use requirements shall apply to all General Industrial Districts (G-1) unless more restrictive requirements apply from other parts of this Ordinance:

1. Enclosed Buildings -activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out of doors in rear yards as provided herein. All storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates; such wall or fence shall be at least six (6) feet in height and no greater than ten (10) feet in height, but in no case shall the fence be lower than the enclosed storage. If storage or walls exceed ten (10) feet in height, the storage must then be moved into the normal setback lines of the building. Such storage shall not be deemed to include the parking of licensed motor vehicles under one and one-half (1-1/2) tons rated capacity.
2. Uses in this District shall conform to the safety standards of appropriate Federal and State agencies that are designed to regulate air, water and noise pollution and the use or manufacture of hazardous substances, to include explosive substances, propane, flammable liquids, oxygen, and acetylene. Buildings that contain hazardous substances shall be constructed so as to contain any spillage that occurs within the building, or diked so as to contain the rupture of a storage facility. All construction plans relating to the location of buildings, storage facilities, fencing and other aboveground structures, screening and landscaping, shall be subject to review and approval by the servicing Fire Department, particularly in regards to appropriate on-site clearance for the accessibility of fire and other emergency vehicles. Each building shall also have an approved fire and security warning system. All areas shall be plainly lighted and marked.
3. All uses permitted within the General Industrial (G-1) District shall comply fully with all other applicable ordinances of Rapid River Township.
4. Yards in this District shall conform to the following standards:
  - a. Front Yards: The front shall remain clear for landscape improvements and necessary drives and walks, except that off-street parking shall be permitted for automobiles, provided that not more than twenty-five (25) percent of such required front yard may be used to within a distance of fifteen (15) feet of the street right-of-way. Minimum front yard set-back shall be sixty (60) feet from the right-of-way line.

## Rapid River Township Zoning Ordinance Adopted June 2011

- b. Side Yards: Except for a strip ten (10) feet in width along the lot boundary, side yards may be used for parking and loading, but not for storage. The side yard may be eliminated where a railroad service to the site is obtained at the edge of the lot. Side yards shall be ten (10) feet except on a corner lot where the front yard setback shall hold on all sides facing the street.
  - c. Rear Yards: Except for a strip ten (10) feet in width along the lot boundary, the rear yard may be used for parking, loading and storage, provided that when required screening is located on the property line, the ten (10) foot strip may be used for parking, loading and storage. The rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot. Rear yards shall be thirty-five (35) feet except on corner lots, where the front yard setback shall hold on all sides facing streets.
  - d. Side and/or rear yard areas abutting a residential lot or property zoned for residential use shall be effectively screened by a solid, uniformly finished wall or fence a ten (10) foot wide solid evergreen planting along the property boundary. The wall, fence or landscape screening shall effectively screen parking, loading, unloading, servicing or other routine activities on the site from adjacent properties. Such wall, fence or screening shall be at least six (6) feet in height, but in no case shall the fence, wall or screening be lower than the enclosed parking, loading, or servicing activity being screened. Fencing, walls and screening shall be approved by the Township Planning Commission prior to erection or planting.
5. Maximum building height in this district shall be thirty-five (35) feet or two and one-half stories.
6. Each development shall be required to provide adequate off-street parking for all employees, customers and visitors within the site.
7. No loading or unloading shall be permitted on any public or private street or road or any other place, except as provided in accordance with the following:
- a. Loading and unloading areas shall comply with the requirements of this Ordinance, except that all industrial uses must have a minimum of one (1) loading and unloading area.

**Rapid River Township Zoning Ordinance  
Adopted June 2011  
ARTICLE FOURTEEN**

**LIGHT-INDUSTRIAL (L-1) DISTRICT**

The following provisions apply to all Light-Industrial (L-1) Districts:

**SECTION 14.01- PURPOSE**

The Light Industrial (L-1) District is intended to accommodate wholesale, warehouse and light industrial activities whose operational and physical characteristics do not detrimentally affect any of the surrounding districts. The district is established to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment and storage of finished or semi-finished products from previously prepared materials, providing it is not detrimental to the environment. This district is also intended to permit limited retail enterprises associated with or complementary to light industrial activities. Various uses are provided for by Special Use Permit where consistent with the standards of this Ordinance and in keeping with the character of the area. It is not intended that any land would be rezoned into a Light Industrial District classification except where consistent with the Township Master Plan. All industrial uses must go through Site Plan Review as provided in Article Twenty-Five.

**SECTION 14.02 -REVIEW PROCEDURE**

**A. Required Information**

Before a Zoning Permit for a use within this district shall be issued, the owners or lessees shall submit the following material to the Township Planning Commission for review and approval.

1. A SITE PLAN of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, screening, fences or walls, and other construction features which may be proposed. See Article Twenty-Five.
2. A DESCRIPTION OF OPERATIONS proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

**B. General Standards**

The Township Planning Commission shall review the particular circumstances of the proposed industrial use under consideration in terms of the following standards, and shall approve the request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Ordinance:

1. The use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of person or property through the excessive production of traffic noise, smoke, odor, fumes or glare.
2. Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material as established by Section 18.05 or by a well maintained dense evergreen planting, which screening shall be not less than six (6) feet in height. These standards may be suspended by the Planning Commission if another design meeting the requirements of Article Eighteen more adequately protects adjacent premises.

**SECTION 14.03- PERMITTED USES**

No building structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or enlarged, except for one or more of the following uses incidental to the industries:

**A. Primary Uses**

1. Any production, processing, testing, repair, storage and distribution of materials, goods, foodstuffs and other semi-finished products from previously prepared materials.

## Rapid River Township Zoning Ordinance Adopted June 2011

2. Accessory uses clearly appurtenant to the main use of the lot and customary to and customary to and commonly associated with the main use, such as:
  - a. Incidental offices for management and materials control, dispatch or receipt materials.
  - b. Restaurant or cafeteria facilities for employees.
  - c. Caretaker, security or fire control residence, if situated separately. The same must comply with all of the requirements for residential districts.
  - d. Identification signs referring to the principal activities on the premises shall not exceed thirty-two (32) square feet in area.
  - e. Fire, security, or other allied facilities.
  - f. Public utility installations and other public buildings, that do not require a Special Use Permit under 14.03.8. below, but not including storage and service yards.
3. An accessory use, building or structure.
4. Administrative, professional and business offices associated with and accessory to a use.
5. Airports.
6. Automobile body repair and paint shops and auto mechanical repair facility.
7. Automobile sales, rental and service.
8. Automobile service station.
9. Automotive/boat restoration for profit.
10. Bakeries
11. Building material, sales and storage
12. Bus and taxi terminal
13. Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
14. Contractors' motorized equipment; truck tractor and trailer sales and service.
15. Farm supplies and machinery sales and service.
16. Farm product processing.
17. General contracting and construction industries relating to contracting, plumbing contracting, etc.
18. Hardware, plumbing, household and business equipment and supplies.
19. Light industries primarily engaged in research activities, including but not limited to research laboratories and facilities, developmental laboratories and facilities, and compatible light manufacturing relating to the following examples:
  - a. Film and photography.
  - b. Medical or dental
  - c. Pharmaceutical
20. Machine shops.
21. Manufacture, research, assembly, testing and repair of components, devices, equipment and systems and parts of components, such as, but not limited to the following examples:
  - a. Blueprinting, photo, engraving, printing
  - b. Clocks and watches
  - c. Coffins
  - d. Communication navigation control, transmission and reception equipment, control equipment and system guidance equipment and systems.
  - e. Data processing equipment and systems.
  - f. Glass edging, beveling and silvering.
  - g. Graphics and art equipment
  - h. Leather products and luggage but not including tanning
  - i. Metering instruments.
  - j. Musical instruments.
  - k. Optical devices, equipment and systems.
  - l. Audio units, radio equipment and television equipment
  - m. Photographic equipment
  - n. Radar, infra-red and ultra-violet equipment and systems.
  - o. Scientific and mechanical instruments.
22. Oil field related services, petroleum related services.
23. Rental storage buildings with the following conditions included in the rental contracts and posted on the premises: excluding storage of flammable liquids or gases, explosives and toxic materials.
24. Trade or industrial schools.
25. Warehouses and freight terminals.
26. Watercraft rental, repair and service.

# Rapid River Township Zoning Ordinance Adopted June 2011

27. Welding services.
28. Wholesale houses.
29. Car freight terminals.
30. Trucking companies.
31. Storage yards for repossessed goods.
32. Vehicle wash facilities, Section 23.10.RRR.
33. Well Drilling (**added by Amendment #12-01 adopted 8/14/12**)

## B. Uses Permitted When Authorized by Special Use Permit, as provided by Article Twenty-Three

The Zoning Board of Appeals shall classify unlisted uses pursuant to Section 2.04. Uses subject to a Special Use Permit include but are not limited to the following:

1. Billboards, Section 19.07.
2. Communication towers, telecommunication towers and facilities and alternative tower structures, Section 23.10.U
3. Contractors establishment, provided all products and materials are enclosed within a building, Section 23.10.V.
4. Commercial kennels, Section 23.10.Q.
5. Excavating and grading equipment, storage and maintenance (see standards for contractor's establishments), Section 23.10.V.
6. Fuel storage facilities Section 23.10.DD.
7. Junkyards and salvage yards, (must also comply with the Kankaska County Junk Yard and Vehicle Ordinance). Section 23.10.JJ.
8. Laundries or cleaning establishments, Section 23.10.LL.
9. Lumber storage(see standards for open air businesses)Section 23.10.VV.
10. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, such as household equipment, small tools, pneumatic-tired two and four-wheeled utility trailers, pneumatic-tired cement mixers, wheel-barrows, rollers and similar products or equipment See standards for open air businesses, Section 23.10.VV.
11. Public buildings: police, fire and ambulance. See standards for publicfacilities. Section 23.10.BB8.
12. Public utility structures, located on the surface of the ground including but not limited to transformer substations, pumping stations, communications and relay stations, gas and steam regulating valves and stations, provided that storage of materials, inoperative equipment, vehicles, or supplies shall be located in a building, that no personnel shall be quartered on the premises, and that the grounds immediately surrounding the structure shall be landscaped in such a manner as to conform as much as possible with the character of this district. See standards for public facilities, Section 23.10.B8B.
13. Ready mix concrete and asphalt plant. Section 23. 10 DDD
14. Recycling facilities, Section 23.10.EEE.
15. Veterinary hospitals, veterinary clinics, and related kennel facilities. Section 23. 10 SSS  
(**This Section amended by Amendment# 15-01 adopted May 12, 2012**)
16. Surface Mining Section 23.10.OOO

## **SECTION 14.04 - USE REQUIREMENTS**

The following use requirements shall apply to all Light Industrial (L-1) Districts unless more restrictive requirements apply from other parts of this Ordinance:

1. Enclosed Buildings - activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out of doors in rear yards as provided herein. All storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates; such wall or fence shall be at least six (6) feet in height and no greater than ten (10) feet in height, but in no case shall the fence be lower than the enclosed storage. If storage or walls exceed ten (10) feet in height, the storage must then be moved into the normal setback lines of the building. Such storage shall not be deemed to include the parking of licensed motor vehicles under one and one-half (1-1/2) tons rated capacity or less.

2. Uses in this District shall conform to the safety standards of appropriate Federal and State agencies that

# Rapid River Township Zoning Ordinance

## Adopted June 2011

are designed to regulate air, water and noise pollution and the use or manufacture of hazardous substances, to include explosive substances, propane, flammable liquids, oxygen, and acetylene. Buildings that contain hazardous substances shall be constructed so as to contain any spillage that occurs within the building, or diked so as to contain the rupture of a storage facility. All construction relating to the location of buildings, storage facilities, fencing and other above-ground structures, screening and landscaping, shall be subject to review and approval by the servicing Fire Department, in regards to appropriate on-site clearance for the accessibility of fire- and other emergency vehicles. Each building shall also have an approved fire and security warning system. All areas shall be plainly lighted and marked.

3. All uses permitted within the Light Industrial (L-I) District shall comply fully with all other applicable ordinances of Rapid River Township.
4. Yards in this District shall conform to the following standards:
  - a. Front Yards: The front shall remain clear for landscape improvements and necessary drives and walks, except that off-street parking shall be permitted for automobiles, provided that not more than twenty-five (25) percent of such required front yard may be used to within a distance of fifteen (15) feet of the street right-of-way. Minimum front yard set-back shall be sixty (60) feet from the right-of-way line.
  - b. Side Yards: Except for a strip ten (10) feet in width along the lot boundary, side yards may be used for parking and loading, but not for storage. The side yard may be eliminated where a railroad service to the site is obtained at the edge of the lot. Side yards shall be ten (10) feet except on a corner lot where the front yard setback shall hold on all sides facing the street.
  - c. Rear Yards: Except for a strip ten (10) feet in width along the lot boundary, the rear yard may be used for parking, loading and storage, provided that when required screening is located on the property line, the ten (10) foot strip may be used for parking, loading and storage. The rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot. Rear yards shall be thirty-five (35) feet except on corner lots, where the front yard setback shall hold on all sides facing streets.
  - d. Side and/or rearyard areas abutting a residential lot or property zoned for residential use shall be effectively screened by a solid, uniformly finished wall or fence, or a ten (10) foot wide solid evergreen planting along the property boundary. The wall, fence or landscape screening shall effectively screen parking, loading, unloading, servicing or other routine activities on the site from adjacent properties. Such wall, fence or screening shall be at least six (6) feet in height, but in no case shall the fence, wall or screening be lower than the enclosed parking, loading, or servicing activity being screened. Fencing, walls and screening shall be approved by the Township Planning Commission prior to erection or planting.
5. Maximum building height in this district shall be thirty-five (35) feet or two and one-half (2-1/2) stories.
6. Each development shall be required to provide adequate off-street parking for all employees, customers and visitors within the site.
7. a. No loading or unloading shall be permitted on any public or private street or road.
  - b. Loading and unloading areas shall comply with the requirements of this Ordinance, except that all industrial uses must have a minimum of one (1) loading and unloading area.

### **SECTION - 14.05 - SITE PLAN REVIEW PROCEDURE**

Before a land use permit for a use within this district shall be issued, the owners or lessors shall submit a site plan conforming with the requirements of Article Twenty-Five to the Township Zoning Administrator for review and approval.



Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE FIFTEEN**

**SCHEDULE OF REGULATIONS**

**SECTION 15.01 -SCHEDULE OF REGULATIONS**

Following is a schedule of regulations limiting the height, bulk, yard setbacks, and minimum lot size per dwelling unit in each zoning district:

A. Schedule of Regulations

Schedule limiting height, bulk, yards, setbacks, minimum lot size and maximum lot coverage by zoning district (covers all waterfront lots). See Table 15-1 on next page.

# Rapid River Township Zoning Ordinance Adopted June 2011

**Table 15-1**

**SCHEDULE LIMITING HEIGHT, BULK, YARD SETBACKS AND MINIMUM LOT SIZE BY ZONING DISTRICT**

ZONING DISTRICT	Minimum Lot Size, see note 8	Minimum Lot Width	Maximum Height of Principal Structures; See notes 1, 7		Minimum Yard Setback R.O.W. and/or Property Line, in Feet: see note 6			Distance Between Structures on adjoining Properties	Maximum Lot Coverage, percent
	AREA IN SQ.FT./ACRES	WIDTH in Feet	In Stories	In Feet	FRONT	EACH SIDE	REAR	In Feet	
Residential (R): See notes 2, 4	12,000 sq. ft. without sewer 7,250 sq. ft. with sewer	65	2 1/2	35	30	10	35	20	35%
Resort-Residential (R-R): see notes 3, 4	15,000 Sq. Ft	100	2 1/2	35	30	10	35	20	35%
Lakefront-Residential (L-R): see notes 3, 4	20,000 Sq.Ft	100	2 1/2	35	60	10	30	20	35%
Agricultural-Residential (A-R): see notes 3,4	1 Acre	150	2 1/2	35	30	10	35	20	20%
Forest-Recreational (F-R): see notes 3, 4	1 Acre	150	2 1/2	35	30	10	35	20	20%
Commercial C-1	12,000 Sq. Ft	150	2 1/2	35	60	10	35	20	40%
General-Industrial (G-1) and Light-Industrial (L-1)	1 Acre	150	2 1/2	35	60	10	35	20	50%
SPECIAL REGULATIONS Waterfront lots: see notes 4, 4A	20,000 sq. Ft	100	2 1/2	35	60	10	30	20	35%
Mobile Home Parks: see note 5	10 Acres	300	2 1/2	35	30	10	15	20	

# Rapid River Township Zoning Ordinance Adopted June 2011

## B. Notes to Schedule of Regulations (Section 15.01.A)

1. Except for residential television and/or radio antenna customarily needed for adequate reception of TV and radio broadcasts, and further excepting agricultural buildings customarily associated with farm operations such as silos, grain elevators, barns and other similar structures. See also Section 21.11.
2. Minimum floor area in Residential (R) District, for a principal structure shall be seven hundred twenty (720) square feet excluding porches, basements, attics and garages.
3. Minimum floor area in Resort-Residential (R-R), Lakefront-Residential (L-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) Districts for a principal structure shall be seven hundred twenty (720) square feet excluding porches, basements, attics and garages, except that cabins occupied seasonally may be five hundred (500) square feet. A seasonal cottage to be occupied on a year around basis, shall, within three (3) months of such occupancy, be increased in size to at least seven hundred twenty (720) square feet and must be brought into conformance with all applicable building, plumbing and electrical codes.
4. Waterfront lots must also have a minimum lot width of one hundred (100) feet and a lot depth of two hundred (200) feet and have a waterfront setback of sixty (60) feet, except that the waterfront setback may be decreased one (1) foot for every one (1) foot of rise in bank height above the water's edge up to a distance of thirty (30) feet. All other setback requirements in the District in which the use is located must be adhered to except that where the rear yard of a structure abuts the waterfront, the waterfront setback and not the rear yard setback shall govern. Septic tanks and absorption fields shall also be located at least one hundred (100) feet from the water's edge. See Section 16.01.B. and the definition of water's edge.
5. Mobile home parks shall meet all requirements of the Mobile Home Commission Act, Public Act 96 of 1987, Section 23.03, Section 23.10 RR and those of Article Twenty-Five and shall have either a greenbelt, buffer strip, berm or fence pursuant to Sections 18.03, 18.04, 18.05 or 18.06 as required by the Planning Commission.
6. The side yard setback between a building and the side lot line for a lot with a building upon it prior to the adoption of Zoning on November 19, 1975, shall be the distance that existed between the building and the side lot line at the time of the adoption of Zoning. However, if the building is completely removed or is moved, any new building or the moved building shall conform to the setbacks of the district within which the lot is located.
7. Height restrictions in this Article do not apply to telecommunication towers and facilities and alternative tower structures located in accordance with this Ordinance.
8. Refer to ZBA interpretation dated August 9, 2005 and Figure 32-6.

## **SECTION 15.02- LAND DIVISION REGULATIONS**

All subdivisions that are required to come before the Plat Board for approval, that are in an area subject to Township zoning, are subject to review by the Township Planning Commission to ensure all lots, roadways and other aspects of the subdivision conform with this Ordinance. No lot hereafter created shall have an area or width less than that required by this Ordinance. Nor shall a lot have a depth greater than four times the width, unless the greater depth is approved by the Township body vested with the authority to grant lot depth and width variances, or by the Township Planning Commission pursuant to Section 109(1)(b) of the Land Division Act if the Township does not have an Ordinance adopted pursuant to the Land Division Act which authorizes a greater depth to width ratio.

Rapid River Township Zoning Ordinance  
Adopted June 2011  
**ARTICLE SIXTEEN**

**WATERFRONT REGULATIONS**

**SECTION 16.01- WATERFRONT LOTS**

The use of land or structures on any lot fronting on or abutting a lake, reservoir, pond, swamp, stream, river or other natural watercourse shall comply with the regulations stated below, as well as all other regulations in this Ordinance, pertaining to the district in which the property is located.

A. Minimum Frontage and Depth Requirement

Waterfront lots must have a minimum width of one hundred (100) feet and be at least two hundred (200) feet in depth.

B. Minimum Setback Requirements

Waterfront setback is the minimum permitted distance from the water's edge to a structure; see definition of water's edge. All waterfront lots must have a waterfront setback of sixty (60) feet, except that the waterfront setback may be decreased one (1) foot for every one (1) foot of rise in bank height above the water's edge up to a distance of thirty (30) feet. All other setback requirements in the district in which the use is located must be adhered to except that where the rear yard of a structure abuts the waterfront, the waterfront setback and not the rear yard setback shall govern. Septic tanks and absorption fields shall be located at least one hundred (100) feet from the water's edge on all waterfront lots except, where lot dimensions do not permit such a setback and the Health Department authorizes a lesser setback.

**Part B amended by amendment #15-01 adopted May 2015**

C. Natural Vegetation Strip, "Green Belt"

On waterfront lots, a strip of land extending a minimum of fifty (50) horizontal feet from the water's edge will be maintained and forested with trees and shrubs, or in no less than its natural and undeveloped state; (see definition of water's edge.) No further alteration, including the removal of stumps below ground level, shall be permissible unless required in connection with a plan designed for erosion control, reforestation or stream bank stabilization submitted to and approved by the Township Planning Commission with the intent of maintaining a fifty (50) foot root and vegetative barrier to keep nutrients from entering the water and temperatures near the natural levels.

1. Dead, diseased, unsafe or fallen trees, shrubs, and noxious plants including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1941, as amended, may be removed.
2. Trees and shrubs may be pruned for a filtered view of a river.
3. Trees and shrubs may be selectively removed for harvest of merchantable timber, public utility facilities, to achieve a filtered view of the river from the principal structure and for reasonable private access to the river upon approval of the Zoning Administrator. The Zoning Administrator shall consult the Michigan Department of Environmental Quality (MDEQ) and if necessary with the Michigan Department of Natural Rivers (MDNR) Forester to establish an acceptable selective cutting plan for the area. **Part 3 amended by amendment# 15-01 adopted May 2015**
4. Clear-cutting is not allowed.
5. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soils and steep slopes exist. The MDNR, MDEQ, or the Kalkaska Conservation District Forester may be consulted for selection of plant species best suited for erosion control and/or screening of existing developments. Where available at nurseries maintained by these agencies, the recommended planting materials will usually be supplied to property owners at cost.

D. Water Supply Conservation

# Rapid River Township Zoning Ordinance

## Adopted June 2011

1. To facilitate the preservation of natural watersheds of the Township; and to promote a continuing and stable supply of clean, potable water free from sewage disposal and protected from accelerated soil erosion and pollution by discharges of soil nutrients and other wastes into swamps, lakes, rivers, streams, or other natural water bodies, no terrain shall hereafter be altered or vegetative cover be removed from any land abutting such water bodies, for a distance of twenty-five (25) feet from the edge of the highest known water level without a Special Use Permit from the Township Planning Commission. This strip of land shall be known as the native vegetation strip. Trees and shrubs may be selectively removed for harvest of merchantable timber, public utility facilities, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the river upon approval of the Zoning Administrator. Trimming and pruning are permitted. An application for a special Use Permit to modify the native vegetation strip shall be made through the Zoning Administrator.

2. In making its determination, the Planning Commission shall seek the counsel of the District Health Department and the Kalkaska County Soil Conservation District, taking into special account soil type, type of vegetative cover, slope of the land, and use of the land for which permit is petitioned.

- a. No alteration shall be made on the native vegetation strip along the waterfront except as provided for in this Ordinance, and provided
- b. No siltation or runoff to the water occurs.

3. All areas where the natural cover has been removed or destroyed in the permissible use of the land or in the process of locating, erecting, constructing, reconstructing, altering or using any nature of building or structure shall be restored for erosion control and bank stabilization by suitable seeding or reforestation within a reasonable time.

4. No junk yards, salvage yards, or refuse dumps shall be located less than two hundred (200) feet from any swamp, lake, river, stream, reservoir, or pond.

### E. Docks and Boat Houses

1. Docks shall be permitted on lakes, reservoirs, ponds, streams or rivers in accordance with the specifications of permits issued by the Michigan Department of Environmental Quality, pursuant to Part 301 of the Natural Resources and Environmental Protection Act of 1994, as amended. Only shielded illumination will be allowed on any dock.

2. Boat houses and/or docks that are covered with a roof or enclosed with sides so as to obstruct a view of the water are prohibited from all lakes, reservoirs, ponds, streams and rivers to protect open space and water view. Exception will be made for those bodies of water totally contained within a subject parcel.

### F. Signs

Signs for the sale of products or services shall be prohibited in Waterfront Areas except an existing business may advertise on land on which that business is established or operated. Further, signs and outdoor advertising devices must:

1. be related to permitted uses;
2. be not more than one square foot in area for residential uses and not more than four square feet in area for any other uses;
3. not be illuminated by any neon or flashing device, and
4. not be attached to any tree or shrub.

# Rapid River Township Zoning Ordinance Adopted June 2011

## **SECTION 16.02 - SETBACK EXEMPTIONS**

The following uses on waterfront lots are exempt from the setback requirements of the district in which the lot is located. However, they may only be erected after receiving all necessary state and county permits:

- A. Seawalls, weirs and jetties
- B. Bridges and culverts
- C. Fences (see also Section 21.21)
- D. Pumps and irrigating structures.
- E. Stairs

(This Section amended by amendment# 15-01 adopted May 2015)

## **SECTION 16.03 - OTHER RELATED SECTIONS**

See also the following sections for additional waterfront related regulations:

- A. Definitions of Front Lot Line, Waterfront Lot, Front Yard.
- B. Notes 4 and 4A to the Schedule of Regulations.
- C. Section 21.25 for specific regulations related to swimming pools and waterfront lots.
- D. Section 15.01.A and Section 21.10.H.1 for waterfront yard encroachments.
- E. Section 21.08 for public utility structures.
- F. Watercraft launching per the requirements of Section 23.10.UUU.
- G. Keyhole or funnel development per the requirements of Sections 4.02.F.

Rapid River Township Zoning Ordinance  
Adopted June 2011  
**ARTICLE SEVENTEEN**

**PARKING AND LOADING REGULATIONS**

**SECTION 17.01 INTENT OF PARKING PROVISIONS**

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street parking and loading of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. All vehicles shall be stored on the lot occupied by the principal building, except as otherwise authorized by this Ordinance.

- A. Parking for Each Use: The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as may be provided by Section 17.01 (G). Standards based on floor area, shall be calculated in terms of "useable floor area" when determining the required number of parking spaces. See definition, p 32 - 8
- B. Fractional Space: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- C. Requirements for a Use Not Mentioned: In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Zoning Administrator shall make this determination and a record of the rationale applied shall be documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.
- D. Use of Parking Areas: No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage unless permitted for special community events. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
- E. Ingress and Egress Signs: No sign shall be erected in parking areas other than signs necessary to safely direct traffic or identify handicapped parking. Not more than one directional sign at each point of ingress or egress is permitted, such sign may also bear the name of the enterprise the lot it serves. No traffic safety, ingress or egress signs shall exceed ten (10) square feet in area and shall not project beyond the property line of the premises.
- F. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- G. Joint Use of Parking Areas: The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
  - 1. Computing Capacities: In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

2. Record of Agreement: A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the Registrar of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.

### SECTION 17.02- PARKING SPACE REQUIREMENTS

The number of required off-street parking spaces in all districts shall be as provided below:

- A. One and Two-Family Dwellings: Two (2) spaces for each single family dwelling unit.
- B. Multiple Dwellings: Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
- C. Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats: One (1) space for each four (4) seats plus one (1) space for every two (2) employees.
- D. Automobile Service and Repair Stations: Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space per every two (2) employees.
- E. Barber Shops and Beauty Parlors: Two (2) spaces for each beauty and/or barber chair.
- F. Boarding and Lodging Houses, Fraternities: One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
- G. Bowling Alleys: Two (2) spaces for each alley plus one (1) space for each employee on the largest shift.
- H. Clinics: Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
- I. Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops): One (1) space per three hundred (300) square feet of gross floor area.
- J. Commercial and Institutional Recreational Facilities: One space per three (3) patrons to the maximum capacity of the facility.
- K. Convalescent Homes, Nursing Homes, Convents or Similar Uses: One (1) space for each six (6) beds plus one (1) space for every employee on the largest working shift.
- L. Dance Halls, Pool and Billiard Rooms: One (1) space for every three (3) persons allowed within maximum capacity load.
- M. Day care facilities (day care center and group day care home, but not a family home day care): One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity of the facility.
- N. Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses: Stacking space for five (5) cars between the sidewalk area and one (1) space for each employee on the largest shift.
- O. Drive-in Restaurants or Fast-Food Restaurants: One (1) space for every four (4) seats plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.
- P. Elementary and Middle Schools: One (1) space for every two (2) employees, plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
- Q. Funeral Homes and Mortuaries: One (1) space for every twenty-five (25) square feet of floor area of chapels and assembly rooms.
- R. General Offices: One (1) space for every two hundred (200) square feet of gross floor area.
- S. Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses: Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g. restaurant, pro shop, etc.).
- T. Group Homes (adult foster care for more than six persons): One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.
- U. High Schools and Colleges: One (1) space for every employee plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
- V. Hospitals, Sanitariums: One (1) space for each three (3) patient beds, plus one (1) space for



# Rapid River Township Zoning Ordinance

## Adopted June 2011

- each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
- W. Industrial or Manufacturing Establishments: One (1) space for every three (3) employees for industry's largest working shift.
- X. Junkyard: One (1) space for every two (2) employees.
- Y. Kennels (commercial): One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
- Z. Excavation Operations and Asphalt Batching Plants: One (1) space for every employee on the largest shift.
- AA. Laundromat: One (1) space for every three (3) washing or drying machines.
- BB. Libraries, Museums, Post Offices: One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every two (2) employees on the largest shift.
- CC. Miniature or "Par 3" Golf Courses: Three (3) spaces for each hole plus one (1) space for each employee.
- DD. Mobile Home Park: Two (2) spaces for each mobile home site plus one (1) space per five (5) units for guest parking.
- EE. Motels, Auto Courts, Tourist Homes: One (1) space for each sleeping unit plus two (2) spaces for each employee on the largest shift.
- FF. Private Recreational Facilities: One (1) space for every six (6) potential members based on the capacity of the facility as determined by the fire marshal.
- GG. Professional Offices and Banks: One (1) space for every three hundred (300) square feet of gross floor area.
- HH. Retail Stores, (except as otherwise specified herein): One (1) space for every three hundred (300) square feet of gross floor area.
- II. Shooting Ranges: One (1) space for each unit station plus one (1) space for each two (2) employees.
- JJ. Standard Restaurants, Cafeterias, Taverns, Bars: One (1) space for every three (3) seats up to the capacity of the facility as determined by the fire marshal.
- KK. Stables (commercial): One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
- LL. Supermarket, Self-Service Food Store: One (1) space for every one-hundred (100) square feet of gross floor area.
- MM. Warehouses, Wholesale Stores: One (1) space for every eight-hundred (800) square feet of floor area.

### **SECTION 17.03- LOCATION OF PARKING AREAS**

All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, except as provided by Section 17.01(G).

### **SECTION 17.04- SITE DEVELOPMENT REQUIREMENTS**

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements:

- A. Reduction, Modification, Waiver: The Zoning Administrator may authorize a reduction, modification, or waiver of up to ten (10) percent of any of the off-street parking or loading regulations provided in this Article pursuant to the procedure and requirements of Section 27.05.
- B. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

C. Driveways: Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

1. Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
2. Each entrance to and exit from an off-street parking area shall be at least twenty-five feet from any adjacent lot with a residence or from a district which permits residences.

D. Site Maneuverability: Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street or road shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows: (See Figure 17-1)

1. For right angle parking patterns seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be a minimum of twenty-four (24) feet.
2. For parking patterns fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be a minimum of fifteen (15) feet.
3. For parking patterns thirty (30) to fifty-three (53) degrees, the maneuvering lane width shall be a minimum of twelve (12) feet.
4. All maneuvering lane widths shall permit one-way traffic movement, except for the ninety (90) degree pattern which may provide for two-way traffic movement.
5. All parking spaces shall be at least ten (10) feet wide and twenty (20) feet in length, exclusive of access drives or aisles, except for spaces marked for small cars which may be eight (8) feet by eighteen (18) feet. Up to ten (10) percent of the required spaces over twenty (20) may be marked for small cars. Each parking space shall be of usable shape and condition.

E. Surface: Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and drained so as to prevent runoff onto abutting properties

F. Lighting: Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation.

1. Lighting shall be designed and constructed in such a manner to:

- a. ensure that direct or directly reflected light is confined to the development site.
- b. that all light sources and light lenses are shielded.
- c. that any light sources or light lenses are not directly visible from beyond the boundary of the site.

2. Lighting shall comply with the requirements of Section 21.19.

G. Buffering: Where a parking area with a capacity of four (4) or more vehicles adjoins a residence or a district permitting residences, a landscaped berm, buffer strip, fence/wall or greenbelt shall be provided between the parking area and the adjoining property pursuant to the requirements of 18.03, 18.04, 18.05 or 18.06. Plantings shall be maintained in good condition and not encroach on adjoining property.

H. Handicapped Spaces: All state and federal requirements for handicapped parking shall be complied with.

Rapid River Township Zoning Ordinance  
Adopted June 2011

**SECTION 17.05- LOADING AND UNLOADING SPACE REQUIREMENTS**

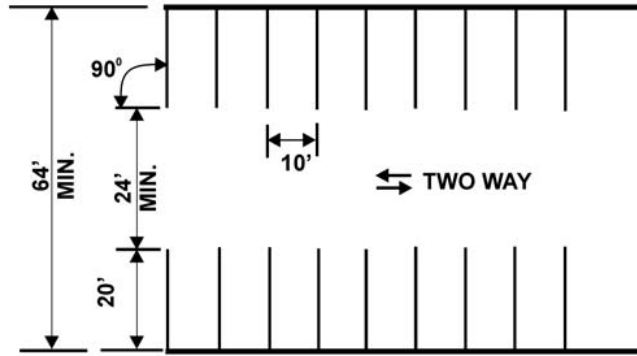
A. Intent and Purpose: In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

B. Additional Parking Space: Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 17.02 and shall not be considered as supplying off- street parking space.

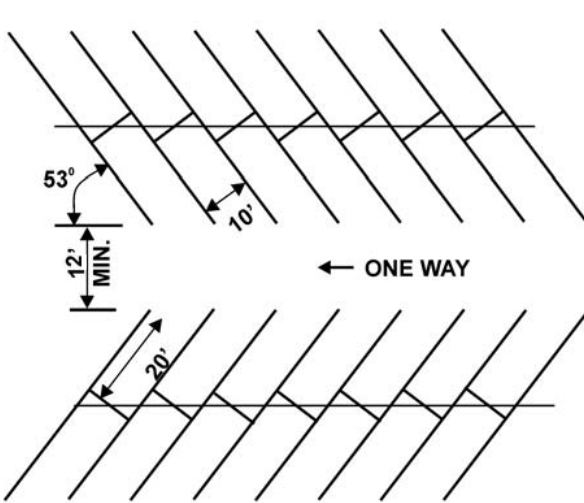
C. Space Requirements: There shall be provided adequate space for standing, loading, and unloading service not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt or distribution by vehicles of material or merchandise.

Rapid River Township Zoning Ordinance  
Adopted June 2011

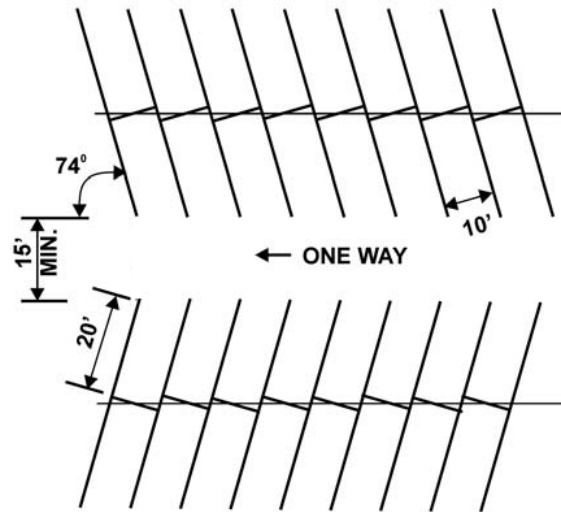
**FIGURE 17-1  
PARKING SPACE DIMENSIONS**



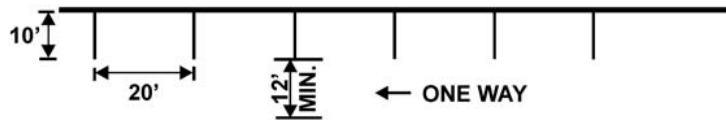
**75 TO 90 DEGREES**



**30 TO 53 DEGREES**



**54 TO 74 DEGREES**



Rapid River Township Zoning Ordinance  
Adopted June 2011

**LOADING SPACE REQUIREMENTS**

TYPE OF PROPERTY USE	PARKING SPACES REQUIRED IN LOADING ZONE (based on usable floor area, square feet)
Commercial uses, such as retail stores, personal services, amusement, or automotive service	First 2,000 Sq Ft, none; next 20,000 Sq Ft or fraction thereof, one (1) space; each additional 20,000 Sq Ft or fraction thereof, one (1) space.
Hotels, Offices, Clinics	First 2000 sq. ft, none; next 50,000 sq. feet or fraction thereof, one (1) space; each additional 100,000 sq. ft or fraction thereof, one (1) space
Wholesale and Storage contractor's yards	First 20,000 Sq Ft (including building), one (1) space; each additional 20,000 Sq Ft or fraction thereof, One (1) space
Manufacturing uses	First 20,000 Sq Ft or fraction thereof, one (1) space; each additional 20,000 Sq Ft or fraction thereof, one (1) space
Funeral Homes and Mortuaries	First 5,000 Sq Ft, one (1) space; each additional 10,000 Sq Ft or fraction thereof, one (1) space
Hospitals	First 20,000 Sq Ft, one (1) space; next 100,000 Sq Ft or fraction thereof, one (1) space; each additional 200,000 sq. feet or fraction thereof, one (1) space
Schools, Churches, Clubs, Public Assembly buildings, Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space
For similar uses not listed	For each building 5000 sq. ft or over, one (1) space

D. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public street, road or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

E. Screening: Any loading or unloading space shall not be closer than fifty (50) feet to any residence or any district permitting residences. Areas for the storage of trash or dumpsters which face or are visible from residential properties or public thoroughfares, shall not be closer than fifty (50) feet to any residence or any district permitting residences unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height. Where these standards are inadequate to protect abutting properties from nuisance sounds, odors and or trash, in the opinion of the Zoning Administrator, Planning Commission or Zoning Board of Appeals, a setback up to seventy-five (75) feet and any other pertinent requirements of Section 18.09 may be required.

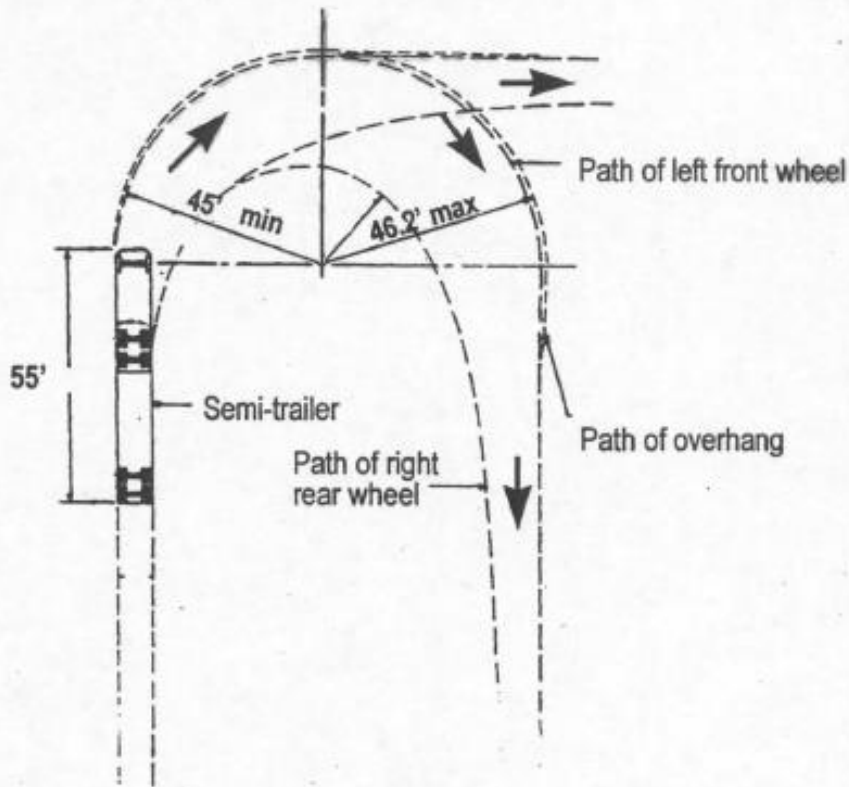
F. No Loading Space in Front Yard: A loading-unloading space may occupy part of any required side or rear yard. In no event shall any part of a required front yard be occupied by such loading space.

G. Loading Area for Each Use: In the case of mixed uses on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

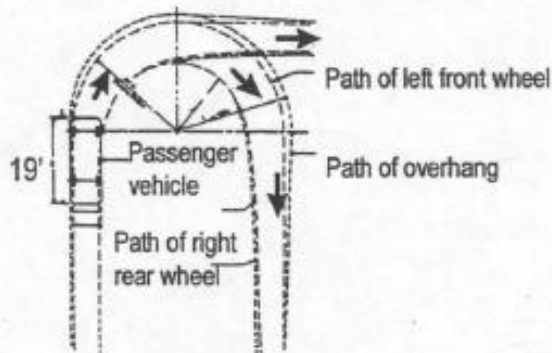
H. Loading Relative to Public Right-of-Way: All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on the site and not within a public right-of-way.

Rapid River Township Zoning Ordinance  
Adopted June 2011

**TURNING TEMPLATES**



Minimum turning path for a WB-50 design vehicle  
Use for tractor-trailer trucks



Minimum turning path for P design vehicle  
Use for passenger cars

1" = 40'

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE EIGHTEEN**

**LANDSCAPING AND SCREENING REGULATIONS**

**SECTION 18.01 PURPOSE AND SCOPE**

A. Effective screening and landscaping is vital to the general welfare and continued vitality of all land uses in the Township. Screening is necessary for certain uses in order to make them more compatible with adjacent uses and to protect the adjacent uses from excess noise, light, traffic and its effects, litter and other negative or incompatible characteristics. Similarly, landscaping together with the proper utilization and preservation of existing natural features is important in land development because it can enhance both the residential and business environment, improve property values, reduce the harsh characteristics of intensive development, preserve community character and help to make all land uses more compatible.

B. This Article is designed to define and explain the general types of screening and landscaping requirements of this Ordinance. Each zoning district herein may have its own screening and landscaping requirements, and certain land uses have specific screening and landscaping requirements. This Article may be cited as the basis for imposing landscaping, berming, screening, fencing or related conditions by the Planning Commission, or Zoning Board of Appeals to mitigate potential negative impacts associated with any special land use, Planned Unit Development, variance request or from any use requiring Site Plan Review.

**SECTION 18.02 - LANDSCAPE MAINTENANCE**

A. All required landscape areas shall be continuously maintained in a healthy, growing condition. Failure to maintain required landscaped areas in such a manner, including removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

B. The use of native species of shrubs and trees can help ensure the long-term health of the landscape. Plant species the same or similar to those growing in undisturbed areas of the Township can be suitable examples of well-adapted plants that will also contribute to maintenance of the rural character of the Township. While several sections of this Article offer suitable plants for landscaping, a longer list can be found in the Grand Traverse Bay Region Guidebook, 2nd edition.

**SECTION 18.03 - BERMS**

A. Any combination of a raised earth berm and closely spaced plantings which form a complete visual barrier that is at least five (5) feet above grade. Further requirements for the use of a bermed screen include the following:

1. The earth berm shall comprise at least two (2) vertical feet of the screen.
2. The berm shall be at least six (6) feet wide with a slope no steeper than 3:1.
3. The berm area shall be curbed or edged and shall be covered by grass, other ground cover or mulch to ensure that it withstands wind and weather and retains its height and shape.

# Rapid River Township Zoning Ordinance Adopted June 2011

## SECTION 18.04- BUFFER STRIPS

A. A strip of trees and other plantings at least six (6) feet high and at least ten (10) feet in width shall be planted forming a complete visual barrier with an opacity of at least seventy-five (75) percent. Further requirements for the use of a buffer strip/screen include the following:

1. At least seventy (70) percent of required trees shall be evergreens.
2. The buffer planting area shall be curbed or edged and shall contain grass, ground cover, four (4) inch deep wood chips, or any combination of the above.
3. The following species and suggested planting spacings are recommended for use in the buffer strip:

Common Name	Scientific Name	Maximum Height, Ft	Spacing on Centers, Ft
Red Cedar	<i>Juniperus Virginiana</i>	20	5
Stone Pine	<i>Pinus cembra</i>	35	10
Mugo Pine	<i>Pinus Mugo</i>	10	5
American Arborvitae	<i>Thuja occidentalis</i>	25	5
Canadian Hemlock	<i>Tsuga occidentalis</i>	65	12
Serbian Spruce	<i>Picea omoriac</i>	50	10
White Fir	<i>Abies concolor</i>	20	8
Japanese Cryptomeria	<i>Cryptomeria japonica</i>	40	8
White Pine	<i>Pinus strobus</i>	65	10
Ketleeri	<i>Juniperus chinensis</i>	18	5

## SECTION 18.05 - FENCE/WALL

A. When screening is required along the property line it shall be at least five (5) feet wide and contain a fence or wall at least six (6) feet high. Further requirements for the use of a fence/wall or screen include the following unless waived by the Planning Commission:

1. All fences and walls shall be built within three (3) inches of the property line unless otherwise specified.
2. All fences and walls shall be constructed of poured concrete, masonry, redwood, cedar or No. 1 pressure treated wood. No concrete or cinder blocks shall be allowed. All supporting members used in the fence shall face inside and away from adjoining properties.
3. All fences shall have a minimum height of six (6) feet and a maximum height of eight (8) feet.
4. There shall be a minimum five (5) foot wide planting area adjacent to the fence or wall for its entire



# Rapid River Township Zoning Ordinance

## Adopted June 2011

- length. In this area there shall be at least one (1), twelve (12) foot high, (two (2) inch caliper) tree and at least four (4), eighteen (18) inch high or wide shrubs for every thirty (30) lineal feet of length.
5. The required planting area shall be curbed or edged and shall contain grass, ground cover, four (4) inch deep wood chips, or four (4) inch deep crushed stone.
  6. See also the standards in Section 21.21 which apply to all fences.

### **SECTION 18.06- GREENBELT**

A. This shall be a planting strip at least twenty (20) feet wide (unless otherwise specified). The requirement includes the following:

1. One (1), twelve (12) foot high, two (2) inch caliper) deciduous tree or five (5) foot high evergreen tree, at time of planting, shall be required for every thirty (30) lineal feet of greenbelt area.
2. Two (2) eighteen (18) inch high or wide shrubs shall be required for each fifteen (15) lineal feet of greenbelt area. Location of the shrubbery along the length of the greenbelt area is discretionary.
3. The greenbelt area shall be curbed or edged and shall contain grass, ground cover, four (4) inch deep wood chips, or any combination of the above.
4. Random spacing and grouping of plant materials, as well as the use of berms to increase screening effects is encouraged and is permitted with Planning Commission approval.
5. Necessary access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimensions used to determine the minimum number of trees and shrubs required.
6. The land area which lies between the front property line and the edge of pavement of the adjacent public street or road shall be landscaped with grass or suitable landscape of a natural/native appearance; including wildflowers, or native shrubs and trees. However, a splash panel containing crushed stone or other inert materials of no more than thirty (30) inches in width may be placed adjacent to the curb. A four foot wide concrete sidewalk (or bike path) may be required within this area by the Planning Commission.

### **SECTION 18.07 - INTERIOR LANDSCAPING**

A. For every new development over three (3) acres in size, except for a single family dwelling on an individual lot, there shall be interior landscaping areas exclusive of any other required landscaping, of at least five (5) percent of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways and along service areas. All interior landscaping shall conform to the following:

1. One (1), twelve (12) foot high, two (2) inch caliper deciduous tree, or four (4) foot high evergreen tree, shall be required for every four-hundred (400) square feet of required interior landscaping area.
2. Two (2), eighteen (18) inch high or wide shrubs shall be required for every two hundred (200) square feet of required interior landscaping area.
3. The interior landscaping area shall be curbed or edged and shall contain grass, ground cover, four (4) inch deep wood chips, or four (4) inch deep crushed stone.

### **SECTION 18.08 - RESERVED FOR FUTURE USE**

### **SECTION 18.09 - DUMPSTER AND TRASH RECEPTACLE AREA SCREENING**

A. All dumpster and trash receptacle areas shall be indicated on the site plan and shall be screened on at least three (3) sides by a solid obscuring fence or wall at least six (6) feet high. The fourth side shall consist of a gate, at least six (6) feet in height, and constructed of opaque material compatible with the material used to screen the other three sides. All dumpsters shall be located on concrete pads (no asphalt or gravel permitted).

# Rapid River Township Zoning Ordinance

## Adopted June 2011

B. The obscuring fence or wall shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound and completely obscuring throughout. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. In no instance shall the dumpster pad be located within the required front yard setback.

### **SECTION 18.10- EXISTING PLANT MATERIAL**

A. In instances where healthy plant material exists on a site prior to its development, the Planning Commission may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this Article. Such plant material may serve as an effective screen, is less expensive, and contributes to a rural scenic character.

1. All existing plant materials must be shown on the site plan and be inspected by the Zoning Administrator to determine the health and desirability of such materials. In the event existing plant materials are to be saved, prior approval must be obtained from the Zoning Administrator before any de-limbing, root pruning, removal or other work is done.

2. If such existing plant material is labeled "To Be Saved" on site plans, protective techniques, such as (but not limited to) fencing or boards placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

3. In the event that healthy trees labeled "To Be Saved" on the approved site plan are destroyed or damaged, as determined by the Zoning Administrator, the owner, developer or contractor shall replace said trees with trees of comparable type and a minimum of five (5) to six (6) feet in height.

### **SECTION 18.11 - RESERVED FOR FUTURE USE**

### **SECTION 18.12 - SUGGESTED TREES AND SHRUBS FOR GREENBELT AREAS AND INTERIOR LANDSCAPE AREAS**

Amur Maple	Arborvitae	Golden Raintree
Hawthorns	European Linden	European Hornbeam
White Ash(seedless)	Scarlet Oak	Little leaf Linden
Honey locust	Zelkova	Japanese Tree Lilac
Scotch Pine	Border Privet	Buckthorn
Henry St. Johnswort	Junipers	Gingko (male only)
Mugo Pine	Serbian Spruce	Bristly Locust
Mock orange	Euonymus	Eastern Ninebark
Beauty Bush	Smoke Tree	Cotoneaster
Snowdrift Crabapple	Hedge Maple	Dwarf Callery Pear
Hardy Rubber Tree	Bayberry	White Oak
Austrian Pine	Sugar Maple	Red Maple
Grey Dogwood	Red Cedar	Lilac
Red osier Dogwood	Pin Cherry	Chokecherry
Nannyberry	Arrowwood	

Rapid River Township Zoning Ordinance  
Adopted June 2011

**SECTION 18.13- RECOMMENDED SALT RESISTANT TREES AND SHRUBS**

Austrian Pine  
Canada Yew  
Amelanchier  
Honeysuckle  
Andorra Juniper  
Lilac  
Honey Locust  
Michigan Holly  
Hawthorn  
Staghorn sumac  
Tamarac  
Larch

**SECTION 18.14 –**

**RECOMMENDED TREES AND SHRUBS FOR SHADY AREAS**

Euonymus  
Oregon Grape Holly  
Amelanchier  
Alpine Currant  
Honey Locust  
Witch Hazel  
Cotoneasters  
Arborvitaes  
Sugar Maple  
Viburnums

**Rapid River Township Zoning Ordinance  
Adopted June 2011**

**ARTICLE NINETEEN**

**SIGN REGULATIONS**

**SECTION 19.01 – PURPOSE**

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers, and visual blight.

**Section 19.02 - SIGNS IN RESIDENTIAL (R) DISTRICTS**

A single sign in accordance with the definition set forth in Article Thirty-Two of this Ordinance shall be permitted in a front yard of a lot in the Residential (R), Lakefront-Residential (L-R), Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts no closer than fifteen (15) feet to the right-of-way of a street or road subject to the following restrictions except as may be otherwise permitted in this Ordinance:

- A. A sign no larger than twelve (12) square feet in area shall be permitted for any of the following purposes:
  - 1. Sale or lease of property (real or personal), however such a sign shall be removed within fifteen (15) days of the consummation of said sale or lease).
  - 2. Political advertising related to a candidate running for office or a proposition up for public vote, except that there is no limit on the number of political advertising signs; provided, no signs may be placed within the public right-of-way and all political advertising signs must be removed within ten (10) days after an election.
  - 3. Identification of a use permitted by right (except for dwellings, see Section 19.02(d) below), Special Use Permit or a nonconforming nonresidential use.
  - 4. Identification for a temporary use allowed pursuant to Section 21.17 except as provided for temporary real estate offices in subsection B. following.
  - 5. Stating an opinion on any matter protected by the 1st Amendment to the U.S. Constitution.
- B. Signs advertising a new subdivision or major developments may be permitted by the Planning Commission for no more than one (1) year, provided they do not exceed twenty-four (24) square feet in area.
- C. Public institutions permitted in residential districts shall comply with sign regulations for commercial uses.
- D. A single identification sign for residences, for home occupations and residence-based occupations:
  - 1. May be attached to the structure or in the front yard.
  - 2. Shall not be placed in the right-of-way.
  - 3. Shall not exceed eight (8) square feet.

**SECTION 19.03 -SIGNS IN COMMERCIAL OR INDUSTRIAL DISTRICTS**

# Rapid River Township Zoning Ordinance

## Adopted June 2011

Signs for nonresidential uses shall be permitted in the Commercial (C-1) District, General-Industrial (G-1) and Light-Industrial (L-1) Districts, and for nonresidential special uses in the Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) Districts subject to the following restrictions:

- A. Usage: Signs shall pertain exclusively to the business or businesses carried on within the building.
- B. Placement: Signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only the public street or parking areas as part of the development. Signs shall not project above the roof line or cornice, nor extend farther than fifteen (15) inches from the wall, nor be closer than eight (8) feet from the ground below the sign.
- C. Size and Number: No more than two (2) signs painted or affixed to a building are permitted provided they shall not exceed twenty (20) percent of the surface area of the building face to which it is attached or forty-eight (48) square feet, whichever is smaller at the setback or building line. A larger sign shall be permitted proportional to this standard for any sign setback a distance ten (10) percent or more than the District permits. The maximum height of any single sign shall not exceed twelve (12) feet and the maximum width shall not exceed ninety (90) percent of the width of the wall to which it is attached.
- D. Vehicular Safety: Signs may be illuminated, but no flashing or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.
- E. Free Standing Signs: shall:
  - 1. Not obstruct a clear view of traffic.
  - 2. Not exceed twenty-five (25) feet in height.
  - 3. Not exceed one per property, regardless of the number of businesses.
  - 4. Set back at least ten (10) feet, measured from the right-of-way line to the leading edge of the sign.
  - 5. Not exceed forty-eight (48) square feet in area.
  - 6. Not advertise products or services not available on the premises unless authorized by Special Use Permit pursuant to Article 23.
- F. Changeable Message Boards: Are permitted in place of an identification sign or a freestanding sign, but the total area allotted to signs shall remain the same whether a wall sign or a freestanding sign (see Section 19.03.E(3) and 19.03.E(5)).
- G. Political advertising related to a candidate running for office or a proposition up for public vote: There is no limit on the number of political advertising signs; provided, no signs may be placed within the public right-of-way and all political advertising signs must be removed within ten (10) days of an election.
- H. Automobile Gasoline Service Stations
  - 1. Additional signs allowed. Automobile gasoline service stations, including any business selling gasoline, in addition to the principal signs may attach two other signs, each not exceeding twenty (20) square feet in display area per side, to the column(s) of the pylon sign advertising the price of gasoline or other accessory product sold on the premises including the advertising of accepted credit cards.
  - 2. Directional and service signs allowed. Directional signs or lettering displayed over individual entrances or service bays shall be permitted, provided they consist only of the words "washing," "lubrication," "repairs" mechanic on duty," or similar words directly relating to motor vehicle services offered on the premises. Not more than one such sign per bay shall be permitted and each sign shall not exceed four square feet in total display area.

### **SECTION 19.04 - MOVING OR REVOLVING SIGNS**

Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement on the sign face such as flashing lights, letters or objects achieved by electrical, electronic or mechanical means, excepting those movements associated with displaying time and/or temperature, shall be prohibited.

### **SECTION 19.05 - SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD**

No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words

# Rapid River Township Zoning Ordinance Adopted June 2011

"stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

## **SECTION 19.06- PORTABLE OR MOVABLE SIGNS**

Portable, movable and temporary signs shall be permitted only in accordance with the following provisions:

- A. Use: Portable signs are permitted for grand openings, advertising charitable or community-related events and the like. Being temporary in nature, such portable signs may be permitted for a period not to exceed thirty (30) days per year.
- B. Lighting: All illuminated portable signs shall comply with the requirements of Section 19.03.0.
- C. Placement: All portable signs shall be located no closer to the street right-of-way line than one-half the setback distance for a principal building.
- D. Area: Any portable signs shall not exceed forty-eight (48) square feet in surface display area on one side. No more than two sides are permitted on one sign.
- E. Number: Only one (1) portable sign may be established on a property.
- F. No vehicles shall be parked or displayed in such a way in the front yard so as to be used as a sign.

## **SECTION 19.07- OUTDOOR ADVERTISING STRUCTURES AND BILLBOARDS**

Outdoor advertising structures and billboards other than those signs which exclusively advertise businesses on the premises on which they are located, may be permitted by Special Use Permit in the General Industrial and Light Industrial Districts pursuant to Section 19.03.E. Billboards are not permitted in any other district. Land may not be rezoned to permit a billboard as a principal use. No billboard greater than one hundred (100) square feet in area shall be permitted in any district. All required permits from the Michigan Department of Transportation (MDOT) shall also be obtained prior to erecting the billboard.

## **SECTION 19.08 - EXISTING NONCONFORMING SIGNS**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Article, although such sign or outdoor advertising structure may not conform with the provisions of this Article. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth below.

- A. Structural Changes: The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended, except as otherwise provided for.
- B. Placement: No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized so as to conform with this Ordinance.

## **SECTION 19.09- SIGNS WITHIN MDOT RIGHT OF WAY**

For signs within the road right-of-way on State trunk lines approval must be obtained from the Michigan Department of Transportation (MDOT) **This Section added by amendment # 15-01 adopted May 2015**

## **SECTION 19.10 - OFF-PREMISES DIRECTIONAL SIGNS**

- A. Off-premises Directional Signs (In lieu of TODS Trailblazer signs) are allowed in all zoning districts

## Rapid River Township Zoning Ordinance Adopted June 2011

subject to the following requirements:

- 1.The leading edge of the sign shall be placed two (2) feet from the edge of the road right-of-way on private property with written consent of the property owner.
2. Off-premise Directional Signs must comply with the requirements of Michigan Department of Transportation (MDOT) Program Rules and Regulations for TODS Trailblazer signs.
3. Temporary Off-Premise Directional Signs are exempt from the requirements of Section 9.09 of this Ordinance. **This Section added by amendment# 15-01 adopted May 2015**

**Rapid River Township Zoning Ordinance  
Adopted June 2011**

**ARTICLE TWENTY  
NONCONFORMING USES**

**SECTION 20.01 - INTENT**

It is the intent of this Ordinance to permit continuance of an existing structure or land use which was lawful prior to the effective date of this Ordinance or subsequent amendment, or which became nonconforming as a result of a government action, such as a road widening, but no such structure or use shall be enlarged or extended, except as provided herein. There may be a change in tenancy, ownership or management of any existing lawful nonconforming use or structure, provided there is no enlargement or extension of the nonconforming use or structure, except as provided herein.

**SECTION 20.02- DISCONTINUATION OF NONCONFORMING USE**

If the nonconforming use is discontinued through vacancy, lack of operation or any other means, for a continuous period of one (1) year or more, the right to resume such use shall terminate and no use shall be made of such building or land except in conformity with this Ordinance, provided, however, that the Board of Appeals may hear an application for resumption of such former use, if filed by the owner within six (6) months of the termination. Such application shall be processed in the same manner as provided in Section 20.08 following.

**SECTION 20.03 - CHANGE OF NONCONFORMING USE**

A nonconforming use may be changed to another use only as provided below:

- A. If no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of the same or a more restricted classification, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article.
- B. Where a nonconforming use of a structure, land or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
- C. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**SECTION 20.04 - REPAIR OF NONCONFORMING STRUCTURES**

Nothing in this Ordinance shall bar or prevent the owner of a nonconforming use or structure from making such repairs, improvements or modernizations to a lawful nonconforming building or structure to correct deterioration, obsolescence, depreciation and wear in the interest of public safety or the continued advantageous use of such building or structure, provided such changes do not expand the footprint of the building (in other words, it is OK to expand up to the height limit of the District, but not to expand the basement, first or second floor area). Provided however, that such repair may not exceed an aggregate cost of fifty (50) percent of the assessed valuation of the building or structure and no improvement or modernization shall exceed an aggregate cost of one hundred (100) percent of the assessed valuation of



# Rapid River Township Zoning Ordinance Adopted June 2011

the building.

## **SECTION 20.05 - COMPLETION OF NONCONFORMING BUILDINGS**

To avoid undue hardship, nothing in this Ordinance shall be construed to require a change in the plans, construction or designated use of any building or structure on which actual construction has been lawfully begun prior to the effective date of this Ordinance, or any amendment thereto, and is completed within one (1) year to said date. Actual construction shall be construed as permanent fixation of construction material in place.

## **SECTION 20.06 - RESERVED FOR FUTURE USE**

## **SECTION 20.07- RECONSTRUCTION AND RESTORATION OF NONCONFORMING BUILDINGS**

A. Any lawful nonconforming structure that is destroyed by fire, and "act of nature", or structure partially destroyed fifty (50) percent or less of the usable area of the principle structure by any means shall be permitted to be reconstructed to its original size and within the same spatial envelope including the original footprint, height, and bulk so long as reconstruction shall be completed within twelve (12) months. The time requirements for reconstruction may be waived by the Zoning Administrator for good cause shown. A zoning permit is required. Any enlargement that is nonconforming shall be subject to the approval of the Board of Appeals. **Part A amended by amendment# 15-01 adopted May 2015**

B. In the event the damage to the usable area as determined by the Zoning Administrator referred to in Section 20.07.A above, shall exceed fifty (50) percent but not more than one hundred (100) percent of the building's true cash value as determined by the assessing officer of the jurisdiction in which the building is located, then and in that event, such lawful nonconforming buildings may be restored, rebuilt or repaired but only if as a result, the building meets the front and side setback requirements of the District in which it is located. If conformance with front or side yard setbacks is not practical because of the size or shape of the lot, or the location of existing abutting structures, then the front or side yard setback may be varied by the Board of Appeals in an amount that results in the structure being located no closer to the street or side yard than the building line maintained by the average of fifty (50) percent or more of the buildings in the same district fronting on the same street within three hundred (300) or having side yards on the same street within the two (2) nearest intersections. **Part B amended by amendment# 15-01 adopted May 2015**

C. If no reasonable use of the property would be permitted by the application of the standard in Section 20.07.A or 20.07.B above, the Board of Appeals, upon an application by the bona fide owner of the affected nonconforming property, shall grant a variance in the minimum amount necessary to permit a reasonable use of the land while also ensuring no unreasonable impacts would affect abutting property as a result of the application of the variance standards in Section 29.03.E. In no event shall a variance granted under this Section result in a use with impacts on abutting property that are more intense or extensive than those which existed prior to the damage or destruction giving rise to the application of this Section.

## **SECTION 20.08- APPLICATION FOR EXPANSION OR EXTENSION OF NONCONFORMING USE OF STRUCTURES**

The extension or expansion of any nonconforming building or structure or any addition to or alteration of any existing building or structure for the purpose of extending a nonconforming use shall only be permitted as provided below:

A. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.

C. No hearing shall be held by the Zoning Board of Appeals until after notice of the time and place of such hearing and the purpose thereof has been published in a newspaper of general circulation in the Township as required by law, prior to said hearing date. The Board shall give notice by mail to the owners of adjacent property. If, during such hearing, it shall appear that the proposed addition, alteration or extension of such nonconforming use is contrary to the purpose of this Ordinance or injurious to the neighborhood where situated, the Board shall deny the application.

### **SECTION 20.09 - SUBSTANDARD LOTS OF RECORD**

#### A. Single Lots of Record

Single lots of record that are nonconforming at the effective date of this Ordinance because of a lack of the required number of acres, minimum number of square feet, lot width, lot depth or other dimensional criteria shall be allowed to be used and built upon for any use permitted in that district, provided that the Zoning Administrator determines that:

1. The lot was legally established by recorded deed or land contract or other legal document prior to the effective date of this Ordinance.
2. At least fifty (50) percent of the rear yard requirement can be met, but in no case shall a side yard for a dwelling or accessory structure be less than ten (10) feet.
3. The front yard requirement shall be as specified in the zoning district except where an established setback of buildings has been previously determined. In such case, the structure to be located on the proposed building site will be no closer to the roadway than the existing general line of buildings on either side for a distance of 300 feet. The exact setback shall be determined, in each case, by the Zoning Administrator following a site inspection. If there are no buildings on either side within 300 feet, the Zoning Administrator will designate the setback distance which shall conform as closely as possible to the required setback for the zone district as established in this Ordinance.
4. An adequate potable water supply and proper safe sewage disposal facilities are provided in accordance with the requirements of the District Health Department; and
5. All the other requirements of the district are met.

#### B. Two or More Lots of Record or Lots of Premises

If two (2) or more lots that are nonconforming and have contiguous frontage are under single ownership and are of record at the time of adoption or amendment of this Ordinance, said lots shall not be used for residential purposes unless they are utilized as one lot, so as to comply with the specified lot size requirements or unless approved for use by grant of a variance by the Board of Appeals according to the requirements of Article Twenty-Nine.

#### C. Plats with Preliminary Approval

Any plat having had preliminary approval by a government agency prior to the adoption of this Ordinance shall be treated as a Plat of Record.

### **SECTION 20.10 - HARDSHIP CASES**

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Board finds that the request is a case of exceptional hardship in

## Rapid River Township Zoning Ordinance Adopted June 2011

which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, EXCEPT that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Board that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.

### **SECTION 20.11 - ILLEGAL NONCONFORMING USES**

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

### **SECTION 20.12 – PERMITS**

Permits for construction of a new building on, expansion of, or substitution of nonconforming lots, uses or structures require a Zoning Permit pursuant to Section 27.03. Other permits and approvals may also be required.

# Rapid River Township Zoning Ordinance

Adopted June 2011

## ARTICLE TWENTY-ONE

### GENERAL PROVISIONS

#### **SECTION 21.01- CONFLICTING LAWS, REGULATIONS AND RESTRICTIONS**

The provisions of this Ordinance shall be held to be the minimum requirements for promoting the public health, morals, safety and general welfare. Whenever the requirements of this Ordinance conflict with other lawfully adopted rules, regulations or restrictions, existing easements, covenants, or other agreements between parties, the requirements imposing the higher standards shall govern. Compliance with the terms of this ordinance in no way removes responsibility for obtaining any and all other permits and approvals required by local, state or federal law before commencing with any construction upon or use of land within the territory affected by this Ordinance.

#### **SECTION 21.02 MICHIGAN ZONING ENABLING ACT (MZEA) Act 110 of 2006, as amended, after PA 184 of 1943, as amended. (Added by amendment #15-01 adopted May 2015)**

#### **SECTION 21.03 -THE EFFECT OF ZONING**

A. Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance. Only uses specifically listed in a particular zoning district may be established on a parcel. All other uses may be permitted only if the Ordinance has been amended to permit them, unless authorized by action of the Zoning Board of Appeals, or by means of approval of a Planned Unit Development.

B. Zoning approval runs with the land, not the property owner. The approval to engage in any land use activity or to construct a building or structure that is bestowed by a Zoning Permit, or other permit issued under the authority of this Ordinance, or any variance granted by the Zoning Board of Appeals, runs with the land, just like a nonconforming use right, and not with the owner. Thus, any person who relies on a valid permit or approval granted under the terms of this Ordinance, may sell the property to another person who will enjoy the same rights, privileges and restrictions as the seller, provided that the seller's use of the property was not in violation of the Ordinance prior to the sale.

#### **SECTION 21.04 - PROTECTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE**

All proceedings of the Township Planning Commission, and Zoning Board of Appeals, shall be conducted and all decisions shall be made with due consideration given to the prevention of nuisances and the maintenance of reasonable circumstances regarding: emission and transmission of injurious or obnoxious noise, fire or explosive hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, adequate light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

#### **SECTION 21.05 - RESERVED FOR FUTURE USE**

# Rapid River Township Zoning Ordinance Adopted June 2011

## **SECTION 21.06 -LAND ALTERATION**

No premises shall be so filled or graded as to discharge surface runoff on abutting premises in any quantity greater than before filling or grading, nor shall it be done in such manner as to cause pending or surface accumulation of such runoff thereon. No earth changing activities shall be undertaken except in compliance with Part 91 of the Natural Resources and Environmental Protection Act of 1994, as amended, and any permit required thereunder must be obtained prior to initiating an earth change covered by said Act.

## **SECTION 21.07- WATER SUPPLY AND WASTE DISPOSAL**

After the effective date of this Ordinance, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe, potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the District Health Department, and all local and state laws and administrative rules, such as those administered by the Michigan Department of Environmental Quality (MDEQ) and the Department of Public Health.

## **SECTION 21.08- PUBLIC UTILITY STRUCTURES**

### A. Permitted by Right Except on Waterfront Lots

Essential services (see definition in Article Thirty-Two) are uses permitted by right in any zone unless the property upon which the use is proposed is a waterfront lot, in which case the essential service is a use permitted only by special use permit.

### B. Submittal of Maps

Public utilities, municipal departments or commissions shall provide maps of all utility systems, including underground to the Township Zoning Commission upon request concerning any project affected by Section 21.08 A.

## **SECTION 21.09- HOME OCCUPATIONS**

A. Home occupations, as defined in Article Thirty-Two, may be conducted within a dwelling unit and not in any accessory building provided that:

1. Such dwelling unit conforms to all requirements of the zoning district in which it is located.
2. Not more than one (1) person who is not a resident of the dwelling is employed or works as a volunteer at the home occupation.
3. Not more than one-fourth (1/4) of the dwelling unit and less than one-half (1/2) of the main floor is devoted to such home occupation
4. Such home occupation shall not require external alterations to the dwelling unit or involve construction features not customary in dwellings, or require use of mechanical or electrical equipment which will create a nuisance to the adjacent neighborhood.
5. The home occupation shall not require any additional parking.
6. A zoning permit is secured from the Zoning Administrator pursuant to the requirements of Article Twenty-Seven.

B. No home occupation shall increase traffic, fire and safety hazards, noise, dirt, odor, dust, gas, vibration or other nuisance on abutting properties.

C. The following uses shall be prohibited home occupations: automotive and engine repair, furniture refinishing and animal processing.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

D. Any proposed home occupation which does not conform with all the requirements of this Section shall not be issued a Zoning Permit, but may upon application therefore, be considered by the Planning Commission for a Special Use Permit pursuant to the procedures and standards of Article Twenty-Three. Such a request shall not be approved until a determination has been made that the maximum feasible conformance with the standards of this Section has been achieved. A Special Use Permit shall not be granted if the request qualifies as a residence-based occupation, as the request shall be processed under the standards of Section 23.10.HHH.

### **SECTION 21.10 -ACCESSORY BUILDINGS, STRUCTURES AND USES**

#### A. Minimum Standards for Accessory Buildings

Table 21-1 presents the minimum standards for the erection of accessory buildings in this Ordinance. These standards are in addition to those that follow in the remainder of this Section and any other applicable regulations in this Ordinance. Where permitted, oversized accessory buildings (greater than 1,200 square feet) are subject to the Special Use Permit requirements of Sections 23.10.XX or YY.

#### B. Farm Animals and Farm Buildings

Except as otherwise provided herein, the provisions of this Ordinance shall not apply to the erection, repair or use of customary accessory farm buildings and structures, such as barns, pens, sheds, fences and the like in the Agricultural-Residential (A-R), Forest-Recreational (F-R), and Resort-Residential (R-R) Districts provided that no building or structure other than open fences, through which there shall be clear vision, shall hereafter be erected, moved or maintained less than thirty (30) feet from any highway right-of-way line abutting the premises. Farm animals and farm buildings shall be permitted in the Agricultural-Residential (AR), Forest-Recreational (F-R), and Resort-Residential (R-R) Districts if in conformance with the following requirements:

1. Front and side yard setbacks for pens and structures shall be two (2) times regular setback requirements.
2. Rear yard setback shall conform to regular setback requirements.
3. Fenced pasture shall be permitted to the property line or road right-of-way.
4. Visual barriers are preferred for pens and structures.
5. Reserved for future use.
6. Farm animals and agricultural crops shall be permitted if agricultural practices accepted as "typical", "customary" or Generally Acceptable Agricultural and Management Practices (GAAMP) by the State Dept. of Agriculture are used. **Item 6 amended by amendment# 15-01 adopted May 2015**
7. On less than three (3) acres of land a maximum of fifty (50) rabbits or poultry of singular or combined species are allowed. On three (3) to ten (10) acres a maximum of one hundred (100) of singular or combined species are allowed. No limit on number of rabbit or poultry with over ten (10) acres of land
8. One (1) hoofed animal shall be permitted on less than three (3) acres of land. Ten (10) hoofed animals shall be permitted on three (3) to ten (10) acres of land. No limit of hoofed animals with over ten (10) acres of land.
9. Said animals, at all times, shall be properly housed, fenced, maintained and controlled, so as not to be objectionable or offensive.
10. Buildings more than 1200 square feet shall be permitted as per the following conditions:
  - a. Side yard setbacks shall be two (2) times the minimum Table 15-1 requirements.
  - b. If the building is on a bona fide farm where evidence of farming activity is presented, the Zoning Permit fee will be waived upon presentation of the federal Schedule F tax form.

**Rapid River Township Zoning Ordinance  
Adopted June 2011**

**TABLE 21-1  
ACCESSORY BUILDING STANDARDS**

<b>Zoning District</b>	<b>Height* and Other Requirements for Accessory Buildings</b>		
	<b>1200 Sq. Ft or less</b>	<b>1201-2000 Sq Ft</b>	<b>Over 2000 Sq Ft</b>
Residential (R)	12'/18' by right; 16'/24' by special use	16'/24' by right on 3 acres or more; 16'/24' by special use below 3 acres; not allowed on lot below 20,000 sq. ft.	Not Allowed on under 3 acre lot; 16'/30' by special use on 3 acres or more
Lakefront Residential (L-R)	12'/18' by right; 16'/24' by special use	16'/24' by right on 3 acres or more; 16'/24' by special use below 3 acres ; not allowed on lot below 20,000 sq. ft.	Not Allowed on under 3 acre lot; 16'/30' by special use on 3 acres or more
Resort-Residential	12'/18' by right; 16'/24' by special use	16'/24' by right on 3 acres or more; 16'/24' by special use below 3 acres; not allowed below 15,000 sq.ft	16'/30' on 3 acres or more; 16'/30' by special use on 1 to < 3 acres; not allowed on less than 1 acre.
Agricultural-Residential (A-R)	12'/18' by right; 16'/24' by special use	Allowed by right on Bona Fide farms w/ no limitations; 16'/24' on 3 acres or more; 16'/24' by special use on 1 to < 3 acres; not allowed on < 1 acre.	Allowed by right on Bona Fide farms w/ no limitations; 24'/36' for other than bona fide farms w/3 acres or more; 24'/36' by special use on 1 to < 3 acres; Not allowed on <
Forest-Recreational (F-R)	12'/18' by right; 16'/24' by special use	Allowed by right on Bona Fide farms w/ no limitations; 16'/24' on 3 acres or more; 16'/24' by special use on 1 to < 3 acres; not allowed on < 1 acre.	Allowed by right on Bona Fide farms w/ no limitations; 24'/36' for other than bona fide farms w/3 acres or more; 24'/36' by special use on 1 to < 3 acres; not allowed on < 1 acre.
Commercial (C-1)	Requires Site Plan Approval; --- See Table 15-1, Section 15.01 A		
General Industrial (G-I)	Requires Site Plan Approval; --- See Table 15-1, Section 15.01 A		
Light Industrial (L-I)	Requires Site Plan Approval; --- See Table 15-1, Section 15.01 A		

\*Sidewall Height/Overall Height

Special Use = Requires a special use permit pursuant to Section 23.10.XX or Section 23.10.YY.

Bona-fide Farms = Land used primarily for a farm with or without a dwelling unit.

Evidence of farming activity must be presented, including a copy of the federal Schedule F tax form.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

### C. Non-farm Accessory Buildings

This provision applies to all non-farm accessory buildings. Authorized accessory buildings may be connected to the principal building by a roofed over porch, patio, breezeway, or similar structure, or may be completely detached. If attached to the principal building, an accessory building shall be made structurally apart of it, and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building shall not be nearer than ten (10) feet from any other structure on the same lot and shall also comply with all minimum yard requirements of this Ordinance. All building code requirements shall be met.

### D. Primary Garages

Primary garages for single family residences shall not exceed twelve hundred (1200) square feet; a height of twelve (12) feet at the sidewall or eighteen (18) feet maximum height and meet setback requirements of the district in which it is located.

### E. Non-farm Storage Buildings and/or Second Garages 1,200 Square Feet or Less

Either a non-farm storage building or a second garage under 1,200 square feet or less is authorized in the Residential (R), Resort-Residential (R-R), Lakefront-Residential (L-R), Agricultural-Residential (A-R) 27, and Forest-Recreational (F-R) Districts as an accessory structure subject to a finding of compliance with following standards by the Zoning Administrator:

1. No commercial or industrial use of either a retail or wholesale nature is to be conducted on the premises. Rental of storage building space or rental or sale of objects stored in the storage buildings is not permitted.
2. The minimum lot size shall not be less than fifteen thousand (15,000) square feet.
3. The non-farm storage building shall not exceed twelve hundred (1200) square feet nor a height of twelve (12) feet side wall height or eighteen (18) feet maximum height.
4. The non-farm storage building shall conform to the yard requirements of Section 21.10.H29 and all other applicable setback provisions of this Ordinance.

### F. Non-farm Storage Buildings and/or Second Garages 1,201-2000 Square Feet

Either a non-farm storage building or a second garage in excess of twelve hundred (1200) square feet and not more than two thousand (2,000) square feet, is authorized in the Lakefront Residential (L-R), Resort-Residential (R-R), Agricultural-Residential (A-R) and Forest-Recreational (F-R) Districts as an accessory structure subject to a finding of compliance with the following standards by the Zoning Administrator:

1. It is located on a parcel of three (3) acres or more.
2. It shall be at least thirty-five (35) feet from the side and rear property lines.
3. It shall be at least one hundred (100) feet from the property line or road right-of-way.
4. It shall be at least three hundred (300) feet from any water except ponds or lakes totally contained within the subject parcel.
5. The sidewall height shall be allowed by right with no size limitations on bona fide farms in Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts, and shall not exceed sixteen (16) feet in all other allowed districts, including other than bona fide farms in Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts.
6. The overall height shall be allowed by right with no size limitations on bona fide farms in Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts, and shall not exceed twenty four (24) feet in all other allowed districts, including other than bona fide farms in Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts.
7. Reserved for future use
8. It may not be used for business, commercial or industrial purposes.

### G. Non-Farm Storage Buildings and/or Second Garages Over 2,000 Square Feet

Either a non-farm storage building or a second garage over 2,000 square feet is authorized in the Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts as an accessory structure subject to a finding of compliance with the following standards by the Zoning Administrator:

1. It shall be located on a parcel of at least three (3) acres or more.
2. It shall be at least thirty-five (35) feet from side and rear property lines.



# Rapid River Township Zoning Ordinance

## Adopted June 2011

3. It shall be at least one hundred (100) feet from the front property line or road right-of-way.
4. It shall be at least three hundred (300) feet from any water except ponds or lakes totally contained within the subject parcel.
5. The sidewall height shall be allowed by right with no size limitations on bona fide farms in Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts, shall not exceed twenty-four (24) feet in Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts for other than bona fide farms, and shall not exceed sixteen (16) feet in all other districts. 37
6. The overall height shall be allowed by right with no size limitations on bona fide farms in Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts, shall not exceed thirty-six (36) feet in Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts for other than bona fide farms, and shall not exceed thirty (30) feet in all other allowed districts.
7. Reserved for future use.
8. It may not be used for business, commercial or industrial purposes.

### H. Permanent Yard Encroachments

The following permanent yard encroachments by accessory buildings and structures shall be allowed as specified below:

1. In a Front Yard: No accessory building shall project into any front yard. Unattached accessory buildings will be permitted in a front yard provided setbacks are met from the road right-of-way or unless attached to a principal residence except for those residences located on waterfront property.
2. In a Rear Yard: No accessory building, including detached garages, shall be closer than ten (10) feet to any lot line.
3. In a Side Yard: No accessory buildings, including garages, shall be erected closer to any side lot line than the required side yard setback of the principal dwelling unless such accessory building shall be located to the rear of all portions of the principal building, in which case it may be located not nearer than ten (10) feet to any side lot line.
4. On a Corner Lot: No accessory building shall be closer to the side street lot line than the required side yard setback of the principal dwelling on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than ten (10) feet to the common lot line.
5. Paved terraces, patios and unenclosed, uncovered porches and decks shall not be subject to yard requirements, provided the paved area, or area covered by a porch or deck:
  - a. Is unroofed and without such walls, parapets or other forms of solid, continuous enclosure which link the paved area to the principal building to form an enclosed area which appears functionally a part of the principal building;
  - b. Is less than four (4) inches above the finished grade;
  - c. Is closer than five (5) feet to any lot line; and
  - d. Has an open railing or fence not over three (3) feet high, and may have non-continuous windbreaks or visual screen fences or walls not over six (6) feet high and not enclosing more than one-half the perimeter of the paved area.
6. An open, unenclosed porch or deck four (4") inches or more above finished grade shall meet the yard and area requirements of the District for a principal structure if connected to, touching or adjacent to and accessed from the principal structure. A Zoning Permit and Building Permit shall be obtained before construction begins. Enclosed porches, either one story, two story, or an unenclosed porch having solid foundations, and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.
7. Special structural elements, such as cornices, sills, chimneys, gutters, eaves, pilasters and similar structural features may project into any yard a maximum of three (3) feet.
8. Fire escapes, outside stairways and balconies, if of open construction, may project into the yard area a maximum of five (5) feet.
9. Ramps to accommodate wheelchairs and related devices to assist the handicapped or infirm are permitted to encroach on the yard requirements of any district, provided an application for a Zoning Permit is filed with the Zoning Administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the yard encroachment while still meeting the ramp

# Rapid River Township Zoning Ordinance

## Adopted June 2011

needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front public sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered in the portion of the front yard within the setback for the principal building.

10. Awnings in residential districts may project into a required yard area no more than three (3) feet and in commercial or industrial districts no more than five (5) feet. Awnings shall be at least eight (8) feet in height. Approval shall be obtained from the County Road Commission or Michigan State Department of Transportation (MDOT) before any awning is erected over public right-of-way.

11. Any variation from standards 1-10 above may only be obtained by means of a variance from the Board of Appeals. The requirements of Section 29.03.E. shall apply.

### **SECTION 21.11 - HEIGHT EXCEPTIONS**

No part of a single family or multiple-family dwelling in a residential district shall exceed the height regulations of the district. The following non-residential buildings and structures shall be exempt from height regulations in all zoning districts, provided no portion of the excepted structure may be used for human occupancy:

A. Church spires, flagpoles, and monuments on government owned property, provided they do not exceed seventy-five (75) feet in height.

B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks and water towers, elevator and stairwell penthouses, ventilators, bulkheads, masts, fire and hose towers, cooling towers, or other structures where the manufacturing process requires a greater height, provided these appurtenances do not exceed seventy-five (75) feet in height and are setback a distance from the property line at least equal to the height of the structure. Municipally owned water tanks and water towers are not subject to any height limitation.

C. Those structural extensions on buildings which are principally non-residential and which are necessary for appropriate building design such as cornices or parapet walls may extend a maximum of four (4) feet above height limitations provided they have no window openings.

D. Public utility structures, including but not limited to telephone poles, but not including communication towers, except upon receipt of a Special Use Permit (see Section 23.10.BBB).

E. Agricultural buildings and structures, such as barns, silos, grain elevators and the like that do not exceed one-hundred (100) feet in height provided they are setback a distance from the property line at least equal to the height of the structure.

F. Communication towers and telecommunication towers approved pursuant to Section 23.10.U are excepted from the height requirements of Table 15-1, Schedule of Regulations.

### **SECTION 21.12- DWELLING UNITS OUTSIDE OF MOBILE HOME PARKS**

A. All dwelling units located outside of mobile home parks shall comply with the following requirements:

1. All dwelling units shall provide a minimum height between the floor and ceiling consistent with applicable codes.
2. The minimum width of any single-family dwelling unit shall be fourteen (14) feet for at least sixty-seven (67) percent of its length, measured between the exterior part of the walls having the greatest length.
3. The foundation shall comply with building codes. If the dwelling is a mobile home, all wheels must be removed and it must be enclosed with an acceptable skirting. Said skirting should be constructed of durable material and if it is wood or metal, it shall be painted.
4. Reserved for future use.
5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the

## Rapid River Township Zoning Ordinance Adopted June 2011

construction code adopted by the County or, if a mobile home, shall be anchored to the ground or foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."

6. The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation or anchoring to the ground.
7. All dwellings shall be connected to a public sewer system and water supply system if available, and if not, shall have a septic system and water supply approved by the County Health Department.
8. All dwellings shall provide steps or porch areas, permanently attached to the foundation or safely anchored to the ground, where there exists an elevation differential of more than one (1') foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
9. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar or better-quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. All additions to dwellings shall meet all of the requirements of this Ordinance and any applicable Codes.
10. Reserved for Future Use.
11. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in subsection (12) hereof.
12. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the County. All dwellings shall meet or exceed all applicable roof snow load and strength requirements and all mobile homes shall be manufacturer certified for a minimum roof load of thirty (30) pounds.
13. Dwelling units (including mobile homes) are to be used only for human habitation purposes, and are not to be used primarily for storage nor for livestock or other animal shelter, except for incidental household pets residing with the residents of the dwelling.
14. The minimum square footage in any one-family dwelling unit shall be no less than seven hundred twenty (720) square feet. A mobile home with less than seven hundred twenty (720) square feet shall not have an attached addition construed to equal the above mentioned seven hundred twenty (720) square footage minimum. Prior to occupancy, the dwelling unit shall be inspected to ensure that all current codes are met.

B. Dwelling units within mobile home parks shall comply with the Mobile Home Commission Act, Public Act 96 of 1987, as amended and applicable building codes.

### **SECTION 21.13- TRANSIENT OCCUPANCIES**

The owner of any dwelling may permit the location of one (1) occupied house trailer or mobile home of a personal guest or visitor on the premises for a period not exceeding a total of one hundred twenty (120) days within any calendar year in the case of all guests and visitors, provided the owner of the premises registers the name of the owner of the house trailer or mobile home, including make and number with the Zoning Administrator, within three (3) days of arrival.

### **SECTION 21.14- DETERIORATION OF DWELLINGS**

If any structure used for residential purposes, including a conventionally built dwelling, a house trailer, travel trailer, or mobile home, is allowed to deteriorate to the extent that it is detrimental to the health, safety and general welfare of its inhabitants, the inhabitants of Rapid River Township and/or to the use and enjoyment of adjacent properties, the Township Zoning Administrator, after consultation with the Building Official and County Attorney may order its removal.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

### **SECTION 21.15 - MOVING OF BUILDINGS**

A. No existing building or structure of any type or kind greater than two hundred (200) square feet shall be moved into the Township or moved from one lot or parcel in the Township to another lot in the Township unless authorized by a Zoning Permit approved by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:

1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.

### **SECTION 21.16- PRINCIPAL USE**

No parcel zoned for lots smaller than one (1) acre for residential purposes shall contain more than one (1) principal use nor more than one (1) principal structure, except for an approved multiple family development, planned unit development or condominium subdivision. Commercial and industrial zoned land may contain more than one building and/or principal use provided all uses are permitted uses, and the buildings and uses meet the parking and other zoning district requirements. All business activity shall take place within an enclosed building, unless specifically authorized to be conducted outside as part of the use regulations of the District, or via special use standards of this Ordinance.

### **SECTION 21.17 -TEMPORARY BUILDINGS, STRUCTURES AND USES**

A. Temporary buildings, structures, and uses are permitted in all districts unless otherwise provided. Temporary buildings and structures including mobile homes and recreational units may be placed on a lot or parcel of record and occupied only under the following conditions as authorized by a Temporary Zoning Permit issued by the Zoning Administrator. Larger temporary buildings or longer periods are permissible only by means of a Special Use Permit, pursuant to Article Twenty-Three:

1. Fire Damage: During renovation of a permanent building damaged by fire a temporary building or structure may be erected. The temporary building or structure must be removed when the repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days unless a Special Use Permit has been issued.
2. Temporary Dwelling: The use of a structure as a temporary dwelling shall not endanger public health, safety or welfare.
3. Location of Temporary Dwelling: The location of the temporary dwelling on the parcel of property shall not be detrimental to adjoining uses of land.
4. Water Supply and Waste Disposal: A structure used for temporary dwelling purposes shall be provided with safe, sanitary and effective systems for water supply and disposal of wastes in accord with local and state health standards.
5. New, Non-Residential Construction: Temporary buildings and structures incidental to nonresidential construction work, except temporary buildings and structures to be used as dwelling units are permitted. Said temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed for more than twelve (12) months, unless expressly authorized by a Special Use Permit.
6. Churches & Schools: Temporary buildings incidental to a church or school, are permitted, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Official, and by relevant state agencies.
7. Habitation of Accessory Structures and Travel Trailers: No garage, barn, or accessory building, or cellar, whether fixed or portable (like a travel trailer), shall be used or occupied as a dwelling except as authorized by this Ordinance.
8. Recreational units used other than during construction of a permanent dwelling:
  - a. The parking or setup of a recreational unit, maintained in sound running condition with a current vehicle license, is permissible on the owner's property provided it is not used for more than one hundred and twenty (120) days in any twelve (12) month period and provided such use shall

# Rapid River Township Zoning Ordinance

## Adopted June 2011

not be undertaken on a commercial rental basis.

- b. Furthermore, safe, sanitary and effective systems for water and waste disposal must be provided whether self-contained or otherwise, in accord with local and State health standards.
9. The owner of any lot in zoning districts in which a dwelling may be erected may not use more than one house trailer or mobile home upon the premises, and occupy the same during actual construction of a dwelling thereon, for a time not exceeding one (1) year from the date of issuance of zoning and building permits therefore, provided that each of the following requirements are met:
- a. Shall not endanger the health, safety, and welfare.
  - b. Shall not be detrimental to adjoining uses.
  - c. Safe and sanitary effective systems for water supply and waste disposal.

### **SECTION 21.18 - CONDOMINIUM SUBDIVISIONS**

All condominium subdivisions shall conform to the following provisions in addition to all other applicable district provisions and shall be approved pursuant to the requirements of Article Twenty-Four, Planned Unit Development (PUD):

A. A condominium unit, including single family detached units, shall comply with the applicable site development standards contained in the district in which it is located unless those standards are waived as part of a PUD approval pursuant to the requirements of Article Twenty-Four.

B. A condominium subdivision shall comply with the requirements of the Michigan Department of Environmental Quality and the County Health Department pertaining to potable water supply and waste disposal facilities.

C. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm-water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

D. In addition to the materials required by Article Twenty-Five (Site Plan Review) and other requirements of Article Twenty-Four (Planned Unit Developments), a PUD permit application for a condominium subdivision shall include a condominium subdivision plan containing the following information:

1. A site plan showing the location, size, shape, area and width of all condominium units.
2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
3. Proposed use and occupancy restrictions as will be contained in the master deed.

E. All provisions of the condominium subdivision plan which are approved by the Planning Commission shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Planning Commission as a major amendment to a Planned Unit Development, subject to the procedures of Article Twenty-Four.

F. All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following requirements. But it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at

# Rapid River Township Zoning Ordinance

## Adopted June 2011

all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

4. If the required location of a monument is in an inaccessible place, or where the locating of a would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision plan and referenced to the true point

5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

6. All required monuments shall be placed flush with the ground where practicable.

7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.

8. The Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Township Treasurer cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total, except that lot corner markers shall be at the rate of not less than \$10.00 per marker. The performance guarantee shall be returned to the proprietor pursuant to the provision of Section 21.29 upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

G. All streets within a condominium subdivision shall be public, unless private roads are separately approved, and shall be constructed in compliance with the construction standards of this Ordinance or as otherwise required by the County Road Commission.

### **SECTION 21.19 - EXTERIOR LIGHTING**

A. All outdoor lighting (includes light source and lenses) in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences. Lighting shall also be shielded on the top to prevent unnecessary lighting of the night sky. Lighting fixtures shall be a down-type having one hundred (100) percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by a photometric test.

B. All outdoor lighting in all use districts shall be directed toward, and confined to the ground areas of, lawns and parking lots. Parking lots shall not be lit between the hours of 9:00am and 4:00pm, unless conditions regarding weather, employment, or parking lot use patterns warrant otherwise.

C. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

D. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

E. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type except for an approved time and temperature sign. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

F. All freestanding and outdoor lighting shall not exceed thirty (30) feet in height except to light a stadium.

G. Unless otherwise approved by the Zoning Commission, parking lot light sources shall be high pressure sodium. Other light sources should use warm white or natural lamp colors.

### **SECTION 21.20 - CLEAR VISION CORNERS**

A. In order to preserve sight distance, an unobstructed view shall be maintained within the following triangular areas (see Figure 21-1):

1. At the intersection of two (2) streets, or where a street intersects with an alley: a triangle defined by measuring to points thirty (30) feet in length along each street/road right-of-way edge from their point of intersection; the third side being a diagonal line connecting the first two (2) points.

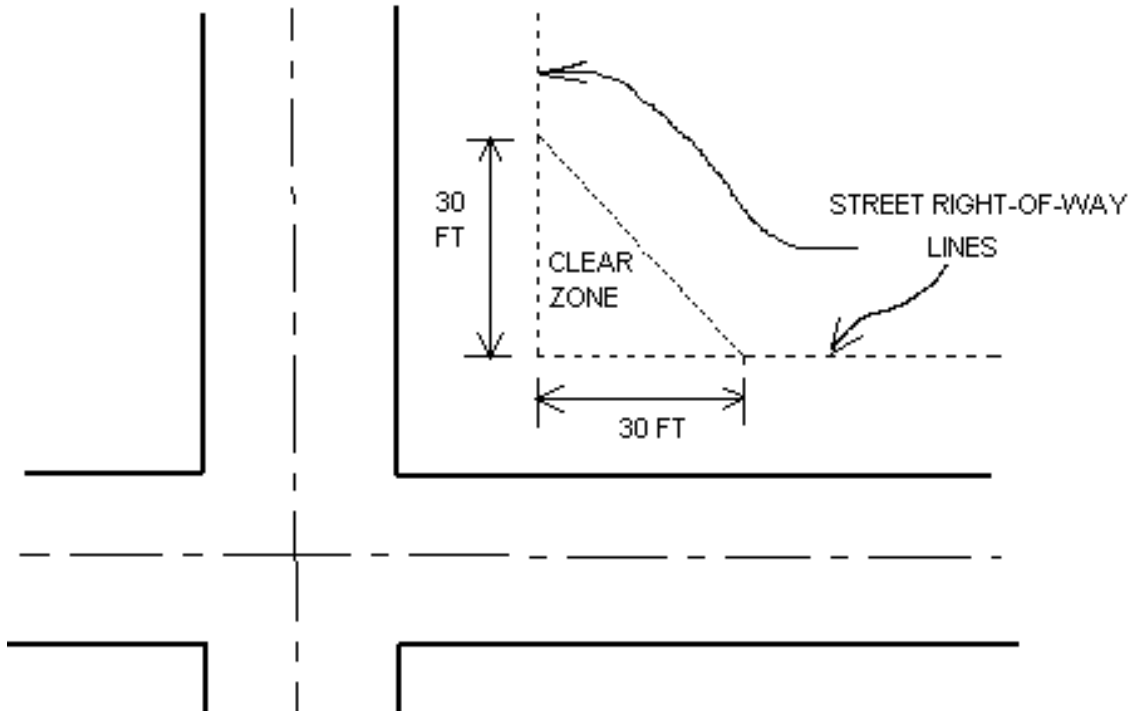
# Rapid River Township Zoning Ordinance Adopted June 2011

2. The County may require a greater distance in certain high volume or high-speed traffic intersections.

B. No shrubs, ground covers, boulders, berms, fences, or other material constituting visual obstructions shall exceed a height of thirty (30) inches above grade of the lower roadway within the triangular areas except for mailboxes and newspaper boxes, provided they can be safely seen around.

FIG.21-1

CLEAR VISION ON CORNER



## SECTION 21.21 – FENCES

Fences are permitted or required, subject to the following:

A. All fences shall have the finish side facing out, away from the property on which the fence is located.

B. Fences may be erected along property lines or within yards, irrespective of the setback requirements of this Ordinance.

C. No fence may be erected between a dwelling unit or a business and waterfront of a size or material that obstructs a clear view to the waterfront from an abutting lot of an existing riparian lot owner.

## SECTION 21.22 - FRONTAGE REQUIREMENTS

A. All parcels, lots in a platted subdivision or condominium subdivision, hereinafter created in the Township shall have frontage on a public street or an approved private road, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off street parking. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the Zoning Administrator after consultation with the County Road Commission. For all other corner lots, the side of the

# Rapid River Township Zoning Ordinance

## Adopted June 2011

lot which has the narrowest dimension bordering on a public street shall be deemed to be the front of the lot, unless the landowner, with the approval of the Zoning Administrator, selects the other side, and doing so does not create a nuisance or harm to abutting properties or the public's ability to provide services to the lot. Once a structure has been erected on the corner lot, the front of the lot is established and cannot be changed as long as the structure remains.

B. No public street shall be longer than eight hundred (800) feet without connecting to another public street or pre-existing private street that is not a dead end. There shall be no more than five hundred (500) feet between water hydrants where public water service is available. The Planning Commission may require tighter spacing to meet safe access and fire flow standards, especially in commercial and industrial areas.

### **SECTION 21.23 ACCESS STANDARDS**

A. Curb Cuts and Driveways: No driveway shall connect to a public street or road or to a private Road Commission on a County Road or the Michigan Dept. of Transportation on a State Highway. Provided, however, such approval shall not be given where such curb cuts and driveways would cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress. Each of the following standards shall also be met:

1. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises. Said plan shall be approved by the Zoning Administrator prior to the issuance of a Zoning Permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or a pre-existing private street. Driveways shall, at a minimum, meet the following standards:
  - a. Storm drains, or culverts, if allowed, shall be installed in line with and on the same grade as those being connected with.
  - b. Two-way driveways shall enter perpendicular to the existing public street, private street, or alley.
  - c. No portion of the driveway entrance within the right-of-way shall have a grade of greater than eight (8) percent, that is one (1) foot vertical rise in twelve and one-half (12.5) feet of horizontal distance, unless a greater slope is necessary to meet the elevation of an existing sidewalk from the street.
  - d. The driveway shall have a clear vision in both directions.
  - e. Driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street except on a nonconforming lot of record, in which case the maximum separation feasible shall be achieved, but in no case shall it be less than twenty-five (25) feet.
  - f. Driveways shall be designed to minimize runoff and erosion and shall not alter existing drainage unless approved by the County Soil Erosion and Sedimentation Control Officer.
2. The Zoning Administrator shall inspect the driveway as developed for compliance with the above standards and shall so notify the Building Official prior to issuance of a certificate of occupancy.
3. In nonresidential zones, no more than one driveway shall be allowed per lot or parcel unless separated by two hundred (200) feet, or unless traffic safety requires another driveway within a shorter distance as established by a qualified Michigan Department of Transportation (MDOT) or County Road Commission traffic engineer, or unless additional driveways are permitted via special use standards for a particular use, such as drive-through restaurants.
4. The new driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all other access requirements of this Ordinance are met.
5. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the County Road Commission or MDOT.
6. An individual driveway serving more than one (1) non-residential use is encouraged provided the design conforms with all Ordinance requirements.
7. No single or two (2) family driveway shall have a width less than nine (9) feet nor more than sixteen (16) feet at the street right-of-way line. The curb cut, including flares, shall not be more than one and one-half (1.5) times the width of the driveway at the street right-of-way.



# Rapid River Township Zoning Ordinance

## Adopted June 2011

8. Nonresidential driveway width at the sidewalk or right-of-way shall be at least twenty-five (25) feet for two-way access and at least fifteen (15) feet for one-way access. The curb cut, including flares, shall not be more than one and one-half (1.5) times the width of the driveway at the street right-of-way.

**B. Nonresidential Access:** No nonresidential access shall cross residentially-zoned property.

**C. One Driveway per Parcel:** All parcels having a single tax code number, except those in an agricultural tax class, as of the date of the amendment adding this provision to the Ordinance, which front on a major thoroughfare or county primary road shall be entitled to only one (1) driveway access from said street or highway, unless a traffic engineering analysis reveals a second driveway is safer. Subsequent subdivision of each parcel, either as metes and bounds descriptions, as plats created in accord with P.A. 288 of 1967 as amended, or as site condominiums in accord with Act 59 of 1978 as amended, shall provide access by a single subdivision road, other public road or by an approved service drive. No direct additional access to the major thoroughfare or county primary shall be permitted with subsequent divisions.

**D. Service Drives:** Service drives which parallel the main access road and connect multiple parcels in either the front or the rear of the property are encouraged. The Planning Commission shall review and either approve, deny or approve with conditions all service drives to insure safe and adequate continuity of the service drive between contiguous parcels. The Planning Commission shall not act until it receives a report on the proposed service drive from a Traffic Engineer it hires to review the proposal. The standards for service drives follow:

1. Width: A minimum of twenty-four (24) feet with construction to standards recommended by a traffic engineer for base and thickness of asphalt
2. A minimum of fifteen (15) feet snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of fifteen (15) feet from the major thoroughfare or county primary right-of-way.
3. All driveway radii shall be concrete curbs.
4. The entrance to the service drive from a public road other than the major thoroughfare shall be at least one hundred fifty (150) feet from the centerline of the major thoroughfare to provide for adequate stacking and maneuvering.
5. The service drive shall be a public street, or a private road maintained by adjoining property owners or users who shall enter into a formal agreement together for the joint maintenance of the service drive. The County Attorney shall approve the terms of the agreement before it is rerecorded with the County Registrar of Deeds (see Section 25.09).  
No service drive shall be established on existing public right-of-way.
6. Landscaping along the service drive shall conform with the requirements of Article Eighteen. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
7. All separate parking areas shall use no more than one (1) access point or driveway to the service drive.
8. All traffic signage and pavement markings along the service drive shall conform to the current Michigan Manual of Uniform Traffic Control Devices.

### **SECTION 21.24- RESERVED FOR FUTURE USE**

### **SECTION 21.25 - SWIMMING POOLS**

A. For use in this Section, "Pool" shall be defined as any structure that contains water over twenty-four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing and which is available only to the family and/or guests of the property owner. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. All pools shall be regulated by this Ordinance, unless said pool is completely contained within a building that at least complies with the minimum provisions of

# Rapid River Township Zoning Ordinance

## Adopted June 2011

the Zoning Ordinance, as amended.

B. Pools shall be permitted as an accessory use for the purposes of determining required yard spaces and maximum lot coverage, provided they meet the following requirements:

1. Pools on a lot used for a single-family residence shall not require Planning Commission review and approval but shall require a Zoning Permit. All other pools shall be reviewed as part of a Site Plan Review. The application for a Zoning Permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.
2. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line, or alley right-of-way, and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet. A swimming pool may be established in the side yard of a corner lot.
3. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
4. Pools shall be allowed only in side or rear yards except on waterfront lots where no pool is permitted in any yard without a Special Use Permit. The Planning Commission shall ensure that views of the water from abutting property are not unreasonably obscured by the pool, a fence, or related accessory structures.
5. No pool shall be located in an easement.
6. An outdoor pool, including an in-ground, above-ground, or on-ground pool, hot tub, or spa shall be provided with a barrier to discourage unsupervised access that complies with all of the following:
  - a. "Barrier" shall mean fences or similar structures.
  - b. Such barrier shall be situated so as to completely enclose the pool or the yard in which the pool is placed. Such barrier may include building walls without doorways which abut the pool area, provided that the entire perimeter of the pool area is secured.
  - c. The top of such barrier shall be at least forty-eight (48) inches above finished grade level measured on the side of the barrier which faces away from the swimming pool.
  - d. The maximum vertical clearance between finished grade level and the barrier shall be two (2) inches measured on the side of the barrier which faces away from the pool structure.
  - e. Where the top of the pool structure is above finished grade level, such as an above-ground pool, the barrier shall be at finished grade level, such as the pool structure, or shall be mounted on top of the pool structure.
  - f. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.
  - g. Openings in the barrier shall not allow passage of a four (4) inch sphere.
  - h. Such barriers shall be equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet above the ground.
7. Lighting: No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance or hazard to surrounding properties.
8. Overhead wiring: Service drop conductors and any other open overhead wiring shall not be located above a swimming pool.
9. Sanitation: Any swimming pool shall not be used unless adequate public health measures are periodically taken to ensure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and sterilized by chlorination or other means accepted by the County Public Health Department. Sanitation standards as now or any time adopted by the State Department of Health or the County Health Department to protect the public health shall be conformed with.
10. The following shall be exempt from provision (b) above:
  - a. A spa or hot tub with an approved safety cover that's re-installed after each use.
  - b. Fixtures which are drained after each use.

### **SECTION 21.26- COMMUNICATION TOWERS**

The following uses are specifically permitted in any zone, but may be subject to the same information submittal requirements as found in Section 23.10.U, at the discretion of the Planning Commission:

A. Telecommunication towers and alternative tower structures located on property owned, leased or

# Rapid River Township Zoning Ordinance

## Adopted June 2011

otherwise controlled by Rapid River Township provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by the Township.  
B. Antenna co-located on existing telecommunication towers or alternative tower structures.

### **SECTION 21.27 - KEEPING OF WILD ANIMALS**

No wild animal or vicious animal shall be kept permanently or temporarily in any district except in a facility accredited by the American Association of Zoological Parks and Aquariums, the U.S. Department of Agriculture, or the Michigan Department of Natural Resources (MDNR), or in a licensed veterinary care facility.

### **SECTION 21.28 - EQUINE BOARDING STABLES**

The following regulations are established for profit boarding stables as a Primary Use in the Agricultural-Residential (A-R) and Forest-Recreational (FIR) Districts. See Section 23.10.P for similar standards for equine boarding stables as a Special Use in Resort-Residential (R-R) and Commercial (C-1) Districts:

A. All lots shall have a minimum of three (3) acres for the first horse, with one (1) additional acre per each additional horse (not applicable to young equines under one (1) year of age, whichever is greater).

B. No equine dwelling shall be kept closer than one hundred (100) feet to an off-premises residential structure.

C. No equine dwelling unit shall be kept closer than seventy-five (75) feet to any water well.

Part C amended by amendment# 15-01 adopted May 2015

D. The keeping of equines shall be subject to Generally Accepted Agricultural and Management Practices (GAAMP) and the following development standards:

1. Corral/Paddock Size: Every corral/paddock to be provided shall have a minimum dimension of not less than twelve (12) feet and shall contain not less than two hundred forty (240) square feet of area.
2. Box Stall: The following minimum sizes for stalls in a roofed, permanently enclosed structure are recommended:
  - (a) cob (small) 8' x 8';
  - (b) light weight horses (medium) 10' x 10';
  - (c) draft horses (large) 12' x 12'.
3. Tie Stall: The following minimum size for tie stalls in a roofed, permanently enclosed structure is 4' x 8'.
4. Fencing to be provided shall be subject to the following:
  - a. Materials and Construction. Fencing may be constructed of wood, chain link, masonry, metal and materials with the appropriate structural strength and safety required to restrain the equines.
  - b. Fence Posts. Fence posts may be constructed of wood, metal, concrete or materials with the appropriate structural strength.
  - c. Fence Height Fences to be provided for enclosure shall be maintained not less than four and one-half (4 1/2) feet in height.
  - d. Maintenance. All stalls, corrals and structures shall be continuously maintained with preservatives, fasteners and other materials so as to maintain appearance and prevent deterioration and equine escapement
5. Loafing Shed/Lean-To. In conjunction with paddocks/pastures, a roofed area shall be provided in the absence of other acceptable shelter, having minimum dimensions of not less than eight (8) feet in width and twelve (12) feet in length.
6. Water Facilities. Running water facilities shall be provided and each equine shall have access to fresh water.
7. Containment Devices Substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to equine areas located thereon in such a manner so as to be inaccessible to equine and small children for the prevention of equine escape and unauthorized entry, as per Public Act 351 of 1994.
8. Feeding Facilities. Feeding facilities and/or boxes shall be provided in each corral and/or box

# Rapid River Township Zoning Ordinance

## Adopted June 2011

stall located in such a manner so as to be maintained above ground, and such facilities shall be maintained accessible by equine to be served.

9. Drainage: All areas adjacent to any pen, coop, stable, stall, barn, corral, grazing or work-out or training areas, or other building structures and areas where equines are kept and maintained, shall be graded to drain away from such facilities so as to prevent ponding and harboring of insects.

10. Dust Control. All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties.

11. Compliance with Health Regulations Required. The keeping and maintenance of equines, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture (MDA) and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health safety, comfort, welfare, peace and/or tranquility of the general public. All animals shall be maintained in a healthy condition and carefully handled. The facility shall be constructed and maintained so that dust and drainage front the stable will not create a nuisance or hazard to adjoining property or uses.

E. Commercial stables shall provide off-street parking at a minimum of one (1) parking space per five (5) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables. **Part E amended by amendment# 15-01 adopted May 2015**

F. Stables may not be located in platted subdivision.

G. Enclosed riding arenas associated with commercial stables shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum of ten (10) acre site, except that an additional fifteen hundred (1500) square feet of floor area may be permitted for each additional full acre in a lot area, provided that no riding arena shall exceed fifteen thousand (15,000) square feet in gross floor area.

1. Riding arenas are permitted providing they meet height and setback restrictions of the district and they do not exceed forty-five hundred (4,500) square feet in gross floor area.
2. No living quarters shall be located in any arena building.
3. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted only after a temporary Zoning Permit has been secured.

## **SECTION 21.29- WIND TURBINE GENERATORS, COMMERCIAL INSTALLATIONS**

Wind turbine generators for commercial power generating usage may be permitted by the Planning Commission for location in Forest-Recreational (F-R) and Agricultural-Residential (A-R) Districts subject to the following standards:

### **SECTION 21.29.A-INTENT**

To establish Special Use Permit standards for reviewing proposals for commercial Wind Turbine Generators, whether a public utility, municipality, or business provider, intended to produce electrical energy in Forest-Recreational (F-R) and Agricultural-Residential (A-R) zoning districts. Wind Turbine Generators (WTG) require treatment as a special or conditional use because:

1. WTGs are large structures, projecting up to 400 feet in height, dominating the skyline in local situations, and multiple units may be constructed in a concentrated area (e.g. wind energy farm).
2. WTGs are a relatively new technology and are intended to provide electrical energy from wind forces as opposed to fossil fuel combustion (oil, gas, coal).
3. WTGs 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, especially in scenic view plains and prominent hill tops.

# Rapid River Township Zoning Ordinance Adopted June 2011

## **SECTION 21.29.B - SITING STANDARDS for WIND TURBINE GENERATORS (WTGs)**

The following standards shall apply to all commercial WTGs proposed to locate in Forest-Recreational and Agricultural-Residential (A-R) Districts:

1. Satisfy all Site Plan standards as outlined in Article Twenty-Five (Site Plan Review) and include electrical transmission/distribution lines at or on the site whether used or not.
2. Be setback from all property lines and off-premises roads a distance equal to the height of the tower including the top of the blade in its vertical position.
3. The maximum level of noise generated by any WTG shall not exceed sixty (60) decibels as measured on the dB(A) scale, measured at the property line, including downwind. The applicant/owner shall provide certification before and after construction that the WTGs do not exceed the maximum noise standard.
4. Lighting: WTG towers shall require the applicant to make application to the Federal Aviation Administration to apply for lighting standards that:
  - a) Are of the lowest intensity available.
  - b) Avoids strobe lighting or other intermittent white lighting fixtures.
  - c) May be green or red top light that does not pulsate or blink.
  - d) Are in compliance with legal minimums per FAA requirements. A written FAA report shall be submitted to verify lighting requirements.
5. WTG's shall not cause human-detectable vibrations at the property line of the tower site.
6. 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. All WTGs shall be removed from the site by the property owner or lessee within ninety (90) days of being abandoned or no longer used.
8. Towers shall be secured or protected to prohibit access by unauthorized persons and a security fence may be required if determined to be in the best interest of the community.
9. The location of any WTG site shall not be approved without having the full review findings and recommendations of the Township Board in Rapid River Township.
10. The minimum eligible site area shall be forty (40) acres, but a minimum of five (5) acres of site area is required for each WTG tower proposed within an eligible property.

## **SECTION 21.29.C – EXCEPTION**

The standards of this section do not apply to individual WTGs constructed to provide electrical energy for personal use, provided the standards for towers in Section 23.02 and 23.03 are satisfied.

## **SECTION 21.30 - PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE**

A. Requirements: In authorizing any Zoning Permit, Temporary Zoning Permit, Certificate of Zoning Compliance, Special Use Permit, Planned Unit Development, site plan approval or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished:

- (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance;
- (2) to insure the discontinuance of a temporary use by a stipulated time; and
- (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.

B. Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks.

The performance guarantee shall meet the following requirements:

1. Form. The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee.

## Rapid River Township Zoning Ordinance Adopted June 2011

2. Time when Required. The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.

3. Amount. The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the Township Board. If none are specified or applicable to the particular use or development, the Township Board shall by resolution establish a guideline which it deems adequate to deal with the particular problem while ensuring the protection of the Township and its inhabitants.

C. Return of Performance Guarantee or Bond: The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

D. Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission and Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

1. The Planning Commission shall either approve, partially approve or reject the improvements or conditions and shall notify the obligor in writing of the action of the Planning Commission within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
2. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any unused balance remaining would be returned to the applicant, and any excess expense would be recorded as a lien on the property.

E. Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Rapid River Township Zoning Ordinance  
Adopted June 2011  
**ARTICLE TWENTY-TWO**

**RESERVED FOR FUTURE USE**

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE TWENTY-THREE**  
**SPECIAL USES**

**SECTION 23.01 - PURPOSE**

A. Special uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish a special use. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the special use under consideration. This Article authorizes the Township Planning Commission to issue a Special Use Permit provided:

1. The proposed use is one listed as a special use for that district in which said use is located;
2. The Planning Commission insures before approving a Special Use Permit request that both:
  - a. the standards of the district in which the special use is to be located are fulfilled; and
  - b. the standards or other requirements of this Article are fully complied with

**SECTION 23.02- APPLICATION PROCEDURES**

An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

**A. Applicant:**

Any person owning or having an interest in the subject property may file an application for one or more Special Use Permits provided for in this Ordinance in the zoning district in which the land is situated.

**B. Application:**

Applications for Special Use Permits shall be submitted through the Zoning Administrator to the Township Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.

**C. Required Information**

One copy of an application for a Special Use Permit shall be presented to the Zoning Administrator and accompanied by the following documents and information:

1. A special use application form supplied by the Zoning Administrator which has been completed in full by the applicant. Said form shall:
  - a. state the name of the applicant and owner of premises;
  - b. include a legally recorded description of the premises, and
  - c. include a description of the proposed use, including parking facilities, if required. See also Section 23.02.
2. A site plan, meeting the requirements of Article Twenty-Five.
3. For residence-based occupations (see Section 23.10.HHH)
  - a. Required Information:
    - 1) Written description of nature of business/occupation to be performed away from residence.
    - 2) Written Description of Nature of Business/occupation to be performed by property owner, or if by renter, to be supervised by property owner.
  - b. Other Required Information:
    - 1) Size and use of accessory structures, if required.
    - 2) Number and size of vehicles.



# Rapid River Township Zoning Ordinance

## Adopted June 2011

- 3) Number of employees - for residence-based occupation performed at a location, away from that site only.
- 4) Hours of operation.
- 5) A site drawing of proposed structures.
- 6) A visual buffer zone where possible, or adequate setback.
- 7) Twelvemonth projection of operation and proposed expansion beyond the original proposal.
- 8) Adequate off-street parking.

c. The Planning Commission may recommend restrictions pertaining to hours of operation, communication restrictions (2-way mobile truck radios), and size and number of personal and business vehicles, etc.

### D. Incomplete Application

An application which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.

### E. Reserved for Future Use

### F. Reserved for Future Use

### G. Hearing

Upon receipt of a complete application for a Special Use Permit, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the Special Use Permit application. A notice shall be published in a newspaper which circulates in the County and sent by mail or personal delivery to the owner or owners of the property, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) nor more than twenty (20) days before the date the application will be considered. The notice shall:

1. Describe the nature of the Special Use Permit application.
2. Indicate the property which is the subject of the Special Use Permit application.
3. State when and where the Special Use Permit application will be considered.
4. Indicate when and where written comments will be received concerning the application.

### H. Prompt Decision

1. Prompt Decision. Within a reasonable time following the conclusion of the public hearing on the application, the Township Planning Commission shall review the Special Use Permit application, the testimony and evidence received at the public hearing, and any other materials submitted in relation to the application, and shall make a decision either approving, denying or approving with conditions the Special Use application using the criteria set forth in Section 23.03 of this Ordinance, and such other standards contained in this Ordinance relating to the special use under consideration. The Township Planning Commission may request a report on any special use application from the Zoning Administrator and/or any other County or State agency, as appropriate. Such a report shall assess the conformance of a special use request with the requirements of this Ordinance and the development objectives of the Township, and any other applicable County or State regulations concerned with the special use request.

#### 2. Prompt Decision Regarding Sexually Oriented Businesses.

In the case of an application for a Special Use Permit in regard to a sexually oriented business, the Township Planning Commission shall review the application as set forth in this subsection H, above, except that if the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved, approved with conditions or denied the application for a Special Use Permit for that business within sixty (60) days of the close of its public hearing on same, then the application for Special Use Permit shall be deemed to have been approved.

### I. Issuance of a Special Use Permit

## Rapid River Township Zoning Ordinance Adopted June 2011

Upon approval by the Planning Commission, the Zoning Administrator shall issue a Special Use Permit to the applicant. It shall be the responsibility of the Zoning Administrator to insure compliance with the terms, conditions and restrictions of any Special Use Permit. The terms of a Special Use Permit shall be recorded with the Registrar of Deeds and shall be signed by the original permittee in any district. Any conditions shall be binding on subsequent owners.

### J. Appeal to the Zoning Board of Appeals

1. Within fifteen (15) days following the date of decision on any Special Use Permit, an applicant or any aggrieved party, including any governmental body or agency, may appeal the decision of the Planning Commission to the Board of Appeals. Upon the filing of an appeal, the application, all relevant documents and testimony, and the findings and decision of the Planning Commission shall be transmitted to the Board of Appeals.

2. Appeal to the Zoning Board of Appeals - Sexually Oriented Business. If the Planning Commission denies a site plan, application for a Special Use Permit, or both, for a sexually oriented business, the applicant shall be entitled to prompt review by the Zoning Board of Appeals upon written request to the Zoning Administrator. The Zoning Board of Appeals shall convene a meeting within seven (7) business days of the Zoning Administrator's receipt of the applicant's request for review of the Planning Commission decision. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission and determine whether:

a. the Planning Commission's decision was based upon competent, material and substantial evidence, and

b. the Planning Commission's decision complies with the procedural requirements of the Zoning Ordinance and with Michigan and Federal Law. The Zoning Board of Appeals shall issue a written decision either affirming or reversing the Planning Commission's denial and stating the grounds thereof. If the Zoning Board of Appeals has not issued its written decision within thirty (30) days of the date the written request for Zoning Board of Appeals review was filed with the Zoning Administrator, the subject site plan or Special Use Permit, or both, shall be deemed to have been approved. If the Zoning Board of Appeals affirms the Planning Commission's denial of a Special Use Permit application to operate a sexually oriented business, then, upon written request from the applicant to the Zoning Administrator, the Township shall within three (3) business days of its receipt of such written notice do both of the following:

1) File a petition in the Circuit Court for the County of Kalkaska seeking a judicial determination with respect to the validity of such denial and, in connection therewith, file a motion for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;

2) Request that the motion for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its motion for preliminary injunction and shall join in such request. In the event that applicant does not waive notice and/or does not request an early hearing on the Township's motion for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules. The filing of written notice of intent to contest the Zoning Board of Appeals' denial of a Special Use Permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid, and the Special Use Permit application automatically approved if, within five (5) business days of the filing the Township's petition, a show-cause hearing has not been scheduled.

# Rapid River Township Zoning Ordinance Adopted June 2011

## K. Decisions

All decisions of the Township Planning Commission and Board of Appeals relating to special use applications, including any findings supporting any decision, shall be recorded in written form and retained as permanent records on file with the Zoning Administrator and a copy in the Office of the Township Clerk.

## L. Reapplication

No application for a Special Use Permit for the same or a very similar use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one **(1)** year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will have to begin all over again.

## **SECTION 23.03- BASIS OF DETERMINATIONS**

Prior to approval of a special use application, the Planning Commission shall insure that the standards specified in this section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

### A. General Standards

The Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards, and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The special use shall not change the essential character of the surrounding area.
3. The special use shall not interfere with the general enjoyment of adjacent property.
4. The special use shall represent an improvement to the property under consideration and the surrounding area in general.
5. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
6. The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration. Services include but are not limited to whether the proposed sewage disposal and water supply will be safe and adequate.
7. The special use shall not place demands on public services and facilities in excess of current capacity.
8. The special use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Township Master Plan.
9. Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material (see Section 18.05) or by a well maintained dense evergreen planting, as provided in Section 18.04.
10. Any special use on a waterfront lot conforms with the requirements of Article Sixteen.

### B. Conditions

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

# Rapid River Township Zoning Ordinance

## Adopted June 2011

2. In authorizing a Special Use Permit, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, surety bond, or other financial guarantee acceptable to the Township, be furnished by the developer to insure compliance with such special use requirements. In fixing the amount of such financial guarantee, the Planning Commission shall take into account the size and scope of the proposed use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application. See Section 21.29, Performance Guarantees.
3. The terms of a Special Use Permit shall be recorded with the Registrar of Deeds and shall be signed by the Applicant.

### **SECTION 23.04- EFFECTIVE DATE**

A. The Special Use Permit shall become effective when the application and site plan have been approved by the Township Planning Commission. The Planning Commission may record notice of the permit and all conditions with the Registrar of Deeds so that all subsequent owners will have legal notice thereof.

1. Building Permit Contingent on Special Use Permit

A building permit shall not be issued until approval of such Special Use Permit is given by the Township Planning Commission.

2. No Building Without Building Permit

Until a building permit has been granted pursuant to the Special Use Permit, there shall be no construction or excavation on said land, nor shall use of the land be made toward the intended purposes of such Special Use Permit.

### **SECTION 23.05 - PERMIT VALIDITY**

A. Special Use Permit Valid with Change in Ownership

A Special Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.

B. Permit Review if Construction not Begun

In instances where development authorized by a Special Use Permit has not commenced within one (1) year from the date of issuance or the last date of review authorized by this subsection, the Township Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. The permit holder shall be notified of the date, time and place of the meeting at which the permit will be reviewed. The permit may remain valid for an additional year, if, upon a finding by the Planning Commission that:

- a) the permit holder has not taken action to utilize the authorization inherent in the Special Use Permit,
- b) it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction,
- c) there have been no changes in conditions on the property or the surrounding area, and
- d) the provisions of this Ordinance applicable to the Special Use Permit under review have not changed in a way to make the permit no longer in conformance with the requirements of this Ordinance.

If the Planning Commission fails to find all four of the above factors, then the Special Use Permit shall become null and void and no building permit shall be issued or reissued in reliance upon it.

**Rapid River Township Zoning Ordinance  
Adopted June 2011**

**SECTION 23.06- REQUIREMENT FOR COMPLIANCE- PENALTIES**

A. It shall be the duty and obligation of the owner(s) and occupant(s) or operator(s) under a Special Use Permit that the continued use of such land shall at all times be in compliance with the use requirements of this Ordinance. Failure thereof shall be a violation of this Ordinance and subject to the penalties and remedies provided in Section 28.02 and the continuance thereof is declared to be a nuisance per se.

B. The Planning Commission shall have the authority to revoke any Special Use Permit following a hearing, after it has been demonstrated that the holder of the permit has failed to comply with one or more of the applicable conditions specified in the permit. The reasons for any revocation shall be documented in writing and shall accompany the action to terminate. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance. See Article Twenty-Eight.

**SECTION 23.07 - ONCE GRANTED A SPECIAL USE PERMIT, THE USE IS A PERMITTED USE**

A. Any use for which a Special Use Permit may be granted shall be deemed a conforming use permitted in the district in which such use is located provided: 1) such permit was issued in conformity with the provisions of this Ordinance; and 2) such permit shall be deemed to effect only the lot or portion thereof and uses thereupon for which the Special Use Permit shall have been explicitly granted.

B. Uses of land and/or development projects granted special use status by the township prior to the adoption of this amendment to the Zoning Ordinance, may continue to have the status of permitted uses, provided the rules, regulations, requirements, and conditions of the permit issued for the special use continue to be met. Any changes to a previously approved special use shall be processed according to the procedures and standards of this Ordinance for special uses, if the use is listed as a special use in this Ordinance.

**SECTION 23.08- RESERVED FOR FUTURE USE**

**SECTION 23.09- RESERVED FOR FUTURE USE**

**SECTION 23.10- STANDARDS FOR SPECIFIC SPECIAL LAND USES**

The foregoing general requirements are basic and apply to all special uses. The specific requirements in the following sections relating to particular use(s) are in addition to the foregoing general requirements, and shall be required, in all applicable situations. The following standards apply to the uses of land permitted by Special Use Permit in Articles Three through Thirteen of this ordinance. The regulations contained in this Article shall be applied in addition to any other applicable standard or regulations contained elsewhere in this Ordinance (such as for site plans in Section 25.05) unless specifically noted.

**SPECIAL USES LISTING**

	<b>Page #</b>
A. Additional Dwellings on One (1) Parcel	23-8
B. Adult Foster Care & Group Day Care Facilities	23-9
C. Agricultural Supplies and Service Centers	23-9

# Rapid River Township Zoning Ordinance Adopted June 2011

D. Airfields and Landing Strips	23-10
E. Reserved for Future Use	23-10
F. Amusement Centers	23-10
G. Reserved for Future Use	23-10
H. Automobile Service and Repair Stations	23-10
I. Reserved for Future Use	23-11
J. Bed and Breakfast Inns	23-11
K. Reserved for Future Use	23-11
L. Boat Storage and Repair	23-13
M. Reserved for Future Use	23-14
N. Cemeteries, Crematories, Columbaria, and/or Mausoleums	23-14
O. Churches and Religious Institutions	23-15
P. Commercial Equine Establishments	23-15
Q. Commercial Kennels with less than ten (10) acres	23-17
R. Commercial Recreation (Indoor)	23-18
S. Commercial Recreation (Outdoor)	23-19
T. Reserved for Future Use	23-22
U. Communication Towers	23-22
V. Contractor's Establishments	23-25
W. Reserved for Future Use	23-25
X. Convalescent or Nursing Homes	23-26
Y. Convenience Store and Party Stores	23-26
Z. Detached Accessory Dwelling Units	23-26
AA. Drive-In and Drive-Through Establishments	23-27
BB. Reserved for Future Use	23-27
CC. Reserved for Future Use	23-27
DD. Fuel Storage Facilities	23-27
EE. Funeral Homes and Mortuaries	23-28
FF. Reserved for Future Use	23-28
GG. Golf Courses and Country Clubs	23-28
HH. Greenhouses and Nurseries	23-30
II. Reserved for Future Use	23-31
JJ. Junkyards	23-31
KK. Reserved for Future Use	23-32
LL. Laundries and Cleaning Establishments	23-32
MM. Reserved for Future Use	23-32
NN. Marinas	23-32
OO. Mini-Storage (Warehouse) Facilities	23-33
PP. Reserved for Future Use	23-34
QQ. Motels and Rental Cabins	23-34
RR. Multiple Family Developments	23-34
SS. Reserved for Future Use	23-35
TT. Natural Gas Compressor Facilities	23-35
UU. Reserved for Future Use	23-36
VV. Open Air Businesses	23-36
WW. Open Space Cluster Development	23-37
XX. Oversize Accessory Buildings for Personal Storage Only (Over 1200 but less than 2000 square feet).	23-38
YY. Oversized Accessory Buildings for Personal Storage Only (exceeding 2000 square feet).	23-38
ZZ. Reserved for Future Use	23-38
AAA. Private Recreational Facilities	23-38
BBB. Public Facilities	23-39
CCC. Reserved for Future Use	23-40

# Rapid River Township Zoning Ordinance

## Adopted June 2011

DDD. Ready Mix Concrete and Asphalt Plants	23-40
EEE. Recycling Center and Transfer Facilities	23-41
FFF. Rental Stores	23-42
GGG. Reserved for Future Use	23-42
HHH. Residence Based Occupations	23-42
III. Restaurants	23-43
JJJ. Reserved for Future Use	23-44
KKK. Sanitary Landfills	23-44
LLL. Schools	23-45
MMM. Sexually Oriented Businesses	23-46
NNN. Shooting Ranges	23-47
OOO. Surface Mining and Other Excavations	23-48
PPP. Reserved for Future Use	23-54
QQQ. Reserved for Future Use	23-54
RRR. Vehicle Wash Facilities	23-54
SSS. Veterinary Clinics	23-55
TTT. Reserved for Future Use	23-56
UUU. Watercraft Launching	23-56
VVV. Wild Game Shooting, Game or Hunting Preserve	23-56
"Q" amended by amendment #15-01, adopted May 2015	

### A. ADDITIONAL DWELLINGS ON ONE (1) PARCEL

A. Not more than two (2) one-family dwellings with a minimum square footage of no less than seven hundred twenty (720) square feet shall be permitted in addition to the primary dwelling on the same parcel in the Agricultural-Residential (A-R), Forest-Recreational (F-R), Lakefront-Residential (L-R), and Resort-Residential (R-R) districts, provided however that the minimum lot size is at least two (2) times the minimum lot size per Table 15-1, and the following requirements are met:

1. Property owners must prepare a site plan for the parcel depicting the theoretical property lines for the individual lots in compliance with table 15-1 and Section 27.03 of this Ordinance. The site plan shall also be prepared in accordance with the Land Division Act, and shall locate the additional dwelling(s) as if the property were divided into individual lots. In locating the additional dwelling(s), the site plan shall ensure compliance with the dimensional requirements of table 15-1 for the Zoning District in which the property is located. The site plan shall be approved by the Zoning Administrator prior to issuance of a Zoning Permit. No such plan shall be approved unless the Zoning Administrator determines compliance with Table 15-1 and Section 27.03 of this Ordinance.

2. Additional dwellings are encouraged to share driveway access with the primary dwelling; however, if an additional driveway access is requested, the property owner, notwithstanding any provisions to the contrary contained in this Ordinance, shall receive approval of the additional driveway location and cross section specifications from the County Road Commission if the additional driveway will connect to a County road or to a private street, or from the Michigan Department of Transportation if the additional driveway will connect to a State Highway. The property owner shall submit a plan for the proposed additional driveway access. Said plan shall be approved by the Zoning Administrator prior to issuance of a Zoning Permit. Additional driveways shall meet the standards and requirements set forth in Section 21.23(A) of this Ordinance prior to receiving approval by the Zoning Administrator.

3. Regardless of whether access is shared or separate, the property owner must obtain an address for any additional dwelling.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

4. This section is not applicable to any land within a platted subdivision and is exempt from compliance with Article Twenty Five. "4" amended by amendment# 15-01 adopted May 2015

5. This section is exempted from complying with the standards in Section 25.05.

### **B. ADULT FOSTER CARE & GROUP DAY CARE FACILITIES**

1. Location Requirements: Adult foster care facilities and other group day care homes for more than six persons are permitted by Special Use Permit in the Residential (R), Resort-Residential (R-R), Agricultural-Residential (A-R), Forest-Recreational (F-R), and Commercial (C-1) districts.
2. Site Requirements: Access to the site shall be from a year-round public maintained road or an approved private road.
3. Buffering Requirements:
  - a. Adequate provision shall be made to reduce noise impacts on surrounding residential properties by use of a berm, buffer strip, fence/wall, or greenbelt pursuant to the requirements of Sections 18.03, 18.04, 18.05 or 18.06 respectively. The choice of the option shall be made by the applicant.
  - b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.
4. Performance Standards:
  - a. Operation and maintenance of all adult foster care and group day care facilities shall conform to existing applicable county, state and federal regulation
  - b. Applicants shall file a copy of all permits, licenses, certifications or applications that have been received from or filed with county, state or federal agencies for the adult foster care or group day care facility with the Zoning Administrator.
  - c. All outdoor play areas for children shall be enclosed with fencing, a minimum of four (4) feet high.
  - d. Playground equipment shall not be located in the front yard. Parking shall be adequate for staff and visitors (see Article Seventeen). Any parking area larger than ten (10) vehicles shall be landscaped pursuant to the requirements of Article Eighteen.
  - e. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.
  - f. Assure compliance with PA 110 of 2006, the Michigan Zoning Enabling Act, Section 125.3206.

### **C. AGRICULTURAL SUPPLIES AND SERVICE CENTERS**

Such uses shall include, but need not be limited to, the following:

- a. Grain elevators for storage, drying and sales.
  - b. Bulk feed and fertilizer outlets and distribution centers.
  - c. Seed dealership outlets and distribution centers.
  - d. Grain and livestock, truck and cartage facilities.
  - e. Agricultural products, production and processing operations (factory level).
  - f. Animal sales yards.
  - g. Stockyards.
  - h. Slaughter houses.
  - i. Sawmills.
  - j. Agricultural implements sales and service.
1. Location Requirements: Agricultural supplies and service centers with any of the uses listed above are permitted by Special Use Permit in the Agricultural-Residential (A-R) district.
  2. Site Requirements: Minimum lot or parcel size shall be two (2) acres and have a minimum lot frontage of three hundred thirty (330) feet. Area must be adequate to meet all County Health Department and Michigan Department of Environmental Quality standards, as applicable.
  3. Buffering Requirements:
    - a. Trucking, outside storage, loading and dock areas shall be fenced and designed pursuant to the requirements of Section 17.05. If the use is within three hundred (300) feet of a residence, it shall be screened, pursuant to the requirements of either Section 18.03 or 18.04 at the choice of the applicant.



# Rapid River Township Zoning Ordinance

## Adopted June 2011

- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09 of this Ordinance.
- 4. Performance Standards:
  - a. No storage or loading activities shall be permitted within one hundred (100) feet of any lot line.
  - b. All buildings shall be set back a minimum of fifty (50) feet from any lot line, except for buildings housing slaughtering activities which shall be set back a minimum of one hundred (100) feet from any lot line.
  - c. All agricultural supplies and service establishments shall be located at least one hundred (100) feet from any driveway affecting access to a farm dwelling or field, and at least three hundred (300) feet from any single-family dwelling.
  - d. Agricultural implements sales and service establishments must also meet the requirements for an open air business establishment in Section 23.10.VV.
  - e. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **D. AIRFIELDS AND LANDING STRIPS**

- 1. Location Requirements: Airfields and landing strips are permitted by Special Use Permit in the Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts.
- 2. Site Requirements: Lodges, schools, churches, or other public meeting places shall not be within five hundred (500) feet of said strip or hanger. No concentrated animal feeding operation shall be within one thousand (1,000) feet of the landing strip or hanger, or within the flight path of planes landing or taking off.
- 3. Buffering Requirements: A greenbelt per the requirements of Section 18.06 shall be provided.
- 4. Performance Standards: All Federal and State aviation safety regulations shall be complied with.

### **E. RESERVED FOR FUTURE USE**

### **F. AMUSEMENT CENTERS**

- 1. Location Requirements:
  - a. Amusement centers and game arcades are permitted by right in the Commercial (C-1) district and by Special Use Permit in the Resort-Residential (R-R) district.
  - b. Amusement centers shall not be located closer than one hundred and fifty (150) feet from any front, rear, or side yard of adjacent residentially zoned properties. Amusement centers shall not be located closer than five hundred (500) feet from the property line of another amusement center or any school.
- 2. Site Requirements: The facility shall be located on a year-round public maintained street or road.
- 3. Buffering Requirements:
  - a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.04 or 18.05 as determined by the Planning Commission.
  - b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.
- 4. Performance Standards:
  - a. No betting or gambling shall be allowed on the premises except for state approved raffles, bingo or sale of lottery tickets.
  - b. Children under age sixteen (16) may not remain on the premises after 9:00 p.m.
  - c. The operator shall document either a past history of, or submit an acceptable plan of his/her methods for, preventing potential noise, litter, loitering, and/or crowd problems.
  - d. A bicycle rack capable of holding at least ten (10) bicycles shall be provided for non-motorists.
  - e. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **G. RESERVED FOR FUTURE USE**

# Rapid River Township Zoning Ordinance

## Adopted June 2011

### H. AUTOMOBILE SERVICE AND REPAIR STATIONS

#### 1. Location Requirements:

- a. Automobile service stations are permitted by Special Use Permit in the Resort-Residential (R-R) district.
- b. Automobile service stations shall be located adjacent to paved major thoroughfares.
- c. Underground storage tanks shall be sited in conformance with requirements of the Michigan Department of Environmental Quality.
- d. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access or service drive to such roadway.
- e. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.
- f. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.

#### 2. Site Requirements:

- a. Permitted uses: The following uses may be permitted by issuance of a Special Use Permit in conjunction with automobile service stations:
  - 1) Retail sales of gasoline, oil, tires, belts and similar products.
  - 2) Vehicle washing.
  - 3) Automobile maintenance including minor mechanical repairs.
  - 4) Convenience grocery items, beverages and snacks.
  - 5) Fast food restaurant items. If there is drive-through pickup, all the standards of Section 23.10 AA must be met.
- b. Site development standards: Automobile service stations shall comply with the following site development standards:
  - 1) The minimum site size shall be 15,000 square feet.
  - 2) Gasoline service stations shall have five hundred (500) square feet of site area for each additional pump over four and one thousand (1,000) square feet of site area for each additional service bay over two.
- c. The minimum site width shall be two hundred (200) feet.
- d. Building setbacks: The service station building or buildings, gasoline pump accessory structures or islands shall be set back no less than fifty (50) feet from all street or highway right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line abutting a residential district. Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
- e. Access drives: There shall be no more than two (2) access driveway approaches for any automobile service station, each of which, however, shall not exceed thirty (30) feet in width at the property line.
  - 1) If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than fifty feet.
  - 2) No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line as extended to the curb or pavement or within twenty feet of any exterior lot line as extended.
  - 3) Any two driveways providing access to a major thoroughfare shall be separated by an island with a minimum distance of twenty feet in width along the curb or edge of the pavement.
  - 4) The entire service area shall be paved with a permanent surface of concrete or asphalt

#### 3. Buffering Requirements:

- a. A landscaped buffer strip shall be provided in accordance with the provisions of Section 18.04
- b. All equipment including hydraulic hoist, pits and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a building containing washing areas shall consist of a solid masonry wall or equivalent, in conformance with the State Construction Code, Public Act 230 of 1972, as amended, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants

# Rapid River Township Zoning Ordinance

## Adopted June 2011

and other accessory equipment. **Amended by amendment #15-01 adopted May 2015**

- c. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.
- d. The view of all restroom doors shall be shielded from adjacent streets and residential districts.
- e. All lighting shall be shielded from adjacent streets and residential districts per the requirements of Section 21.19.

#### 4. Performance Standards:

- a. All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles, upon which work is performed, shall be located entirely within a building.
- b. There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gas.
- c. Automatic or self-service car wash operations shall have public sanitary sewer service.
- d. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the said date
- e. In the event that an automobile service station has not been used as a service station for a period of more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the service station to be abandoned. Within thirty (30) days following receipt of the notice, the owner or operator shall have an opportunity to submit evidence that the use is continuing. If the Planning Commission proves that the owner or operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.
- f. In the event that an automobile service station has been abandoned, all underground gasoline storage tanks shall be removed from the premises according to all state requirements for such removal and disposal.
- g. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard. Such storage shall not occur in front of the building. Such storage shall be completely fenced with obscuring material for any vehicle stored for more than two weeks.
- h. Sales of new and used motorized vehicles shall not be permitted.
- i. No public address system shall be audible from any abutting residential parcel.
- j. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.
- k. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- l. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.
- m. A vehicle wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure and the requirements of Section 23.10.RRR.
- n. Signs shall conform with the requirements of Article Nineteen.

#### **I. RESERVED FOR FUTURE USE**

#### **J. BED AND BREAKFAST INNS**

1. Location Requirements: Bed and breakfast inns are permitted by Special Use Permit in the Residential (R), Lakefront-Residential (L-R), Resort-Residential (R-R), Forest-Recreational (F-R), and Agricultural-Residential (A-R) districts. It is the intent of this Ordinance to allow for the construction of new bed and breakfast inns as well as the conversion of old residential homes of suitable size into bed and breakfast inns when such use can be accomplished within an existing residential dwelling, and without expanding the existing dwelling. Nonresidential buildings may also be converted to a bed and breakfast inn pursuant to the relevant standards of this Section.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

2. Site Requirements: The parcel on which the inn is to operate must meet or exceed the minimum requirements of the zoning district.

3. Buffering Requirements:

- a. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a one-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking. Parking areas shall be landscaped as required by the Planning Commission per the requirements of Article Eighteen.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

4. Performance Standards:

- a. The primary use of a bed and breakfast inn must be as a residence for the owner or manager, who operates and occupies said structure. The bed and breakfast inn may have up to six (6) bedrooms used for transient guests for compensation and by pre-arrangement. Up to twelve (12) bedrooms may be provided by adaptive reuse of an existing nonresidential structure (such as a church) in a residential zone.
- b. The applicant shall provide a scaled floor plan of the premise as part of the special use application.
- c. The exterior appearance of the structure shall not be altered from its residential district character.
- d. Each sleeping room shall have a separate smoke alarm as required in the building code.
- e. A fire escape plan shall be developed and graphically displayed in each guest room.
- f. A minimum of one (1) fire extinguisher, in proper working order, shall be located on each floor.
- g. The establishment shall contain at least two exits to the outdoors.
- h. No guest room shall be located in a basement or cellar.
- i. Lavatories and bathing facilities shall be available to all persons using the premises.
- j. No separate or additional kitchen facilities shall be provided for the guests.
- k. Retail sales are not permitted beyond those activities serving the registered overnight patrons.
- l. Meals shall not be served to the public at large but only to registered guests. Meal preparation and service shall conform with all applicable public health requirements.
- m. No receptions, private parties or activities for which a fee is paid shall be permitted except for those which involve only registered guests.
- n. Street entry shall be paved and parking for less than six (6) shall be maintained as a dustless surface and for more than six (6) vehicles shall be paved.
- o. Parking shall be provided in conformance with the parking requirements of Article Seventeen unless waived by the Planning Commission.
- p. The rental sleeping rooms shall have a minimum size of one-hundred (100) square feet for each two (2) occupants, with an additional thirty (30) square feet for each occupant, to a maximum of four (4) occupants per room.
- q. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **K. RESERVED FOR FUTURE USE**

### **L. BOAT STORAGE AND REPAIR**

1. Location Requirements:

- a. Boat storage and repair is permitted by Special Use Permit in the Resort-Residential (R-R) district.

2. Site Requirements:

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- a. Repair facilities must be contained within a wholly enclosed building.
- b. All driveways, outdoor storage space, and other outdoor vehicle parking, loading and maneuvering areas shall be improved with an all-weather surface. The surfacing shall be set back from lot lines, except those abutting a street, by at least twenty-five (25) feet.

### 3. Buffering Requirement

- a. Adequate provision shall be made to reduce noise impacts on surrounding residential properties by use of a berm, buffer strip, fence/wall, or greenbelt pursuant to the requirements of Sections 18.03, 18.04, 18.05 or 18.06 respectively. The choice of the option shall be made by the applicant and approved by the Planning Commission.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09 of this Ordinance.

### 4. Performance Standards:

- a. Outdoor storage of boats shall be arranged to minimize problems of access to and within the site. No boats, trailers or other equipment shall be stored between the right-of-way and the building line.
- b. Outdoor lighting shall be directed away from residential property and public streets per the requirements of Section 21.19.

## **M. RESERVED FOR FUTURE USE**

## **N. CEMETERIES, CREMATORIES, COLUMBARIA, AND/OR MAUSOLEUMS**

### 1. Location Requirements:

- a. Cemeteries and mausoleums are permitted by Special Use Permit in the Resort-Residential (R-R) and Agricultural-Residential (A-R) districts. Crematories are permitted in the Commercial (C-1) district as a separate Special Use Permit that may be added to a funeral home.
- b. All ingress and egress to the site shall be from a paved street unless waived by the Planning Commission.
- c. The site shall not interfere with the future development of a system of major thoroughfares or larger streets in the vicinity.

### 2. Site Requirements:

- a. The minimum lot or parcel size for cemeteries, crematories, and/or mausoleums shall be five (5) acres.
- b. No more than five (5) percent of the site area shall be occupied by buildings.
- c. All burial plots and all structures including but not limited to a mausoleum shall be set back no less than thirty (30) feet from any lot line or street right-of-way.
- d. Adequate parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.

### 3. Buffering Requirements:

- a. A ten (10) foot buffer strip containing natural plant materials approved by the Planning Commission is to be provided adjacent to all exterior lot lines pursuant to the requirements of Section 18.04b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

### 4. Performance Standards:

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- a. All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the County Health Department and the State of Michigan.
- b. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **O. CHURCHES AND RELIGIOUS INSTITUTIONS**

#### **1. Location Requirements:**

- a. Churches and religious institutions shall be permitted by Special Use Permit located in the Lakefront-Residential (L-R) zoning districts.
- b. The site shall have at least one (1) lot line on a year-round public maintained road.
- c. All ingress and egress for the site shall be from a road maintained by the County Road Commission or State Department of Transportation.

#### **2. Site Requirements:**

- a. The site shall be at least two (2) acres in size, plus one-half (1/2) acre per one hundred (100) seats in the main sanctuary.
- b. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty percent (60%) of the site shall be covered by impervious surface.
- c. No building shall be closer than fifty (50) feet from any lot line or right-of-way.
- d. No building shall be erected to a height greater than that permitted in the district in which it is located.

#### **3. Buffering Requirements:**

- a. Parking areas shall be screened from adjacent residential areas by a berm, buffer strip or greenbelt at the option of the Planning Commission, pursuant to the standards of Section 18.03, 18.04 and 18.06 respectively.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09 of this Ordinance.

#### **4. Performance Standards:**

- a. No day care center, school, homeless shelter or other use requiring a Special Use Permit shall be allowed without a separately approved Special Use Permit for each use. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **P. COMMERCIAL EQUINE ESTABLISHMENTS**

#### **1. Location Requirements:**

An equine breeding facility, equine boarding stables and equine training facilities are permitted by Special Use Permit in the Resort-Residential (R-R) and Commercial (C-1) districts. Equine riding academies, time rental riding facilities, and other commercial equine establishments are permitted by Special Use Permit in the Resort-Residential (R-R), Agricultural-Residential (A-R), Forest-Recreational (F-R), and Commercial (C-1) districts. See also Section 21.28.

#### **2. Site Requirements:**

- a. All lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse. (Not applicable to young equines below one (1) year of age.)
- b. No equine structure shall be located closer to an off premises residential dwelling unit than one-hundred (100) feet.
- c. No equine structure shall be kept closer than seventy-five (75) feet to any water well.

#### **3. Buffering Requirements:**

- a. A greenbelt meeting the requirements of Section 18.06 shall be provided.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09 of this Ordinance.

## Rapid River Township Zoning Ordinance Adopted June 2011

4. Performance Standards: The keeping of equine in a commercial equine establishment shall be subject to the following development standards:

a. Corral/Paddock Size: Every corral/paddock to be provided shall have a minimum dimension of not less than twelve (12) feet and shall contain not less than two hundred forty (240) square feet of area.

b. Box Stall: The following minimum sizes for stalls in a roofed, permanently enclosed structure are recommended, (a) cob (small) 8' x 8'; (b) light weight horses (medium) 10' x 10'; (c) draft horses (large) 12'x 12'.

c. Tie Stall: The minimum size for tie stalls in a roofed, permanently enclosed structure is 4' x 8'.

d. Fencing: Fencing to be provided shall be subject to the following:

1) Materials and Construction: Fencing may be constructed of wood, chain link, masonry, metal and materials with the appropriate structural strength and safety required to restrain the equines.

2) Fence Posts: Fence posts may be constructed of wood, metal, concrete or materials with the appropriate structural strength.

3) Fence Height: Fences to be provided for enclosure shall be maintained not less than four and one-half (4 1/2) feet in height.

e. Maintenance: All stalls, corrals and structures shall be continuously maintained with preservatives, fasteners and other materials so as to maintain appearance and prevent deterioration and equine escape.

f. Loafing Shed/Lean-To: In conjunction with paddocks/pastures, a roofed area shall be provided in the absence of other acceptable shelter, having minimum dimensions of not less than eight (8) feet in width and twelve (12) feet in length.

g. Water Facilities: Running water facilities shall be provided and each equine shall have access to fresh water.

h. Containment Devices: Substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to equine areas located thereon in such a manner so as to be inaccessible to equine and small children for the prevention of equine escape and unauthorized entry, as per Public Act 351 of 1994.

i. Feeding Facilities: Feeding facilities and/or boxes shall be provided in each corral and/or box stall located in such a manner so as to be maintained above ground, and such facilities shall be maintained accessible by equine to be served.

j. Drainage: All areas adjacent to any pen, coop, stable, stall, barn, corral, grazing or work-out or training areas, or other building structures and areas where equine are kept and maintained, shall be graded to drain away from such facilities so as to prevent ponding and insect harborage.

k. Dust Control: All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties.

l. Compliance with Health Regulations Required: The keeping and maintenance of equine, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and

# Rapid River Township Zoning Ordinance

## Adopted June 2011

County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health safety, comfort, welfare, peace and/or tranquility of the general public. All animals shall be maintained in a healthy condition and carefully handled. The facility shall be constructed and maintained so that dust and drainage will not create a nuisance or hazard to adjoining property or uses.

m. Commercial equine establishments shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables. It shall be maintained in a dust free condition.

n. Enclosed riding arenas associated with commercial equine establishments shall not exceed 10,000 square feet in gross floor area on a minimum of ten (10) acre site, except that an additional 1,500 square feet of floor area may be permitted for each additional full acre in a lot area. The following standards also apply:

1) No living quarters shall be located in any arena building or boarding stable.

2) Special events for which a fee is paid, such as shows, exhibitions, and contests shall be permitted only after a Temporary Zoning Permit has been secured pursuant to the requirements of Section 27.03.

o. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **Q. COMMERCIAL KENNELS**

1. Location Requirements: Commercial kennels are permitted by Special Use Permit in the Resort-Residential (R-R), Forest-Recreational (F-R), Commercial (C-1), Light-Industrial (L-1), and Agricultural-Residential (A-R) districts.

2. Site Requirements: Commercial kennels shall be on a lot with at least two hundred (200) feet of frontage, have a minimum lot size of one (1) acre for the first eleven (11) animals and an additional one-third (1/3) acre for each animal thereafter.

3. Buffering Requirements:

a. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential lot line or any adjacent building used by the general public and shall not be located between the right-of-way and the front building line.

b. The Planning Commission may require a berm, buffer strip, fence/wall or greenbelt pursuant to Section 18.03, 18.04, 18.05 and 18.06 respectively, if analysis shows that such a buffer is necessary to minimize nuisances on abutting property.

4. Performance Standards:

a. All kennels shall be operated in conformance with all applicable county, state and federal regulations.

b. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.

c. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.

d. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

e. Exercise yards, when provided for training or exercising shall not be used between the hours of



# Rapid River Township Zoning Ordinance

## Adopted June 2011

10:00 p.m. and 7:00 a.m.

f. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

g. Runs and/or exercise areas, and buildings where the animals are maintained shall be located in the rear yard only.

h. The outside perimeter of the run and/or exercise area of a commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.

i. All animals must be licensed and maintained in a healthy condition.

j. Outdoor runs and breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.

k. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

l. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

m. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

n. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

o. The commercial kennel must be operated in conformance with the requirements of the Kalkaska County Animal Control Ordinance.

### **R. COMMERCIAL RECREATION (INDOOR)**

Indoor commercial recreation establishments shall include, but need not be limited to, the following:

a. Restaurants, cafes (restaurants and cafes without entertainment are not indoor commercial recreation establishments).

b. Bars and taverns, nightclubs, cabarets.

c. Bowling alleys, ice or roller blade rinks.

d. Pool or billiard halls.

e. Soccer fields and racquet courts.

f. Video rental stores.

g. Dance halls.

h. Theaters.

i. Bingo parlors.

j. Membership clubs and lodges.

k. Hotels, motels and other temporary lodging with an average length of stay of less than 30 days (hotels, motels and other temporary lodging are not indoor commercial recreation establishments if there is no entertainment offered).

l. Sauna, hot tub and similar establishments.

m. Miniature golf facilities.

n. Indoor golf ranges.

o. Personal fitness centers.

p. Swimming pools.

q. Uses similar to and compatible with the above establishments.

r. Uses accessory to the above uses.

1. Location Requirements: Indoor commercial recreation establishments are permitted by Special Use Permit following site plan review in the Resort-Residential (R-R) district.

2. Site Requirements:

a. The site shall be located on a year around public maintained road with a minimum of one hundred-fifty (150) feet of frontage

b. Minimum site area shall be one-half (1/2) acre.

3. Buffering Requirements:

a. No building shall be located within fifty (50) feet of a lot line of adjoining residentially zoned property.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- b. Front, side and rear yards shall conform to district regulations.
  - c. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five (5) foot high wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
  - d. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
  - e. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09 of this Ordinance.
4. Performance Standards:
- a. The applicant shall provide evidence of compliance with all required federal, state, county and local permits.
  - b. Facilities shall provide off-street parking and passenger loading areas in accordance with Article Seventeen.
  - c. Facilities which have a participant or customer capacity greater than 100 people at one time shall provide letters of review from the County Sheriff and County Road Commission with respect to the adequacy of the safety of the design of the proposed project for ingress, egress and internal circulation.
  - d. Exterior lighting shall be installed in such a manner that it does not impede the vision of traffic along adjacent streets.
  - e. All off-street parking areas shall be illuminated during all hours of operation, and until one hour after the business closes.
  - f. Facilities using night lighting adjoining a residentially- zoned property or a residence shall deflect lighting away from these areas. In addition, all lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.
  - g. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
  - h. Sites shall be regularly cleared of debris so that litter does not accumulate on adjacent properties.
  - i. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
  - j. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
  - k. Adequate trash receptacles shall be provided, as needed throughout the site.
  - l. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.
  - m. All indoor commercial recreation establishments which serve alcohol shall comply with the following standards:
    - 1) At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission.
    - 2) Apply for and receive site plan review and approval from the Rapid River Township Planning Commission before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

### **S. COMMERCIAL RECREATION (OUTDOOR)**

Outdoor commercial recreation uses shall include, but need not be limited to, the following:

- a. Miniature golf and outdoor golf driving ranges.
- b. Animal racing, go-cart, automobile or motorcycle tracks.
- c. Amphitheaters.
- d. Amusement and water parks.
- e. Drive-in theaters.
- f. Airgun and survival games
- g. Amusement parks.
- h. Campgrounds (including youth camps, religious retreats and hunting camps); recreational vehicle parks or travel trailer parks; and seasonal mobile home parks which comply with the requirements of P.A. 96 of 1987, the Mobile Home Commission Act.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- i. Resorts.
- j. Fairgrounds.
- k. Batting cages
- l. Ski slope
- m. Skateboard parks
- n. Flea markets
- o. Baseball/softball fields/ stadiums
- p. Soccer fields/stadiums.
- q. Football fields/stadiums.
- r. Uses similar to the above uses.
- s. Uses accessory to the above uses, such as restaurants, refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.

### 1. Location Requirements:

Outdoor commercial recreational uses are permitted by Special Use in the Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts.

### 2. Site Requirements:

- a. The site shall be located on a road maintained by the County Road Commission or State Department of Transportation.
- b. Minimum site area shall be:
  - 1) Three (3) acres for; flea markets, batting cages, skateboard parks and mini-golf. Minimum lot width shall be two hundred (200) feet.
  - 2) Ten (10) acres for amphitheater and amusement parks.
  - 3) Fifteen (15) acres for resorts and campgrounds.
  - 4) For automobile or other vehicular or animal racing, the Applicant shall provide funds to the Township sufficient to acquire an Independent Technical Engineering Evaluation, particularly to determine if the site proposed will be large enough for the proposed use. This requirement may be waived (all or in part) by the Planning Commission.
  - 5) Twenty (20) acres for all other listed commercial recreation uses.

### 3. Buffering Requirements:

- a. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line of adjoining residentially zoned property.
- b. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of the front yard shall be kept free of off-street parking and shall be landscaped.
- c. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
- d. Race tracks and drive-in theaters shall be enclosed and the entire periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
- e. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
- f. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09 of this Ordinance.

### 4. Performance Standards:

- a. The applicant shall provide evidence of compliance with all required federal, state, county and local permits.

## Rapid River Township Zoning Ordinance Adopted June 2011

- b. Facilities shall provide adequate off-street parking and passenger loading areas per the requirements of Article Seventeen.
- c. Adequate stacking area shall be provided for vehicles waiting to enter or exit the lot.
- d. Facilities which have a participant capacity greater than 500 people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
- e. Exterior lighting shall be installed in such a manner that so that it does not impede the vision of traffic along adjacent streets. In addition, facilities using night lighting adjoining a residentially-zoned property shall deflect lighting away from these areas.
- f. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.
- g. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- h. Outside storage shall be screened.
- i. Landscaped areas shall be maintained in a healthy condition pursuant to Article Eighteen.
- j. Sites shall be periodically cleared of debris so that litter does not accumulate or drift onto adjacent properties.
- k. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases operation, the accessory use shall immediately cease.
- l. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility, with the exception of restaurant facilities.
- m. Not more than sixty-five (65%) of the land area shall be covered by recreational uses.
- n. Central loudspeakers/paging systems are prohibited within one-hundred 100 feet of residentially zoned property.
- o. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- p. All such recreational uses shall be located at least five-hundred (500) feet from any other such use.
- q. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
- r. Security fencing shall be provided adjacent to residential districts or uses.
- s. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
- t. Adequate trash receptacles shall be provided, as needed throughout the site.
- u. Drive-in theater screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare and not capable of being viewed from adjacent residences.
- v. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.
- w. In the case of non-primitive camping facilities and recreational vehicle parks:
  - 1) Each campsite shall contain a minimum of one thousand five-hundred (1,500) square feet.
  - 2) Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
  - 3) A common use area shall be provided in the parcel of five hundred (500) square feet per campsite.
  - 4) There shall be no permanent storage of tents, campers, travel trailers and no temporary or permanent placement or storage of a mobile home larger than 8.5 feet by 35 feet in the campground unless specifically permitted by the Planning Commission.
  - 5) At least one public telephone shall be provided in the facility for each twenty (20) campsites.
  - 6) Maximum density for campgrounds shall be twenty (20) campsites per acre.
  - 7) No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
  - 8) Separate toilet and bathing facilities shall be provided for each sex and shall contain hot and cold water at a ratio of one facility per 20 campsites.
  - 9) Each campsite shall have a picnic table and designated place for fires.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- 10) The campground must be in full compliance with the State Public Health Code, P.A. 368 of 1978, as amended and any other applicable codes and regulations.
- x. In the case of primitive campgrounds, the campground must be in full compliance with the State Public Health Code, P.A. 368 of 1978, as amended and any other applicable codes and regulations. If any facilities described above for a non-primitive campground are provided, the applicable standards above shall apply.
- y. All outdoor commercial recreation establishments which serve alcohol shall comply with the following standards:
- 1) At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission.
  - 2) Apply for and receive site plan review and approval from the Rapid River Township Planning Commission before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

### T. RESERVED FOR FUTURE USE

### U. COMMUNICATION TOWERS

1. Purpose: The purpose of this Section is to establish standards for the location of communication towers, wireless telecommunication towers, alternative tower structures and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of Rapid River Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this ordinance seeks to:
- a. Protect residential areas from potential adverse impact of towers and antennas;
  - b. Encourage the location of towers in nonresidential areas;
  - c. Minimize the total number of towers throughout the community,
  - d. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
  - e. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
  - f. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively and efficiently;
  - g. Consider the public health and safety of telecommunication towers and alternative tower structures; and
  - h. Avoid potential damage to adjacent property from tower failure.
2. Setbacks and Height: The following setback requirements shall apply to all towers for which a Special Use Permit is required; provided, however, that the Township Planning Commission may reduce the standard setback requirements if the goals of this Ordinance would be better served thereby:
- a. A tower must be set back a distance equal to at least one hundred percent (100 %) of the height of the tower from any adjoining lot line.
  - b. Guy wires and accessory buildings must satisfy the minimum zoning district setback requirements.
  - c. A tower approved pursuant to this Section is excepted from the height requirements of Table 15-1, Schedule of Regulations.
3. Security Fencing: Communication towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6) in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Township Planning Commission may waive such requirements, as it deems appropriate.
4. Landscaping: The following requirements shall govern the landscaping surrounding towers for which a Special Use Permit is required; provided however, that the Township Planning Commission may waive

# Rapid River Township Zoning Ordinance

## Adopted June 2011

such requirements if the goals of this Ordinance would be better served thereby.

- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived
- c. 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.

5. State or Federal Requirements: All towers must meet or exceed the standards and regulations of the FAA, the FCC, and any other agency of the State or Federal Government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal Agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

6. Aesthetics and Noise: Towers and antennas shall meet the following requirements:

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- d. Where a feasible alternative exists, towers, alternative tower 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; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.

7. Lighting: Towers shall not be artificially lighted unless the applicant demonstrates that the tower must be of such a height as to require lighting pursuant to appropriate regulatory authority. Applicant shall demonstrate that the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

8. Compliance with Codes: Antenna and metal towers shall be grounded for protection against a direct lightning strike and electrical connections, wiring, and structural integrity shall comply with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries

Association, as amended from time to time.

9. Interference with Residential Reception: Towers shall be located so that they do not interfere with television and radio reception of neighboring residential areas.

10. Signs: No signs shall be allowed on an antenna or tower, except any sign required on said antenna or tower by law, and excepting a single sign no larger than one foot by two feet (1' x 2') located at the base of a tower or on the exterior of any fence surrounding the tower facility, which provides the name of the owner or operator of the tower facility and a phone number where same may be reached in case of emergency.

11. Spacing:

- a. 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 base of the proposed tower.
- b. A tower shall not be located within two hundred feet (200) or three hundred percent (300%) of the height of the tower, whichever is greater, of a one-family, two-family or multiple family dwelling unit, church, school or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the

# Rapid River Township Zoning Ordinance

## Adopted June 2011

lot line of the one, two or multiple family dwelling unit, church, school or other structure normally used and actually used for the congregation of persons. Compliance with this requirement may be waived by the Planning Commission upon presentation by the Applicant of technical proof that the tower is designed to be self-collapsing.

12. Abandoned antennas and towers: Any antenna or tower that is not operated for a continuous period of twelve (12) months as shown by examination of the premises, or other means, the Planning Commission shall give the operator written notice of their intention to prove the antenna or tower to be abandoned. Within thirty (30) days following receipt of the notice, the owner or operator shall have an opportunity to submit evidence that the use is continuing. If the Planning Commission proves that the owner or operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use. If abandonment is found, 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 become effective until all users cease using the tower. The Township Planning Commission may require the applicant to file into an escrow account a bond, irrevocable letter of credit, cashier's check or other acceptable security equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting or incidental structure(s) as a condition of a Special Use Permit given pursuant to this Section.

13. Additional standards for communication towers and alternative tower structures: In addition to the standards set forth in a particular zone and the standards set forth above, the uses below must meet the following additional standards:

a. Application requirements: The following information shall be provided in support of an application to construct a wireless telecommunication tower or alternative tower structure.

- 1) Construction plans certified by a Michigan Licensed Structural Engineer. The plans shall indicate the manner in which the proposed tower is designed to collapse.
- 2) A map depicting the existing and known proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures, within Rapid River Township as well as the proposed service area radius.
- 3) The name, address and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the tower owner.
- 4) A statement which indicated the applicant's intent to allow the co-location of other antennae.
- 5) INDEPENDENT TECHNICAL AND ENGINEERING EVALUATION. The applicant shall provide funds to the Township sufficient to acquire an independent technical and engineering evaluation, particularly of the need for any additional tower in excess of sixty (60) feet. If the technical evaluation shows that comparable service could be provided by a sixty (60) foot or less tower, no tower in excess of sixty (60) feet shall be allowed.

b. Evidentiary requirements: 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 applicant's proposed antenna. An applicant shall submit information requested by the Township Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, alternative tower structure or alternative technology can accommodate the applicant's proposed antenna must establish that:

- 1) No existing towers or alternative tower structures are located within the geographic area which meets the applicant's engineering requirements.
- 2) Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
- 3) Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- 4) The applicant's proposed antenna would cause electromagnetic interference with the

# Rapid River Township Zoning Ordinance

## Adopted June 2011

antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.

5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower developments are presumed to be unreasonable.

6) Other limiting factors exist that render existing towers and potential alternative tower structures unsuitable.

7) Alternative technology that do not require the use of towers or alternative tower structures such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

### **V. CONTRACTOR'S ESTABLISHMENTS**

1. Location Requirements: Contractor's establishments for general building contractors, heavy equipment contractors, and oil well equipment contractors are permitted by Special Use Permit in the Light-Industrial (L-1) district.

2. Site Requirements:

- a. The site shall be at least two (2) acres in size.
- b. The site shall be on a year around public maintained road.
- c. No driveway or curb cut shall be located less than twenty (20) feet from any lot line measured from the edge of the driveway to the lot line.

3. Buffering Requirements

- a. A landscaped buffer strip shall be provided in accordance with the provisions of Section 18.04.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

4. Performance Standards:

- a. Storage of all construction equipment and vehicles shall be in the rear yard and not within any required setback area.
- b. All flammable liquids and other hazardous substances shall be stored within a building and secondary containment measures shall be installed and properly maintained. Except, any fuel tanks shall be buried below ground, constructed of materials approved by, sited and installed pursuant to the requirements of the Michigan Department of Environmental Quality. No fueling area shall be closer than fifty (50) feet to a lot line.
- c. Not more than two access driveways at least one hundred (100) feet apart shall serve the property. No driveway shall be closer than one-hundred (100) feet from an intersection.
- d. All equipment and vehicle servicing shall be completely within an enclosed building with a solid masonry wall or equivalent which complies with the State Construction Code, Public Act 230 of 1972, as amended.
- e. All activities, except those required to be performed at a fuel pump, shall be carried on inside a building.
- f. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **W. RESERVED FOR FUTURE USE**



# Rapid River Township Zoning Ordinance

## Adopted June 2011

### **X. CONVALESCENT OR NURSING HOMES**

1. Location Requirements: Convalescent or nursing homes are permitted by Special Use Permit in the Resort-Residential (R-R), Residential (R), Agricultural-Residential (A-R), Forest-Recreational (F-R), and Commercial (C-1) districts.

2. Site Requirements:

a. There shall be a minimum of one thousand five-hundred (1,500) square feet of open site area for each bed in the facility to provide for landscaping, parking, service drives, yards, recreational areas and accessory uses.

3. Buffering requirements:

- a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
- b. No building shall be closer than forty (40) feet to any lot line.
- c. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09 of this Ordinance.

4. Performance standards:

- a. No more than twenty-five (25) percent of the site area shall be covered by buildings.
- b. Parking areas shall not be located within fifty (50) feet of a residential district or use.
- c. All facilities shall be licensed by the state of Michigan and shall conform to applicable state and federal laws.
- d. The site shall be served by a year-round public maintained road.
- e. Buildings shall conform to the height limitations of the district.
- f. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **Y. CONVENIENCE STORE AND PARTY STORES**

1. Location Requirements:

a. Convenience stores and party stores are permitted by Special Use Permit in the Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts.

2. Site Requirements: Shall be located on a public maintained road.

3. Buffering Requirements:

- a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

4. Performance Standards:

- a. Outdoor display of items for sale shall not exceed fifty (50) square feet.
- b. Parking shall comply with the requirements of Article Seventeen.
- c. Signs shall comply with the requirements of Article 19.
- d. Access shall comply with the requirements of Section 21.23.
- e. No driveway shall be closer than one-hundred (100) feet from an intersection or another driveway.
- f. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **Z. DETACHED ACCESSORY DWELLING UNITS**

- 1. The primary structure or the accessory dwelling unit shall be owner occupied.
- 2. Accessory dwellings are only permitted with standard detached single-family dwelling units in

# Rapid River Township Zoning Ordinance

## Adopted June 2011

Residential (R), Lakefront-Residential (L-R.), Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts.

3. The residence containing an accessory dwelling shall be designed to retain a single-family appearance in terms of doorway & entry, building materials, and roof lines.

4. The total square footage of the accessory dwelling unit shall not exceed 45% of the square footage contained in the primary residence or 900 square feet, whatever is less, subject to the minimum requirement of the Building Codes.

5. There shall be a minimum of one (1) and a maximum of two (2) designated parking spaces for the accessory dwelling unit.

6. Subject to all Building and Health Department Codes.

7. If located within a platted residential subdivision, will be subject to all deed restrictions and covenants.

8. No more than one (1) detached accessory dwelling unit will be allowed per parcel.

9. This Section is exempt from complying with Article Twenty Five.

"9" added by amendment # 15-01 adopted May 2015

### AA. DRIVE-IN AND DRIVE-THROUGH ESTABLISHMENTS

1. Location Requirements: Drive-in and drive-through establishments are permitted by Special Use Permit in the Resort-Residential (R-R), Forest-Recreational (F-R), and Commercial (C-1) districts.

2. Site Requirements:

a. Minimum lot area shall be twenty thousand (20,000) square feet.

b. The minimum lot width shall be one hundred twenty-five (125) feet.

c. The site shall have at least one (1) lot line on a paved major thoroughfare.

3. Buffering Requirements:

a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Zoning Commission.

b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

4. Performance Standards:

a. The outdoor space used for parking and vehicle stacking, shall be hard surfaced with asphalt or concrete and adequately drained unless an alternative dustless surface is approved by the Zoning Commission.

b. Drive-in restaurant management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.

c. No driveway shall be closer to any other drive than seventy-five (75) feet and the maximum number of driveways permitted on a major thoroughfare is two (2).

d. No driveway shall be closer than one hundred (100) feet from an intersection.

e. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.

f. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.

g. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### BB. RESERVED FOR FUTURE USE

### CC. RESERVED FOR FUTURE USE

### DD. FUEL STORAGE FACILITIES

1. Location Requirements: Fuel storage facilities are permitted by Special Use Permit in the Commercial (C-1) and Light-Industrial (L-I) districts.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

2. Site Requirements:
  - a. Minimum lot size for above ground fuel tanks or storage shall be three (3) acres.
  - b. Above ground storage tanks other than those holding water shall be located not less than seventy-five feet from any occupied building or any lot line and shall be mounted on a solid concrete slab to prevent overturn and spilling, according to EPA specifications.
3. Buffering Requirements:
  - a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission. Fuel storage facilities shall also be fenced for safety.
  - b. All lighting shall be shielded from adjacent streets and residential districts.
4. Performance Standards:
  - a. A Pollution Incidence Prevention Plan shall be approved by the DEQ and compliance therewith conditioned as part of the Special Use Permit.
  - b. Approval of the State Fire Marshal shall be obtained and compliance with the terms of any permit issued shall be conditioned as part of the Special Use Permit.
  - c. Adequate space for truck movement shall be provided on site.
  - d. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### EE. FUNERAL HOMES AND MORTUARIES

1. Location Requirements:
  - a. Funeral homes and mortuaries are permitted in the Residential (R) district by Special Use Permit.
  - b. Site location: The proposed site shall front upon a year-round public maintained road with all ingress and egress directly from said street.
2. Site Requirements:
  - a. Minimum site size: One acre site with a minimum width of one hundred fifty (150) feet.
  - b. Yards: Front, side and rear yards shall be at least fifty (50) feet except on those sides adjacent to non-residential districts where it shall be twenty (20) feet. All yards shall be appropriately landscaped with trees, shrubs and grass. No structures or parking areas shall be permitted in said yards.
  - c. Site coverage: No more than thirty (30%) percent of the gross site area shall be covered by buildings including accessory buildings.
  - d. Maximum building height: No building shall be erected to a height greater than that permitted in the Residential (R) district.
3. Buffering Requirements:
  - a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
  - b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.
4. Performance Standards:
  - a. The conduct of all activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.
  - b. Appearance: All buildings shall be harmonious in appearance with the surrounding area.
  - c. Signs shall be in compliance with the provisions of Article 19.
  - d. Off-street parking shall be in compliance with the provisions of Article Seventeen.
  - e. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### FF. RESERVED FOR FUTURE USE

### GG. GOLF COURSES AND COUNTRY CLUBS

# Rapid River Township Zoning Ordinance

## Adopted June 2011

1. Location Requirements: Golf courses and country clubs are permitted by Special Use Permit in the Lakefront-Residential (L-R), Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts.

2. Site Requirements:

- a. Minimum site shall be eighty (80) acres for a nine (9) hole course.
- b. Minimum site shall be one hundred sixty (160) acres for an eighteen (18) hole course.
- c. The minimum site for tennis, racket sport and swimming facilities shall be four (4) acres.

3. Buffering Requirements:

- a. A landscaped buffer strip per the requirements of Section 18.04, shall be provided between the parking and principal building area and any adjacent residential development.
- b. A 50 foot minimum native vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The native vegetation strip shall not be chemically treated.
- c. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

Performance Standards:

- a. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
- b. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
- c. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
- d. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.
- e. A site plan of the proposed development shall be reviewed and approved in accordance with Article Twenty-five of this Ordinance. Such site plan shall indicate the location of each proposed hole of the golf course, as well as of the service roads, entrances, driveways and parking areas and shall be so designed in relationship to the public streets that pedestrian and vehicular traffic safety is maximized.
- f. Development features shall be shown on said site plans; including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize possible adverse effects upon adjacent property.
- g. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
- h. Access shall be so designed as to provide all ingress and egress directly onto or from a year-round public maintained road.
- i. No building shall be erected to a height greater than that permitted in the district in which it is located.
- j. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
- k. Additional parking is required for accessory uses that may be allowed.
- l. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
- m. Swimming pools shall conform with the requirements of Section 21.25.
- n. No outdoor loudspeaker or call system shall be audible on adjoining property.
- o. Outside storage shall be properly screened.
- p. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker or other dwelling units permitted by Special Use Permit under the principal building.
- q. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to

# Rapid River Township Zoning Ordinance

## Adopted June 2011

minimize the impact upon adjoining properties.

r. Toilet facilities for use by patrons shall be located conveniently. Such facilities shall be approved by the County Health Department.

s. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.

t. A minimum of two satellite toilet facilities (restrooms) or other acceptable facilities are required for each nine (9) holes. The satellites are to be centrally located away from lot lines and painted or finished in an earth-tone color.

u. Golf courses shall retain and preserve native vegetation over at least thirty (30) percent of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.

v. Water quality protective measures are required as follows:

1) Maintenance of erosion control barriers during construction and until all ground cover is established.

2) To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.

3) Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.

4) A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.

5) All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.

6) An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with the County.

7) At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.

8) All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.

9) Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.

10) In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security into an escrow account.

### **HH. GREENHOUSES AND NURSERIES**

#### 1. Location Requirements:

a. Greenhouses, which may include flower shops, are permitted by Special Use Permit in the Resort-Residential (R-R) and Forest-Recreational (F-R) districts.

b. Ingress and egress to the business shall be only from a year-round public maintained road.

#### 2. Site Requirements:

a. The minimum lot size shall be twenty thousand (20,000) square feet if a greenhouse is located on the site.

b. Off-street parking in accordance with Article Seventeen.

#### 3. Buffering Requirements:

a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.

b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

c. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

# Rapid River Township Zoning Ordinance Adopted June 2011

## II. RESERVED FOR FUTURE USE

### JJ. JUNK YARDS

#### 1. Location Requirements:

- a. Junk yards are permitted by Special Use Permit in the Light-Industrial (L-1) and General-Industrial (G-1) districts. Junk yards shall not be located adjacent to property used for residences, schools, day care facilities, churches, hospitals, convalescent or nursing homes.
- b. Ingress and egress to the facility shall be only from a year-round public maintained road. The Planning Commission may approve access to other roads if the Commission finds that such access point will further minimize impacts on other properties.

#### 2. Site Requirements:

- a. The minimum lot or parcel size for junk yards shall be five (5) acres.
- b. Setbacks:
  - 1) All enclosed areas shall be set back at least one hundred (100) feet from any lot line.
  - 2) Junk yards shall not be located closer than two hundred (200) feet from the border of an industrial district.
- c. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

#### 3. Buffering Requirements:

- a. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Article Eighteen of this Ordinance.
- b. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.  
Such fence, wall or berm shall be of permanent finish and construction and shall be well maintained.
- c. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and/or structural screens of a type approved by the Planning Commission pursuant to Article Eighteen.
- d. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

#### 4. Performance Standards:

- a. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- b. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- c. All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- d. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.
- e. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) or other hazardous materials list maintained by the Michigan Department of Environmental Quality (DEQ) or other state or federal agency shall require secondary containment and a Pollution Incident

# Rapid River Township Zoning Ordinance

## Adopted June 2011

Protection Plan shall be filed with the DEQ.

f. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **KK. RESERVED FOR FUTURE USE**

### **LL. LAUNDRIES AND CLEANING ESTABLISHMENTS**

1. Location Requirements: Laundries and cleaning establishments are permitted by Special Use Permit in the Commercial (C-1), Light-Industrial (L-1), and General-Industrial (G-1) districts.

2. Site Requirements:

- a. The site shall be located on a year-round public maintained road/street.
- b. All facilities shall be located at least five hundred (500) feet from any adjacent residentially used or zoned property line.
- c. All facilities shall be served by public sewer and water.

3. Buffering Requirements:

- a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

4. Performance Standards:

- a. All activities other than incidental storage are conducted wholly within a completely enclosed building.
- b. The operation may contain such accessory functions as a dry cleaning pick-up point or alterations.
- c. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) or other hazardous materials list maintained by the Michigan Department of Environmental Quality (DEQ) or other state or federal agency shall require secondary containment and a Pollution Incident Protection Plan shall be tiled with the DEQ.
- d. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **MM. RESERVED FOR FUTURE USE**

### **NN. MARINAS**

1. Location Requirements:

- a. New marinas shall be located only in the Resort-Residential (R-R) and Commercial (C-1) districts. Expansion of any marina lawfully in existence on the effective date of this Ordinance that is not in one of these districts may be permitted by Special Use Permit if compliance with the standards of this Section is achieved.
- b. Buildings, docks, and parking areas shall be located no closer than thirty-five (35) feet from any residential property line.
- c. Marinas shall be located on a year-round public maintained road/street.

2. Site Requirements:

- a. The minimum lot or parcel size for marinas shall be two (2) acres.
- b. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- c. Accessory uses shall occupy no more than four hundred (400) square feet of building area.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

### 3. Buffering Requirements:

- a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

### 4. Performance Standards:

- a. Toilet facilities (restrooms) shall be provided on the site and shall be approved by the County Health Department.
- b. Adequate secondary containment shall be employed if any petroleum or other such products are sold on the premises.
- c. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) or other hazardous materials list maintained by the Michigan Department of Environmental Quality (DEQ) or other state or federal agency shall require secondary containment and a Pollution Incident Protection Plan shall be filed with the DEQ.
- d. There shall be no externally visible evidence of commercial activity from accessory uses.
- e. A permit to erect, maintain, or operate a marina shall be secured from the DEQ in conjunction with any other approvals.
- f. All such uses shall conform with Parts 801 and 301 of the Natural Resources and Environmental Protection Act of 1994, and all other applicable county, state, and federal regulations.
- g. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

## **OO. MINI-STORAGE (WAREHOUSE) FACILITIES**

### 1. Location Requirements:

- a. Mini-storage facilities shall be permitted by Special Use Permit in the Rural-Residential (R-R) and Commercial (C-1) districts.
  - a. The facility shall have direct access to a year-round public maintained road/street.

### 2. Site Requirements:

- a. The minimum lot or parcel size for mini storage facilities shall be two (2) acres. Mini-warehouses shall occupy lots no larger than five (5) acres.
- b. The individual areas used principally for storage, warehousing, or distribution shall not exceed five thousand (5,000) square feet in gross floor area or twenty-five (25) feet in height.
- c. Off street parking shall be in accordance with Article Seventeen.
- d. There shall be a minimum of thirty-five (35) feet if the driveway is one-way, forty-five (45) feet if the driveway is two-way, between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
- e. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

### 3. Buffering Requirements:

- a. When adjoining a residential district, a six (6) foot high wall, fence, or dense vegetation strip shall be erected and maintained along the connecting interior lot line.
- b. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.
- c. A twenty (20) foot landscaped strip shall be required adjacent to any public streets.
- d. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

### 4. Performance Standards:

- a. No retail, wholesale, fabrication, manufacturing, or service activities shall be conducted from the storage units by the lessees.
- b. Not more than three thousand six-hundred (3,600) square feet in total area shall be occupied or



# Rapid River Township Zoning Ordinance

## Adopted June 2011

used by any single tenant.

c. Storage of goods shall be limited to personal property with no commercial distribution allowed. d. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling of vehicles, boats or materials except in areas approved for such storage by the Planning Commission.

e. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.

f. No storage of hazardous substances, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

### **PP. RESERVED FOR FUTURE USE**

### **QQ. MOTELS AND RENTAL CABINS**

#### 1. Location Requirements:

a. Motels and rental cabins are permitted by Special Use Permit in the Lakefront-Residential (L-R), Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts. Hotels are only permitted in Commercial (C-1) districts.

b. Ingress and egress to a motel shall be only from a year around public maintained road. Ingress and egress to rental cabins shall be from a publicly maintained road/street.

#### 2. Site Requirements:

a. The minimum lot size shall be one (1) acre with a minimum width of one hundred fifty (150) feet, provided that there shall be at least eight hundred (800) square feet of lot area for each guest.

b. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the area within the lot lines of land developed at any one time.

c. Off-street parking and loading is as required in accordance with Article Seventeen.

#### 3. Buffering Requirements:

a. The front twenty-five (25) feet of the lot shall be landscaped buffer strip, unpaved, and shall not be used for off-street parking.

b. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.

c. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09 of this Ordinance.

#### 4. Performance Standards:

a. No kitchen or cooking facilities shall be provided in guest rooms unless specifically approved as such by the Planning Commission and the Building Official.

b. The minimum floor area of each guest unit shall be two hundred-fifty (250) square feet.

c. No guest shall establish permanent residence at the facility.

d. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **RR. MULTIPLE FAMILY DEVELOPMENT**

1. Location Requirements: Multiple family dwellings and mobile home parks are permitted by Special Use Permit in the Residential (R), Lakefront-Residential (L-R), and Resort-Residential (R-R) districts.

2. Site Requirements: For multiple family developments with more than two (2) units, density shall be permitted at no greater than one unit for every four thousand square feet of parcel area not to exceed eight (8) dwelling units per acre when averaged across the entire parcel.

#### 3. Buffering Requirements:

a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

#### 4. Performance Standards:

- a. All developments for multiple family dwellings shall have direct access to a year-round public maintained road/street unless an alternative means of access is approved by the Planning Commission.
- b. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development which shall be designed to minimize congestion and interference with normal traffic flow.
- c. All streets in the development shall be constructed as public streets and maintained with an all-weather road surface.
- d. No dwelling unit shall be located more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
- e. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations; provided, however, a greater separation may be required where any structure exceeds thirty (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures. Greater separation shall be at a rate of two (2) feet for each three (3) feet of additional height, unless more is clearly needed because of site conditions.
- f. Maximum lot coverage for a multiple family development shall cover no more than forty (40) percent of the parcel.
- g. All developments shall be served with adequate public sewer facilities.
- h. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
- i. There shall be provided easily accessible and useable open space in the development in an amount of ten (10%) of the site area or two thousand (2,000) square feet per four dwelling units, whichever is greater.
- j. All group off-street parking facilities shall be adequately lighted during hours of darkness.
- k. All streets and roadways within the development shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of twelve (12) feet.
- l. All multi-family developments shall provide for underground installation of all utilities.
- m. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.
- n. Only the following accessory land and/or building uses shall be permitted:
  - 1) One (1) office space not greater than one thousand (1,000) square feet for conducting the business of the development.
  - 2) Utility areas for laundry facilities and auxiliary storage for tenants.
  - 3) Recreation area such as community buildings, playgrounds, swimming pools and open space for tenants.
- o. All mobile home parks must comply with the requirements of the Mobile Home Commission Act, Public act 96 of 1987, as amended, any applicable rules of the Michigan Manufactured Home Commission, and all other requirements of this Ordinance.

#### **SS. RESERVED FOR FUTURE USE**

#### **TT. NATURAL GAS COMPRESSOR FACILITIES**

1. Location Requirements: Natural gas compressor facilities are permitted by Special Use Permit in the Agricultural-Residential (A-R), Forest-Recreational (F-R), and Commercial (C-1) districts.
2. Site Requirements: Minimum lot size required shall be two and one-half (2 1/2) acres.
3. Buffering Requirements:
  - a. The facilities shall be fenced to prevent unauthorized access.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

b. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.

#### 4. Performance Standards:

- a. The requirements of any permit or license from any state or federal agency shall be complied with.
- b. All lighting shall be shielded from adjacent streets and residences and buildings. In addition, all lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **UU. RESERVED FOR FUTURE USE**

### **VV. OPEN AIR BUSINESSES**

Open air businesses shall include, but need not be limited to, the following:

- a. Automobile, truck, recreational vehicle and boat sales.
- b. Agricultural equipment sales.
- c. Nursery, landscaping supplies.
- d. Lumber yards.
- e. Home and garden centers.
- f. Mobile home sales
- g. Outdoor auction house.

1. Location Requirements: Open air businesses are permitted by Special Use Permit in the Commercial (C-1), Light-Industrial (L-1), and General-Industrial (G-1) districts.

#### 2. Site Requirements:

- a. Minimum lot area shall be one (1) acre.
- b. The minimum lot width shall be two-hundred (200) feet.
- c. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential land use.
- d. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
- e. Ingress and egress to the facility shall be only from a year-round public maintained road/street, or from an approved shared access drive to such road.
- f. No more than two (2) driveways onto a public maintained road shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.

#### 3. Buffering requirements:

- a. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of Article Eighteen.
- b. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
- c. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

#### 4. Performance Standards:

- a. The site shall be kept in a neat and orderly fashion.
- b. Not more than fifty (50) percent of the parcel shall be covered by buildings and outdoor storage of materials and goods.
- c. Storage or display of goods and materials shall not occur in the required setbacks.
- d. Displays are to be limited to front yards only.
- e. No public address system shall be audible from any abutting residential parcel.
- f. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.
- g. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating the soil, ground or surface water shall be stored within the building and secondary

# Rapid River Township Zoning Ordinance

## Adopted June 2011

containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.

h. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage-ways.

i. Off-street loading and parking facilities shall be provided pursuant to the requirements of Article Seventeen.

j. In the case of auto, truck or recreational vehicle sales:

1) No vehicles which are inoperative shall be stored on the premises for more than two (2) weeks.

2) All repair, assembly, disassembly or maintenance of vehicles shall occur within an enclosed building except minor maintenance, including tire replacement, adding oil and wiper replacement.

3) For facilities with new underground storage tanks, the site shall be three-hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two-thousand (2,000) feet from any public water well.

4) All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.

### **WW. OPEN SPACE CLUSTER DEVELOPMENT**

This residential development option in the Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts is presented to permit a small part of a larger agricultural or forested property to be developed for residential use with the minimum impact on the amount of land consumed and on the economic operation of the farm. It is intended to be flexible in its application provided large areas of farm and forest land are preserved. No commonly owned open space is permitted in an open space cluster development. The equivalent of an open space cluster development can be created with common open space using the residential planned unit development provisions of Article Twenty-four, but no greater density is permitted if a Planned Unit Development (PUD) is created within an Agricultural-Residential (A-R) or Forest-Recreational (F-R) district.

1. Location Requirements: Open space cluster developments are permitted by Special Use Permit in the Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts.

2. Site Requirements:

a. The following uses are permitted:

1) Single family dwellings.

2) Home occupations, as defined in Article Thirty-Two, but not residence-based occupations as defined in Article Thirty-Two and as provided for in Section 23.10.HHH.

b. Density: Dwellings may be clustered into a residential cluster at a density of one dwelling per ten (10) contiguous acres. This means if a farm has 240 contiguous acres, it could have twenty-four (24) residential lots in a cluster development.

c. Site Location: A cluster of residential dwellings is permitted if conformance is achieved with all of the following standards:

1) The affected area shall be other than prime agricultural land and found unsuited for crop production because of soil conditions, unless all of the soil on the property is prime agricultural land; or the only non- prime agricultural land on the property is unsuited for residential development, in which case the location of the cluster development shall minimize fragmentation of efficient agricultural operations.

2) The affected area is less than twenty (20) acres and more than five (5) acres in area and where natural features permit, is isolated by roads, steep lands or wetlands.

3) The area has direct access to a public road/street.

4) The site is not within one thousand three hundred twenty (1320) feet of a concentrated animal feeding operation.

d. Site Development Requirements:

1) Lot size shall not be more than two and one-half (2 1/2) acres nor less than one- half acre and no parcel shall have an area less than that required to meet Public Health Department waste disposal requirements.

## Rapid River Township Zoning Ordinance Adopted June 2011

2) Minimum width at the building line shall not be less than fifty (50) feet and no required yard shall be more than twenty percent (20%) less than the district for a single family dwelling.

e. Site Plan: The petition shall be accompanied by a limited Site Plan. The plans shall be drawn to a scale of 1" = 100' and said plan shall include the following information:

- 1) Parcel boundary.
- 2) Proposed lots within the parcel.
- 3) Provisions for grading and stabilization that will minimize soil erosion.
- 4) Description and mapping of existing buffer areas (wetlands, steep slopes, roads).
- 5) Description and map of nearest agricultural activity and principal uses.
- 6) An illustration showing, to scale, an alternative way that the same number of lots could be permitted by right without being permitted through the cluster option.

f. Structure Spacing: Dwelling units shall be separated from nearby farm structures by at least five-hundred (500) feet.

### **XX. OVERSIZED ACCESSORY BUILDINGS FOR PERSONAL STORAGE ONLY (1,201-2,000 SQUARE FEET)**

A Special Use Permit is required for accessory buildings over twelve hundred (1,200) square feet but less than two thousand (2,000) square feet and may be issued by the Planning Commission if the following conditions are met:

1. Accessory building may only be used for personal storage and may not be used for business, commercial or industrial purposes.
2. The lot is less than three (3) acres, but a minimum of: 20,000 sq. ft in Residential (R) and Lakefront-Residential (L-R), 15,000 sq. ft in Resort-Residential (R-R), or one (1) acre in Agricultural Residential (A-R) and Forest Recreational (F-R).
3. No oversized accessory building and the principal structure together, shall exceed the maximum lot coverage permitted in the District as listed on the Schedule of Regulations (Table 15-1).
4. Maximum sidewall height shall not exceed sixteen (16) feet. An oversized accessory structure may not exceed twenty-four (24) feet in height.
5. An oversized accessory structure shall meet all required yard setbacks.
6. No consideration for oversized buildings will be given in cases where site preparation or construction has begun prior to obtaining a permit.

### **YY. OVERSIZED ACCESSORY BUILDINGS FOR PERSONAL STORAGE ONLY (OVER 2,000 SQUARE FEET)**

A special use permit for accessory buildings in excess of two thousand (2,000) square feet may be issued by the Planning Commission under the following conditions. This Section does not apply to bona fide agricultural buildings on a farm within the Agricultural-Residential (A-R) district, which must only conform to District setback requirements.

### **ZZ. RESERVED FOR FUTURE USE**

### **AAA. PRIVATE RECREATIONAL FACILITIES**

Such uses shall include, but need not be limited to, the following:

- a. Private recreation centers.
- b. Private clubs or lodges and other social and fraternal buildings.
- c. Outdoor and sportsman clubs.

1. Location Requirements: Private recreational uses are permitted by Special Use Permit in the Resort-Residential (R-R) district.

# Rapid River Township Zoning Ordinance Adopted June 2011

2. Site Requirements:
  - a. The site shall be located on a publicly maintained road/street.
  - b. Minimum lot size shall be one (1) acre.
3. Buffering Requirements:
  - a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
  - b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.
4. Performance Standards:
  - a. Facilities shall provide off-street parking and passenger loading areas.
  - b. Sites shall be periodically cleared of debris so that litter does not accumulate or drift onto adjacent properties.
  - c. Not more than thirty-five percent (35%) of the land area shall be covered by recreational structures.
  - d. Central loudspeakers/paging systems are prohibited adjacent to residential property.
  - e. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels (dBA) at the common lot line when adjacent to residential uses and residential districts.
  - f. Security fencing shall be provided adjacent to residential districts or uses.
  - g. Whenever a swimming pool is to be provided, said pool shall conform with the requirements of Section 21.25.
  - h. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
  - i. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
  - j. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

## **BBB. PUBLIC FACILITIES**

### 1. Location Requirements:

Public facilities are permitted by Special Use Permit in all districts. Public facilities include, but are not limited to parks, administrative offices, fire and police facilities, libraries, museums, recreational centers, storage areas for public equipment and buildings for essential public services (including but not limited to electric substations, telephone substations, gas regulator stations), public sewer and public water storage or treatment facilities. In addition to the requirements of this Section, all public buildings and public facilities must be reviewed by the Planning Commission before being established pursuant the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

### 2. Site Requirements:

- a. Setbacks shall conform with the regulations of the district in which the proposed public facility or utility would be located.
- b. No more than sixty percent (60%) of the lot area shall be covered by buildings.
- c. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.
- d. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located; except for a water tower which may be erected to whatever height is needed to accommodate the desired storage capacity. See also Section 21.11.

### 3. Buffering Requirements:

- a. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with a chain link fence six (6) feet in height.
- b. All buildings housing mechanical equipment shall be landscaped and appropriately screened to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or

# Rapid River Township Zoning Ordinance

## Adopted June 2011

18.06 as determined by the Planning Commission.

c. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

#### 4. Performance Standards:

a. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same lot.

b. No adverse environmental conditions such as noise, air pollution, lighting or other disruptions result.

c. Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

d. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **CCC. RESERVED FOR FUTURE USE**

### **DDD. READY MIX CONCRETE AND ASPHALT PLANTS**

#### 1. Location Requirements:

a. Asphalt and concrete batching facilities are permitted by Special Use Permit in the General-Industrial (G-1) and Light-Industrial (L-1) districts. Temporary batch plants are permitted by Special Use Permit in the Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts.

b. Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards to existing residential neighborhoods or commercial businesses.

c. Ingress and egress to the facility shall be only from a year-round public maintained road. The Planning Commission may approve access to an unpaved or county local road after receiving a recommendation from the County Road Commission, if the Planning Commission finds that such access point will further minimize impacts on other properties.

d. Before permit approval is granted for a temporary batching facility, the Planning Commission shall find that such batching facility is both incidental to and necessary for construction activities within fifteen (15) miles of the plant.

#### 2. Site Requirements:

a. Asphalt batching facilities shall be located at least one-thousand (1,000) feet from any residential platted subdivision or condominium subdivision.

b. Asphalt processing and manufacturing facilities shall be located no closer than five hundred (500) feet from any existing residential dwelling.

#### 3. Buffering Requirements:

a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.

b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

#### 4. Performance Standards:

a. No noise, dust, or fumes from the operation shall be discernable at or beyond the lot line.

b. Adequate measures will be taken to prevent lighting, drainage, and traffic from creating a nuisance on uses of adjacent properties

c. All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site.

d. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00a.m. to 6:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.

e. If the plant is temporary, the Planning Commission shall require a performance guarantee (pursuant to Section 21.29) conditioned upon the removal of the facilities and return of the site to its condition prior to the temporary plant being constructed or to another condition acceptable to the Planning Commission, upon completion of activities and as specified in the Special Use

# Rapid River Township Zoning Ordinance

## Adopted June 2011

Permit.

- f. The facility shall comply with the environmental protection standards of this Ordinance and with all water and air quality permit requirements of the Michigan Department of Environmental Quality.
- g. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### EEE. RECYCLING CENTER AND TRANSFER FACILITIES

#### 1. Location Requirements:

- a. Recycling centers and transfer facilities are permitted in the Commercial (C-1), General-Industrial (G-1), and Light-Industrial (L-1) districts by Special Use Permit.
- b. No facility shall be located closer than two hundred (200) feet to any existing dwelling unit, residential district, church, hospital, institution for human care, day nursery or school.
- c. Ingress and egress to the facility shall be from a year-round public maintained road/street, unless the Planning Commission approves access by other roads so as to minimize any negative impact upon the surrounding properties.

#### 2. Site Requirements:

- a. The site shall be a minimum of five (5) acres in size where there is outdoor storage. There shall be a minimum of three (3) acres if all material is stored within a completely enclosed building. No facility, either enclosed or outdoors, shall be over ten (10) acres in size.
- b. All facilities, either enclosed or outdoors, shall be set back a minimum of one (100) feet, from any street or road right-of-way.

#### 3. Buffering Requirements:

- a. All facilities, either enclosed or outdoors, shall be surrounded by a fence or berm, or a combination of both. The exterior of this fencing and/or berming shall be surrounded by a minimum of twenty (20) feet of planted trees, shrubs and grass. The type and height of fencing and/or berming shall be approved by the Planning Commission so as to minimize any negative impacts upon the surrounding properties. The spacing and type of planting material shall be approved by the Planning Commission per the requirements of Article Eighteen of this Ordinance.
- b. All unloading and loading shall be done within the confines of the bermed and/or fenced area of a facility. An adequate off-street parking area shall be provided for employees and visitors of a facility. All activities of subcontractors, or users of a facility, shall be conducted within the confines of the fenced and/or bermed area.
- c. Whenever a transfer facility abuts a residential district, there shall be a buffer strip of at least two hundred (200) feet of maintained grass, shrubs and trees. All such landscaping shall be of a type approved by the Planning Commission and shall meet the requirements of Article Eighteen of this Ordinance.
- d. All signs shall be in compliance with Article 19.
- e. All roads, driveways, parking lots and interior surfaces of such facilities, shall be paved, graveled, watered, or chemically treated so that any nuisance from use of these areas, is not extended beyond the fenced and/or bermed perimeter of a transfer facility or to any road, street or highway allowing ingress or egress to a facility.

#### 4. Performance Standards:

- a. All activities of a transfer facility shall be in compliance with all County, State, and Federal standards, rules and regulations.
- b. There shall be no stacking of material or by-products of material above the height of the perimeter fence or berm. All by-products shall be contained within approved containers and shall be removed from a facility on a regular basis, so as to not create an accumulation of such by-products.
- c. The total amount of material held at a facility, at any time, shall be approved by the Planning Commission, so as to not overburden a facility or cause a nuisance to the surrounding areas.
- d. There shall be no permanent storage or disposal of material, or by-products of material, at a transfer facility location.



# Rapid River Township Zoning Ordinance

## Adopted June 2011

- e. All vehicle impoundments shall be supervised by the County Sheriff's Department.
- f. All contractors, subcontractors, firms, corporations, or individuals depositing material (unless material is personally owned), or removing material and/or material by-products must be licensed by the County and the State of Michigan; and, all must act in accordance with all applicable County, State, and Federal rules, regulations, and laws.
- g. If auctions of impounded vehicles or other solid waste occur, there must be adequate off-street parking on the lot or parcel to accommodate all expected vehicles and there shall be safe ingress and egress from the parking area to the public road providing access to the lot.
- h. The hours of operation shall be posted at the facility and shall not exceed 7:00 a.m. to 6:00 p.m., Monday through Saturday, excluding legal holidays. Except that vehicles may be impounded under the supervision of a peace officer at any time.
- i. The storage of municipal solid waste, grass clippings and leaves shall be limited to a maximum period of forty-eight (48) hours on site.
- j. The storage of vehicles, which are normally purchased through a transfer of title, shall be limited to sixty (60) days. Except vehicles that have been confiscated or abandoned may be kept until the next auction; and vehicles being held as evidence or impounded may be stored until the legal action is resolved.
- k. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### **FFF. RENTAL STORES**

For businesses renting machinery and equipment such as backhoes, bulldozers, power washers, jackhammers, commercial sanders, and other similar equipment the provisions of Section 23.10.VV OPEN AIR BUSINESSES shall be conformed with.

For businesses renting recreational equipment, such as downhill or cross country skiing, in-line skating, and other similar equipment, the provisions of Section 23.10.S, OUTDOOR COMMERCIAL RECREATION shall be conformed with.

For businesses renting videos and other indoor entertainments, the provisions of Section 23.10.R, INDOOR COMMERCIAL RECREATION shall be conformed with.

### **GGG. RESERVED FOR FUTURE USE**

### **HHH. RESIDENCE-BASED OCCUPATION**

Residence-based occupations may be carried on in a fully enclosed accessory building (but not an attached garage) to a one-family dwelling if the Planning Commission approves a Special Use Permit upon finding conformance with the following standards:

1. Location Requirement: The land where the residence is located is not in a platted subdivision or in a condominium subdivision except where lots are in excess of three (3) acres and are zoned Residential (R), Lakefront-Residential (L-R), Resort-Residential (R-R), Agricultural-Residential (A-R), Forest-Recreational (F-R), or Commercial (C-1).

2. Performance Standards:

- a. Residence-based occupations are also home occupations and shall comply with all regulations applicable to home occupations (see Section 21.09) except they may be carried out in structures other than the principal dwelling unit and shall comply with all other applicable county, state or federal laws.
- b. Accessory buildings used for a residence-based occupation shall be at least fifty (50) feet from a dwelling unit on another lot. Total floor area for residence-based occupations located both within a one-family dwelling and accessory buildings on the same lot when taken together with outdoor storage area shall not exceed one-thousand (1000) square feet.
- c. No more than four (4) additional parking spaces (beyond the two required for a single-family dwelling) shall be added for residence-based occupations on the same lot, and at no time shall more than four (4) non-resident vehicles be present at residence-based occupations whether they be those of customers or employees. Parking spaces shall comply with the requirements of Article Seventeen.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- d. Outdoor parking or storage of vehicles with more than one (1) ton rated capacity shall be in a rear yard or, inside an accessory structure conforming with this Ordinance. No more than one semi-truck with or without a trailer may be parked or stored as part of a residence-based occupation. If the vehicle is routinely left idling for more than fifteen minutes a day, the place it is idled shall be at least five-hundred (500) feet from the nearest dwelling unit on another property.
- e. Outdoor storage of materials shall be completely fenced to obstruct view to a height equal to the elevation of the tallest material to be stored, which may not exceed six (6) feet. Outdoor storage areas shall be at least fifty (50) feet from any dwelling unit on another lot.
- f. Residence-based occupations shall not be permitted if the essential character of a lot or single-family dwelling within a residential district, in terms of use and appearance, traffic, or enjoyment of adjacent property, will be appreciably changed by the occurrence of such residence-based occupation.
- g. There shall be no external evidence of a residence-based occupation, except a small identification sign in accordance with Article 19, Section 19.02.
- h. No equipment or process shall be used in residence-based occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- i. Neither the storage of farm equipment, the sale of seeds or other farm related activities which are accessory to a bona fide commercial agriculture or horticulture operation shall be considered or require approval as a residence-based occupation.
- j. The following residence-based occupations are prohibited:
  - 1) Automobile service station, parking garage, or commercial garage.
  - 2) Automobile salvage yard or junk yard.
  - 3) New and used vehicle sales.
  - 4) Auto body and/or paint shops.
  - 5) Other land uses which are specifically provided for elsewhere in this Ordinance by Special Use Permit, or land uses permitted only in the Industrial (Light or General) districts.
  - 6) Sexually oriented businesses.

### III. RESTAURANT

The following provisions apply to standard restaurants in certain zones. A standard restaurant is an establishment which provides food and drink for consumption by persons seated within a principal building that is not part of a drive-in, or drive-through. This includes cafes, tea rooms and outdoor seating associated with a restaurant.

1. Location Requirements: Restaurants are permitted by Special Use Permit in the Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts.
2. Site Requirements:
  - a. The principal building shall be setback at least one hundred (100) feet from a residential district.
  - b. Ingress and egress to the site must be directly from a year-round public maintained road/street.
3. Buffering Requirements:
  - a. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
  - b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.
4. Performance Standards:
  - a. Design and orientation of the proposed use shall be such as to reasonably minimize noise, odors, traffic problems and similar factors.
  - b. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

### JJJ. RESERVED FOR FUTURE USE

# Rapid River Township Zoning Ordinance

## Adopted June 2011

### KKK. SANITARY LANDFILLS

#### 1. Location Requirements:

a. Public and private sanitary landfills are permitted as a Special Use Permit use in the Agricultural- Residential (A-R) and Forest-Recreational (F-R) districts.

#### 2. Site Requirements:

a. In addition to the necessary application and payment of fees, the petition shall be accompanied by a General Site Plan. The plan shall be drawn to a scale of 1" = 100', and said plan shall include the following information:

- 1) The method and direction of land-filling.
- 2) Surface overburden stripping and stockpiling plan.
- 3) Provisions for grading, re-vegetation, and stabilization that will minimize soil erosion and sedimentation.
- 4) Provisions for buffering, landscaping, fencing and screening.
- 5) Legal description and physical location of each phase, number of acres included in each phase unit, estimated length of time to complete filling of each successive phase unit.
- 6) A phase unit is a designated area of operations of not greater than twenty (20) acres. These phase units shall be clearly indicated on the general site plan. Prior to excavating or filling of any phase, written notification must be submitted a minimum of five (5) days in advance to the Zoning Administrator and an approved inspection ticket shall be issued by the Zoning Administrator upon compliance with the Ordinance and the submitted general plan. Re-establishment of vegetation on the areas to be abandoned, as outlined on the plans and specifications on file shall be accomplished prior to moving to the next phase. To insure the performance of the rehabilitation of the site, the Planning Commission may, after proper notification, utilize said financial guarantee as indicated in Section 21.29.
- 7) Cross-section drawings showing the present elevations, the invert elevations, and the final elevations.
- 8) Proposed use of parcel after completion.
- 9) Drainage on and away from the fill area showing directional flow of water in drainage ways, natural water courses and streams, intermittent and flowing, including discharge from the filling operation.
- 10) The haul routes of trucks regularly coming to and from the facility.

b. Minimum Parcel Area: A minimum of forty (40) acres shall be required to utilize any site for sanitary landfill operations.

c. Setbacks of the filling operation shall be required as follows:

- 1) Adjacent to residential district or existing residences = 500 feet.
- 2) Adjacent to agricultural district = 300 feet.
- 3) Public Right-of-way= 300 feet.
- 4) Adjacent to commercial district = 250 feet.
- 5) Adjacent to industrial district= 100 feet.

d. Ingress and Egress Requirements: There shall not be more than one (1) entrance to the landfill site and such entrance shall be provided with a gate not less than six (6) feet high which shall be securely locked at the close of each work day or whenever the site is unattended.

e. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Boards on any modifications.

#### 3. Buffering Requirements:

# Rapid River Township Zoning Ordinance

## Adopted June 2011

a. Fencing: The entire perimeter of any landfill site shall be enclosed by: a ) ten (10) foot high chain link fence along any road on which the site has frontage; and a four (4) foot woven wire farm fence with one strand of barbed wire on top along property lines to deter inadvertent entry and effectively retain papers. Additional fencing such as an eight (8) foot portable chicken wire fence along the unloading and spreading area may be required by the Planning Commission whenever necessary to control light rubbish blown by the wind.

#### 4. Performance Standards:

a. All uses shall be established and maintained in accordance with all applicable local ordinances, the County Solid Waste Management Plan and Part 115 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

b. Conditions and Safeguards: The Planning Commission may impose such additional conditions and safeguards deemed necessary for the public health, safety and general welfare, the protection of individual property rights, and for insuring the intent and purpose of this Ordinance as are not contrary to state law. The breach of any condition, safeguard, or requirement shall be a violation of this Ordinance.

c. Hours of Operation: Operating hours shall be determined by the Township Planning Commission based on nuisance potential to adjoining property owners.

d. Covered Loads: All refuse collection vehicles shall be covered with a rigid or fabric cover before entering or exiting the site. The cover must be securely attached to prevent any loss of materials from the vehicle during transit.

e. Litter: Policing of the immediately adjoining property, perimeter berms, and/or fencing to prevent unauthorized dumping, or wind-blown debris shall be required at the expense of the operator.

f. Nuisances: Litter, odor, smoke, fumes, and dust shall be controlled so as not to cause a nuisance or hazard.

g. The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize traffic hazards, to minimize the wear on public streets, and to prevent encroachment of traffic or the by-products of traffic (such as dust and noise) upon adjacent properties.

#### LLL SCHOOLS

##### 1. Location Requirements:

- a. Schools are permitted by Special Use Permit in Residential (R), Agricultural-Residential (A-R), and Forest-Recreational (F-R) districts.
- b. Ingress and egress to the site shall be only from a year-round public maintained road/street.
- c. A preferential location is one which would offer natural or man-made barriers or a buffer strip that would lessen the effect of the schools use on adjoining uses.

##### 2. Site Requirements:

- a. The minimum lot or parcel size for schools shall be two (2) acres.
- b. No more than thirty-five (35) percent of the site area shall be covered by buildings.
- c. No more than sixty (60) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.
- d. Service areas and facilities, and intensive outdoor recreation facilities like stadiums, bleachers and similar uses, shall not be located within one hundred (100) feet of a residential district or use.
- e. Parking areas shall not be located within fifty (50) feet of a residential district or use.
- f. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- g. No parking shall be allowed within the minimum front yard setback of fifty (50) feet.
- h. The principal building shall be no closer than seventy-five (75) feet from any lot line or right-of-way.

### 3. Buffering Requirements:

- a. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in Article Eighteen as determined by the Planning Commission.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

### 4. Performance Standards:

- a. All buildings on the site shall conform to county, state, and federal laws. b. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

## **MMM. SEXUALLY-ORIENTED BUSINESSES**

In evaluating a proposed Special Use Permit for a sexually-oriented business permitted in the Commercial (C-1) district, the Township Planning Commission shall consider the following standards upon which to base their decision to approve or disapprove the permit in addition to the standards described in Section 23.03 A.

1. No sexually oriented business shall be established on a parcel which is within one thousand three hundred twenty (1,320) feet of any parcel zoned Residential (R), Lakefront Residential (L-R), Resort-Residential (R-R), Agricultural-Residential (A-R), Forest-Recreational (F-R), General Industrial (G-1), or Light Industrial (L-1).
2. No sexually oriented business shall be established on a parcel within one thousand three hundred twenty (1,320) feet of any residence, park, school, child care organization or place of worship. The distance between a proposed sexually oriented business and any residence, park, school, child care organization, place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship or other sexually oriented business.
3. The proposed use shall conform with all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.
4. The proposed use must meet all applicable written and duly promulgated standards of Rapid River Township and of other governments or governmental agencies having jurisdiction, and must, to the extent required, have the approval of these governments and/or governmental agencies or be reasonably assured of such approval.
5. The outdoor storage of trash or rubbish shall be screened from view and located so as not to be visible from neighboring properties or adjacent roadways in accordance with Section 18.09 of this Ordinance.
6. Any sign or signs proposed for the sexually-oriented business shall not include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
7. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting from the business, and using lettering no less than two (2) inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises"; and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
8. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
9. Hours of operation shall be limited to 10:00 AM to 9:00 PM., Monday through Saturday.
10. All off-street parking areas shall be illuminated during all hours of operation of the sexually-oriented business, and until one hour after the business closes.
11. Any booth, room, or cubicle available in any sexually-oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical

# Rapid River Township Zoning Ordinance

## Adopted June 2011

Areas or Specified Sexual Activities shall:

- a. Be handicap accessible to the extent required by the Americans with Disabilities Act;
- b. Be unobstructed by any door, lock or other entrance and exit control device;
- c. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
- d. Be illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
- e. Have no holes or openings in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system.

12. No person shall reside in or permit a person to reside in the premises of a sexually-oriented business.

### **NNN. SHOOTING RANGES**

#### 1. Location Requirements:

Indoor or outdoor shooting ranges (rifle, skeet, trap, archery and pistol) are permitted by Special Use Permit in the Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts and indoor only by Special Use Permit in the Commercial (C-1) district. A site plan meeting the requirements of Article Twenty-five and any additional requirements of this Section shall be submitted.

#### 2. Site Requirements:

Minimum lot area for outdoor ranges shall be twenty (20) acres in the Agricultural- Residential (A-R) and Forest-Recreational (F-R) districts and the minimum lot area for indoor ranges shall be one acre in the Commercial (C-1) district.

#### 3. Buffering Requirements:

- a. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet in the Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts and the same as the district requirements in the Commercial (C-1) district.
- b. Appropriate screening shall be provided to limit noise reaching adjacent land uses per the requirements of Section 18.03, 18.04, 18.05 or 18.06 as determined by the Planning Commission.
- c. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

#### 4. Performance Standards:

- a. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to. In addition, the requirements of the Sport Shooting Ranges Act, Public Act 269 of 1989, as amended, shall be adhered to.
- b. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
- c. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Zoning Administrator.
- d. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Site Plan Review Committee.
- e. A five (5) foot high chain link fence shall be provided around any outdoor shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a shooting range shall be clearly posted.
- f. Hours of operation shall be between 8:00a.m. and sunset.
- g. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- h. The applicant shall demonstrate that the layout of the shooting range is in conformance with national guidelines available from public and nonprofit gun safety organizations that are designed to enhance public safety, minimize accidents, guarantee insurance coverage and minimize liability.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

### OOO. SURFACE MINING AND OTHER EXCAVATION

#### 1. Location Requirements:

Surface mining activities are permitted by Special Use Permit in all zoning districts. All commercial excavations, mining operations, gravel processing operations, quarrying operations or surface mining existing on the effective date of this Ordinance shall be subject to the regulations that follow with regard to future operations. Future operations shall be considered a new operation and shall require a Special Use Permit.

#### 2. Site Requirements:

- a. The minimum site size for surface mining shall be five (5) acres.
- b. Areas subject to surface mining shall not be permitted closer than one hundred (100) feet from boundary lines of the property and any natural or existing water-body, watercourse or wetland.
- c. No excavation shall be permitted closer than three hundred (300) feet to any residence.
- d. Areas subjected to mining shall not be permitted within one hundred (100) feet of any adjoining private road or public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way.
- e. The permanent processing plant and its accessory structure shall not be located closer than two hundred fifty (250) feet from the boundary lines and public rights-of-way or no less than five hundred (500) feet from any dwelling unit, and shall (where practicable) be as close to the center of the subject property as possible.
- f. Storage, mixing or processing of other aggregate and related materials brought to the site from elsewhere is permitted on site, but must be located proximate to the permanent processing plant and are subject to all the same restrictions as other aggregate material extracted at the site.
- g. In addition to the data requirements of Section 23.02.C and Article Twenty-Five, and at the discretion of the Zoning Administrator and with the concurrence of the Planning Commission, each application for a Special Use Permit shall be accompanied by plans, drawings, and information prepared by a registered professional(s) depicting the following information:
  - 1) Name and address of surface owner and/or mineral rights owner of land from which excavation activities will take place.
  - 2) Name, address and telephone number of operator (person, firm or corporation who will be conducting the actual excavation).
  - 3) Location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.
  - 4) Location and width of all easements or rights-of-way on or abutting the area subject to excavation.
  - 5) A statement from the applicant identifying all other federal, state and local permits required, if any.
  - 6) Proof of liability insurance from the operator that meets or exceeds minimum industry standards.
  - 7) Notification of any deed restrictions on the property.
  - 8) Name of financial institution backing the excavation operation.
  - 9) Existing and proposed topography at five-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the top of the bank of excavation.
  - 10) The existing surface water and drainage patterns.
  - 11) A discussion of the proposed method of excavation, including:
    - a) The area and amount of material to be excavated in cubic yards.
    - b) Proposed side slopes and depths for all portions of the excavated area.
    - c) Proposed drainage system, settling ponds and retention ponds, as appropriate.
    - d) The time, duration, phasing by cell and proposed work schedule of the total project.
    - e) The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
    - f) Area from which excavation will take place in the first year of operation and likewise for each successive year to completion.
  - 12) The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
  - 13) Proposed plans for fencing, and signs.
  - 14) Provisions for fences, buffers, landscaping and screening.
  - 15) A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- a) Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in excavation.
  - b) Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - c) Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used.
  - d) A reuse plan for the site once excavation is complete.
- 16) Site plan and associated background reports shall document the method of compliance with the performance standards of this Section.

### 3. Buffering Requirements:

a. Fencing: If, in the opinion of the Planning Commission, any part of the surface mining site or activity might present a dangerous condition if left unprotected, the area involved in the use shall be fenced to protect against trespassing. The following standards for fencing shall apply to entrances to property, pits, cell units, pond areas, extraction areas, or other slopes as determined by the Planning Commission to be a potential safety hazard. The Planning Commission shall, in establishing the requirements for fencing, also take into account the scope of the proposed excavation and the population density of the surrounding area. Said fence shall be located not less than ten (10) feet from the top edge of any slope or from the water's edge of a pond (see definition of water's edge). Where surface mining is authorized to proceed in stages, only the area excavated plus the area of the stage currently being excavated need be fenced. Fences shall be at least four (4) feet in height and constructed of durable material to protect against trespassing. Gates shall be installed at all points of vehicular or pedestrian ingress and shall be kept locked when not in regular use.

#### b. Screening

**1)** An existing dwelling unit located within three hundred (300) feet of an active mining cell shall be provided with a screened view of the active mining cell. The screening shall be located within fifty (50) feet from the property line or the right-of-way. A property owner within three hundred (300) feet of an active mining cell may opt out of the screening requirement provided they submit a signed affidavit requesting to opt out. Such barriers shall consist of one or more of the following:

a) Earth berms constructed to a height of ten (10) feet above the mean elevation in the centerline of the adjacent public highway of ten (10) feet above the general level of terrain along property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass and trees or shrubs.

b) Plantings of evergreen trees not more than ten (10) feet apart or shrubbery not more than five (5) feet apart, in three (3) staggered rows parallel to the boundaries of the property which shall be at least two year transplants at the time of planting and which grown to not less than ten (10) feet in height and sufficiently spaced to provide effective sight barriers when ten (10) feet in height. Trees which die must be replaced. The types of evergreen trees can be found in Sections 18.04, 18.12, and 18.13. The other provisions of Article 18 are only applicable if deemed appropriate by the Zoning Administrator or the Planning Commission. The Planning Commission may give consideration to existing vegetation on the site when considering screening.

c) Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least ten (10) feet above the general level of the terrain along property lines or the mean elevation of the center line of the adjacent public highway to maximize the effectiveness of the screening.

d) The Planning Commission may approve an alternative method provided it meets the intent of screening the active operation from an adjacent dwelling.

**2)** The ten (10) foot requirement for screening by means of a berm and/or planting may be reduced by the Planning Commission to not less than six (6) feet if the particular site and terrain, with screening of a reduced height, will afford adequate screening.

### 4. Performance Standards

a). All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or collapse of supporting soil adjacent to an excavation.

b). No operation shall be conducted in a manner so as to lower the water table on surrounding properties.

c). All pit banks shall be graded in accordance with an approved reclamation plan with slopes no greater than three (3) feet horizontal to one (1) foot vertical, unless otherwise approved as part of a reclamation



# Rapid River Township Zoning Ordinance

## Adopted June 2011

plan.

- d.) Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians or adjoining property.
- e.) Topsoil stockpiles shall be seeded to prevent wind and water erosion.
- f.) All excavations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters. No discharge from the site shall result in higher concentrations of silt than existed in offsite water prior to mining operations. All excavations shall be drained so that no stagnant water stands therein.
- g.) The excavation shall be graded in a fashion that will not cause water to accumulate in stagnant pools.
- h.) Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
- i.) Noise

(a) Purpose: Noise has the potential to create environments that can be harmful to the health and welfare of the people living near a surface mining operation. The purpose of these noise requirements are to protect the health and welfare of the people who live near a surface mining operation with defined standards that can be readily implemented and enforced.

(b) Definitions

**Sound**—a vibrational fluctuation of air pressure that is detected by the ear and having a frequency range of 20 Hz to 20,000 Hz. For the purpose of this chapter, the term sound shall also include the following terms:

**Ambient Sound Level**—sound level in the absence of the noise being evaluated for impact.

Sometimes also referred to as background sound level.

American National Standards Institute (ANSI)

**Average Sound Level**—the integrated sound level over the measurement time period which provides an energy equivalent of a constant sound level over the same period of time. Also known as Equivalent Sound Level or  $L_{eq}$ .

**A-weighted Sound Level**—a sound level with a spectrum that has been modified using the A-weighting frequency filter as defined by the ANSI S1.4 standard as is commonly denoted with units of dB(A). A-weighted sound levels are used to emulate the human hearing response at low to moderate sound levels.

**Decibel (dB)**—is logarithmic ratio used to describe the human perception of sound. See Sound Pressure Level.

**Fast Meter Response**—the setting on a sound level meter that controls the rate at which the meter responds to rising and falling sound levels based on 125 milliseconds exponential time averaging.

**International Standards Organization (ISO)**—National Institute of Standards and Technology (NIST)

**Noise level**—See Sound Pressure Level below.

**Receiving Property**—property that is normally occupied by persons to which noise may create an impact.

**Sound Pressure Level**—also known as Sound Level, is a numerical value calculated as 20 times the logarithm of the quantity of the root mean square measured sound pressure divided by the Pa and identified with the logarithmic unit decibels or dB. In referring to sound pressure of 20 the purpose of this ordinance. Sound Pressure Level, Sound Level and Noise Level can be used interchangeably and will have the same meaning.

**Tone**—a sound with a sinusoidal wave form containing a single frequency or set of frequencies that are natural numeric multiples (harmonics) of the primary frequency

(c) Noise Prohibited:

- (1) It is unlawful to produce noise that exceeds the corresponding limits provided in TABLE 1 at the boundary of any receiving property when measured outdoors.
- (2) Sound shall not be measured within an easement area or right-of-way.
- (3) Noise containing prominent tones shall be limited to a level 5 dB lower than the limits of TABLE 1.
- (4) At locations and time periods where traffic noise exceeds the limits of TABLE 1, the average traffic sound level over a period of at least 15 minutes shall establish the noise limit.

# Rapid River Township Zoning Ordinance Adopted June 2011

(5) TABLE 1—Noise Level Limits (A-weighted Average Sound Level Limits, dB(A))

<b>Receiving Land Use</b>	<b>(7 a.m.-7 p.m.)</b>	<b>(7 p.m.-10 p.m.)</b>	<b>(10 p.m.-7 a.m.)</b>
Residential, Institutional, Recreational	65	55	50
Commercial, Office	65	65	60
Industrial	75	75	75

- (6) Average sound levels shall be measured with instrumentation having the following criteria:
- a. Precision of Type 2 or better, according to ANSI S1.4.
  - b. Accurate calibration immediately before and after the measurements
  - c. Measurement set at fast meter response
  - d. Using manufacturer approved windscreen
  - e. Microphone position at an elevation of 5 to 7 feet above the ground or surface normally occupied, such as a deck or patio.
  - f. Microphone positioned away from the influence of sound reflecting surfaces
  - g. Not improperly influenced by atmospheric conditions such as wind and rain.

For the purposes of this section, average sound levels shall be measured as follows:  
Multiple readings no less than seven (7) are required over a period not to exceed fourteen (14) days. Each reading shall be taken at different times of the day.  
A ten (10) minute time segment shall be the minimum duration for an average sound reading.

(d) Noise Limits:

(1) In no event shall a surface mining operation be permitted to exceed State or Federal noise limits for a surface mining operation.

- j). Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
- k). Access to excavation areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties.
- l). Truck or heavy vehicle traffic related to excavation operations shall use approved access routes which minimize adverse impacts on residential neighborhoods.
- m). Interior roads, parking lots, haul road loading and unloading areas shall be treated so as to limit the nuisance caused by wind-blown dust or dust from truck traffic. Public streets within 1500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site by the operator following maintenance standards established by the road authority with jurisdiction.
- n). The type and number of equipment or machinery for the operations on the premises shall be disclosed on the application. Reasonable changes to the equipment or machinery in the opinion of the Zoning Administrator that are consistent with the nature of the operation may be permitted without amending the Special Use application. If in the opinion of the Zoning Administrator the proposed additional equipment or machinery will change the nature of the mining operation, the applicant will need to amend the Special Use.
- o). Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or historical artifacts are discovered.
- p). The excavation shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.
- q). All work shall be undertaken and completed on a cell by cell basis. No work can begin in the next cell until reclamation in the previous cell is satisfactorily completed or underway pursuant to a phasing plan approved by the Planning Commission.
- r). Maximum depth of excavation shall remain two (2) feet above the water table existing prior to construction, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from the overburden is to be used to refill such excavation for conformance to the approved reclamation plan. Operations shall be conducted in such a manner so as not to permanently lower the water table. If excavations are refilled, that filling process must be in accordance with water pollution control regulations. A Michigan

## Rapid River Township Zoning Ordinance Adopted June 2011

Department of Environmental Quality (DEQ) permit requirement may apply to this activity and prior to any filling, a determination of pertinent regulations shall be made by the Zoning Administrator.

s). In the event the owner/operator desires to develop said land into residential or recreational property with the excavation as a lake therein, he/she may make application as a part of this Special Use Permit, provided said permit grades the borders of the excavation to a pitch of not more than one (1) foot drop to each four (4) feet of surface from the top of the bank to the high water mark, with a pitch from the high-water mark into the water to a depth of eight (8) feet below the low water stage, with a drop of not more than one (1) foot to each eight (8) feet of surface.

t). An operator shall remove all worthless debris and rubbish from the plant site and mining area within one (1) year of the date of termination of operations or abandonment of the property.

u). The hours of operation shall be set by the Planning Commission, after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 6:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies. In the event there is a special project associated with a public improvement such as a road reconstruction or utility, the Zoning Administrator may consider a short-term exemption to the hours of operation provided all neighbors within three hundred (300) feet are provided a two-week advance notice of the proposed hours, the purpose of the temporary exemption and the duration of the exemption.

v). Before issuance of a Special Use Permit, there shall be filed by the applicant a surety bond to be determined by the Planning Commission and executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond pursuant to the requirements of Section 21.29 payable to Rapid River Township, conditioned upon the prompt compliance with all provisions of this Section and the requirements of the County and State.

**5. Reclamation Standards:** All reclamation activities shall be initiated at the earliest possible date in conformance with the following standards:

a. Reclamation of the site concurrent with excavation activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. All reclaimed cell units shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks shall be graded to angles which do not exceed those found in the natural topography of surrounding areas except that in no instance shall slopes exceed three (3) foot horizontal to one (1) foot vertical.

b. All top soil shall be stockpiled on the premises and promptly redistributed on abandoned areas or where extraction operations have been substantially discontinued for any period in excess of one year. Such areas shall then be seeded and planted with at least temporary protection the first year and by the second year permanent seeding to lessen erosion and encourage proper growth within one year of termination of all activity.

c. Progressive reclamation shall lead to the final surface landform portrayed in the reclamation plan.

d. A mining area shall be reclaimed by an operator pursuant to provisions of this Ordinance and the reclamation plan within one (1) year after abandonment or within the time set forth in the operator's reclamation plan approved by the Planning Commission. A reclamation plan shall be considered approved with the approval of the Special Use Permit issued pursuant to this Section.

e. Upon written request of an operator, the Planning Commission may grant an extension of the reclamation period if necessary, to accomplish acceptable reclamation.

f. Unless plant structures, buildings, stockpiles and equipment are included as approved elements of the reclamation plan, upon cessation of mining operations, the operating company, within a reasonable period of time not to exceed twenty-four (24) months thereafter shall remove all plant structures, buildings, stockpiles and equipment from the area included in the Special Use Permit.

g. The base map for this element should be the final landform map upon which shall be shown by overlays or separate drawings and notes, one or more developed schemes for land use or uses, each demonstrating that developed areas are accessible by roads and that physical attributes of the final landform are compatible with proposed use or uses. This is to show that the final landform portrayed in the drawings has a viable land use compatible with land use trends of the surrounding area. The final landform map shall depict the following:

1) Site mapping scales shall be no more than 1" = 100'.

2) Include a contour interval of ten (10) feet for a map scale of one (1) inch to one hundred (100) feet.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- 3) Show location of any proposed roads within the reclaimed area and their connection to present public roads beyond.
  - 4) Show location of any lakes, ponds, or streams proposed within the reclaimed area and their connections to streams or drainage-ways beyond.
  - 5) Show location of any proposed works-of-man within the reclaimed area (dams, buildings, etc.).
  - 6) Show location of all residential dwellings within three hundred (300) feet of the project site.
  - 7) Show areas where vegetation is to be established, and indicate types of vegetative cover.
  - 8) Describe any degree of flexibility considered to be needed in execution of the plan.
- h. Excavated areas shall be reclaimed under the following standards over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan:
- 1) Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.
  - 2) When excavation operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
  - 3) A layer of arable topsoil, of a quality approved by the Zoning Administrator, shall be spread
  - 4) Excavation which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service, and shall be approved by that agency.
  - 5) Where excavation operation results in a body of water, owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than one hundred fifty (150) feet apart.
  - 6) Backfill and grading materials shall not be noxious, flammable or toxic.
  - 7) Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  - 8) All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
  - 9) If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
  - 10) Surface mining operations authorized by Special Use Permits shall be inspected with reasonable frequency to determine compliance with the reclamation plan, with this Ordinance and permits issued pursuant to this Ordinance as determined to be appropriate by either the Planning Commission or the Zoning Administrator.
  - 11) The general reclamation plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Board on any modifications.

### 6. Notice of Abandonment, Evidence of Continuing Use:

The operator shall submit a revised site plan to the Planning Commission every two years illustrating the activity on the site and to disclose any deviation to the approved site plan and Special Use. When activities on or use of the area subjected to mining, or any portion thereof, have ceased for more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the area subjected to mining or portion thereof abandoned. Within thirty (30) days following receipt of the notice, the operator shall have an opportunity to submit evidence that the use of the area subjected to mining or portion thereof is continuing. If the Planning Commission proves that the operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.

### 7. Additional Standards for Approval of a Special Use Permit:

A decision by the Planning Commission on a surface mining application for a Special Use Permit shall be based upon the site plan review and special use permit criteria set forth within the Ordinance and shall also be based on the following standards:

- a. The most advantageous use of the land as determined by the Township Land Use Plan resources and

# Rapid River Township Zoning Ordinance

## Adopted June 2011

property.

b. The character of the area in question and its peculiar suitability, if any, for particular uses. Sources of information on this matter may include any or all of the following persons or commissions: the Zoning Administrator; the Director of the Kankaska County Health Department; the Township Planning Commission; and commissions or councils from affected cities or villages.

c. Conservation of natural resources and environmental factors, and the general appropriate trend and character of development in the subject area.

d. The protection and preservation of the general health, safety, and welfare of the Township.

e. The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operation.

f. In making any decision, the Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residence and property owners.

### 8. Additional Planning Commission Authority:

In addition to the above and the standards of this article, the Planning Commission shall determine whether or not the applicant has satisfied his/her burden in demonstrating that no very serious consequences would result from the extraction. In making this determination, the planning commission may consider the following factors in accordance with MCL 125.3205:

a. The relationship of extraction and associated activities with existing land uses.

b. The impact on existing land uses in the vicinity of the property.

c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

f. The overall public interest in the extraction of the specific natural resource on the property.

### 9. Other Conditions on the Owner and Operator:

The conditions of any Special Use Permit issued under this Section apply not only to the owner and run with the land but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation. When an operator disposes of his interest in an excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use Permit may be transferred.

## **PPP. RESERVED FOR FUTURE USE**

## **QQQ. RESERVED FOR FUTURE USE**

## **RRR. VEHICLE WASH FACILITIES**

### 1. Location Requirements:

a. Vehicle washing facilities shall be permitted only in the Commercial (C-1) district with direct vehicular access to a year-round public maintained road and as an accessory use to automobile service and repair stations.

### 2. Site Requirements:

a. The minimum lot or parcel size for vehicle washing facilities shall be twelve thousand (12,000) square feet.

b. The minimum front yard setback for the structure shall be fifty (50) feet; minimum side yard setback shall be twenty-five (25) feet; minimum rear yard setback shall be seventy-five (75) feet.

c. The entrances and exits of the facility shall not be from an adjoining residential street or alley unless the Planning Commission determines this is a safe alternative that does not pose a serious

# Rapid River Township Zoning Ordinance

## Adopted June 2011

nuisance for nearby residences. A street or alley shall not be used as a maneuvering or parking area for vehicles using the facility.

d. The entire site, other than the portion occupied by the building and landscaping, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.

e. There shall be no above-ground outdoor storage/dispensing tanks on the site.

### 3. Buffering Requirements:

a. When adjoining a residential district, a six (6) foot high wall or fence shall be erected and maintained along the connecting interior lot line or other landscaping providing a six (6) foot high barrier may be approved by the Planning Commission.

b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

### 4. Performance Standards:

a. All washing activities shall be conducted within an enclosed structure, except for one tall vehicle washing area.

b. Vacuuming activities shall be at least twenty-five (25) feet from any lot line except where the property abuts a residential zone in which case a fifty (50) foot separation shall be maintained.

c. All drains shall be connected to a public sanitary sewer system or other approved drainage system.

d. Adequate provision shall be made to keep all drainage water from washing operations on the site.

e. Vehicle wash facilities shall not be operated between the hours of 11:00 p.m. and 8:00a.m.

f. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

## **SSS. VETERINARY CLINICS**

### 1. Location Requirements:

Veterinary clinics are permitted in the Forest-Recreational (F-R), Agricultural- Residential (A-R), Commercial (C-1), and Light-Industrial (L-1) districts.

### 2. Buffering Requirements:

a. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential district lot line or any adjacent building used by the general public and shall not be located in any required yard.

b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

### 3. Performance Standards:

a. Uses permitted include medical treatment, retail sales of animal supplies and boarding. Boarding of wild animals is prohibited unless in an American Association of Zoological Parks and Aquariums or U.S. Department of Agriculture (USDA) accredited facility.

b. All activities must be confined within a fully enclosed building that is soundproofed except for large animal paddock.

c. All principal use activities shall be conducted within a totally enclosed principal building.

d. There shall be no storage or boarding of animals outside a fully enclosed and soundproofed building.

e. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00a.m.

f. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

g. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

## **TTT. RESERVED FOR FUTURE USE**

## **UUU. WATERCRAFT LAUNCHING**

The following regulations apply only to watercraft launching where a fee is paid to launch, or at any public waterfront access site created after the effective date of the amendment establishing this provision.

Watercraft include but are not limited to: boats, canoes, kayaks, row boats, and motor boats.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

### 1. Location Requirement:

- a. Watercraft launching at waterfront access sites are permitted in the Lakefront-Residential (L-R) district by Special Use Permit.
- b. Parking areas shall be located no closer than thirty-five (35) feet from any residential property line.

### 2. Site Requirements:

- a. The minimum lot or parcel size shall be one (1) acre.
- b. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- c. Vehicle loading and boat launching shall occur pursuant to a one-way road design that provides adequate stacking space and safe and efficient flow for all in line. Signs shall indicate traffic flow and parking areas.
- d. Each parking space shall be a minimum of ten (10) feet by forty (40) feet so it can be used as a tie down area and storage for vehicle and trailer while the boat is in the water.
- e. Accessory uses shall occupy no more than four hundred (400) square feet of building area.

### 3. Buffering Requirements:

- a. Fences and screening in accordance with Article Eighteen of this Ordinance may be required by the Planning Commission to mitigate potential negative impacts on adjacent properties.
- b. The outdoor storage of trash or rubbish shall be screened in accordance with Section 18.09.

### 4. Performance Standards:

- a. Sanitary facilities/restrooms shall be provided on the site per the requirements of the Health Department.
- b. All watercraft access sites shall conform with Parts 301 and 801 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, and all other applicable county, state, and federal regulations.
- c. Any boat launching ramp shall be constructed with quality hard surfaced materials to withstand anticipated use and maintained in good condition.
- d. The slope of a boat launching ramp to and into the water shall not be more than one (1) to three (3) and shall be long enough to allow all wheels of a vehicle and its trailer to be on a hard surface while loading and unloading a boat or other watercraft.
- e. All loading and unloading of a motorized boat or other watercraft into the water shall take place at an approved boat-launching ramp.
- f. If there is no boat launching ramp, site use shall be restricted by sign to launching non-motorized watercraft only.
- g. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.

## **VVV. WILD GAME SHOOTING, GAME OR HUNTING PRESERVE**

### 1. Location Requirements:

Game or hunting preserves operated for profit are permitted by Special Use Permit in the Agricultural-Residential (A-R) and Forest-Recreational (F-R) districts.

### 2. Site Requirements:

Minimum lot area shall be eighty (80) acres.

### 3. Buffering Requirements:

Minimum front, side and rear yard setbacks within which no shooting is permitted shall be two hundred fifty (250) feet.

### 4. Performance Standards:

- a. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
- b. A site plan for the hunting preserve showing the location of all proposed structures and uses shall be submitted to the Planning Commission. The site plan shall clearly indicate all safety zones

## Rapid River Township Zoning Ordinance Adopted June 2011

to assure that any missile fired within the hunting preserve shall not carry into or over an adjacent district or area.

c. The operator shall have the County Sheriff review and comment on the site plan prior to its review by the Planning Commission.

d. Rifle, shotgun and pistol ranges shall comply with the requirements for a shooting range in Section 23.10.NNN.

e. A twelve (12) foot high chain link fence shall be provided around the entire property to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a hunting area shall be clearly posted not more than fifty (50) feet apart and affixed to the fence.

f. Hours of operation shall be between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset.

g. All lighting must be shielded to prevent glare on abutting properties or roads pursuant to the requirements of Section 21.19.



Rapid River Township Zoning Ordinance  
Adopted June 2011  
**ARTICLE TWENTY-FOUR**

**PLANNED UNIT DEVELOPMENT (PUD)**

**SECTION 24.01 - DESCRIPTION AND PURPOSE**

A. It is the purpose of this Article to encourage innovation and variety in land use, design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and provide better housing opportunities particularly suited to the needs of the residents of the Township and State, provided such opportunities do not unreasonably create any adverse economic, social or environmental impact on surrounding land uses.

B. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain developments, including but not limited to condominium, townhouse, and apartment developments, these requirements might result

in design and land use arrangements with multiple buildings on a lot and a design less in the interest of public health, safety and welfare than if a controlled degree of flexibility in the regulation of land development were allowed. The Planned Unit Development (PUD) is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Zoning Ordinance and for other uses not so provided. It is a discretionary review and approval procedure that results in an approved development if all standards of this Article are met and denial if they are not. The

zoning district does not change if a PUD is approved, but like a special land use, an approved PUD has all the rights and privileges of an approved use by right as long as all conditions attached to the approval are complied with.

C. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

**SECTION 24.02 - OBJECTIVES**

A. The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning and development of such PUD:

1. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, river and lake shorelines, floodplains, hills and similar natural assets.
2. To encourage the provision of open space and the development of recreational land, where included in the site plan, other support facilities in a generally central location within reasonable distance of all living units. Developments having water frontage should be so designed to preserve public vistas where possible.
3. To encourage developers to use a more creative and imaginative approach in the development of areas.
4. To encourage underground utilities which can be more efficiently designed when master planning a larger area.
5. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and subsequently approved by the Township.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

6. To promote flexibility in design and permit planned diversification in the location of structures.
7. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
8. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
9. To ensure a quality of construction commensurate with other new developments within the Township.
10. To ensure there is a recognizable and substantial benefit to the community achieved by the PUD.

### SECTION 24.03- AREA REGULATIONS

A. Setbacks - Minimum yard restrictions of the zoning district in which the project is located shall be maintained around the perimeter of the project.

B. Open Space - Required open space shall be dedicated to the public or set aside for common use of the owners and users within the PUD so that there are assurances that the required open spaces shall remain open. Required open space shall conform with the requirements of Section 24.08.

C. Dwelling Units: Maximum Density and Minimum Open Space by District- The minimum lot size and density of dwelling units shall be as established on Table 15-1, Schedule of Regulations, Section 15.01A. PUDs shall have no less than the following percentages of open space by zoning district as measured according to Section 24.08:

Residential(R) =	50%
Lakefront-Residential(L-R) =	50%
Resort-Residential(R-R) =	50%
Agricultural-Residential(A-R) =	50%
Forest-Recreation(F-R) =	50%.

### SECTION 24.04- ELIGIBILITY REQUIREMENTS

A. No PUD shall be approved unless the applicant through written submittal, and the Planning Commission through certification of written findings, demonstrates that the land use and development meet the following eligibility requirements and the standards set forth in Section 24.06:

1. Compliance with the dimensional, open space and density standards in Section 24.03 and Section 24.08 and the use standards of the district in which it is located, along with such other uses as may be approved through the PUD review and approval process.
2. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the Township. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning district taking into consideration the reasonably foreseeable detriments of the proposed development and use(s); including, without limitation:
  - a. the long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis;
  - b. reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.
  - c. the provision of additional amenities which would not otherwise be provided in a

# Rapid River Township Zoning Ordinance

## Adopted June 2011

conventional development, including but not limited to more usable open space.

3. All land for which application is made must be owned or under control of the applicant(s) and the parcel must be capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the Planning Commission.

4. The PUD shall remain under the control or authority of a single individual, corporate or organizational owner who is authorized to administer the PUD. Elimination of a single authority, such as by sale of part of the PUD shall not occur without approval of a site plan amendment.

### **SECTION 24.05 - APPLICATION REVIEW AND APPROVAL PROCEDURES**

A. An application for a PUD shall be submitted and acted upon in accordance with the following procedures:

1. Pre-application Conference - Persons considering submitting an application for a PUD shall first schedule a meeting with the Zoning Administrator and not more than two Commission, including the chairperson, or in his or her absence, the vice-chairperson, to go over the general concept, density and intensity of the proposed PUD. The potential applicant shall have a plot plan showing generally the desired areas for development, open space, access and any other facilities. The plot plan should be at scale but not detailed like a site plan. The potential applicant shall present the draft plot plan and be informed of the procedures for application, review and approval of a PUD and site plan therefore.

2. Application- Applications for a PUD shall be submitted twenty-four (24) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with Section 27.04.

3. Required Information- An application for a PUD shall be accompanied by the following documents and information:

a. A PUD application form supplied by the Zoning Administrator which has been completed in full by the applicant.

b. A site plan as specified in Article Twenty-Five.

c. A statement with regard to compliance with the objectives of a PUD stated in Section 24.02, the eligibility requirements of Section 24.04, the criteria required for approval in Section 24.06, and other criteria imposed by this Ordinance affecting the PUD under consideration.

4. Public Hearing - Upon receipt of a complete application for a PUD, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the PUD application. A notice shall be published in a newspaper which circulates in the County and sent by mail or personal delivery to the owner or owners of the property, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) nor more than twenty (20) days before the date the application will be considered. The notice shall:

a. Describe the nature of the PUD application.

b. Indicate the property which is the subject of the PUD application.

c. State when and where the PUD application will be considered.

d. Indicate when and where written comments will be received concerning the application.

5. Review and Approval - Within a reasonable time following the public hearing, provided all materials are complete, the Planning Commission shall review the application for a PUD, comments received at the public hearing, the site plan, and other materials submitted in relation to

# Rapid River Township Zoning Ordinance

## Adopted June 2011

the application, and make a decision to either deny, approve, or approve with conditions, the PUD application in accordance with the purpose and objectives of this Article, the eligibility requirements of Section 24.04, the criteria for approval stated in Section 24.06, the open space requirements of Section 24.08, as well as such other standards contained in this Ordinance which relate to the PUD under consideration. The Planning Commission shall prepare a written report stating its findings and conclusions on the request for a PUD, and any conditions relating to an affirmative decision. Upon the approval, or approval with conditions, by the Planning Commission, the applicant may apply for Preliminary Plat approval, if applicable, from the Township Board in which the proposal is located.

6. Planned Unit Development Permit. Following final approval of a PUD site plan and final approval of the engineering plans by the County Engineer, or an engineer hired by the Township to review the PUD, a permit may be obtained from the Zoning Administrator provided the applicant has obtained all other applicable County, State or Federal permits.

7. Continuing Adherence to Approved Site Plan: Any property owner who fails to develop and maintain an approved PUD according to the approved site plan shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties for same.

8. Recording of Action. The applicant shall record an affidavit which has received the approval of the County Attorney with the County Registrar of Deeds for the County in which the property is located, containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved PUD site plan unless an amendment is adopted by the Township. In addition, a copy of all deed restrictions and easements filed with the Registrar of Deeds of the County in which the property is located shall be presented to the Township Zoning Administrator. See also Section 25.09.

9. Amendments. Amendments to an approved site plan for a PUD shall be processed according to the procedure in Section 25.10.

10. Scheduled Phasing. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

11. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

### **SECTION 24.06 - BASIS OF DETERMINATION**

A. The Planning Commission shall apply the following standards, impose any conditions or grant any waivers as provided below:

1. General Standards -The Planning Commission shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall approve a PUD only upon finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

a. The PUD shall be consistent with the Township Master Plan.

b. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will create a pleasant pedestrian scale outdoor environment.

c. The PUD shall not change the essential character of the surrounding area.

d. The PUD shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- e. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned improvements have already been scheduled for completion.
- f. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
- g. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems.
- h. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.
- i. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion and all vegetation shall be maintained continuously in a healthy living condition.
- j. The design of the PUD shall exhibit a reasonable harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use or facade materials is to be discouraged but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
- k. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- l. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
- m. The PUD shall meet the standards of other governmental agencies, where applicable.

2. Conditions- The Planning Commission may impose conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval and shall be enforced by the Zoning Administrator.

3. Waiver of Planned Unit Development Standards. The Planning Commission, may waive any of the standards for a PUD contained in this Article or other applicable standards elsewhere in this Ordinance, where all of the following findings are documented along with the rationale for the decision:

- a. No good public purpose will be achieved by requiring conformance with the standards the applicant seeks to have waived.
- b. The spirit and intent of the PUD provisions will still be achieved.
- c. No nuisance will be created.

### **SECTION 24.07 - FEES**

The applicant shall submit a formal application to the Zoning Administrator, along with a fee as specified in Section 27.04.

### **SECTION 24.08- OPEN SPACE REQUIREMENTS**

A. The following open space requirements apply in PUDs:

1. The total areas of dedicated open space open to property owners or lessees within the PUD

## Rapid River Township Zoning Ordinance Adopted June 2011

shall equal not less than the percent of the parcel specified in Section 24.03 subsection C). Dedicated open space does not include parking lots, roads and public rights-of-way. Dedicated open space may include floodplain areas, but no more than thirty (30) percent of the required dedicated open space may be wetlands and no more than twenty (20) percent of the required dedicated open space may be submerged on a year-round basis.

2. All land within a development that is not devoted to a dwelling unit, individual yard in a lot, or the undivided portion of a condominium project, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation or conservation, or preserved in an undeveloped state.

3. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is reviewed and approved by the Township Attorney, such as: recorded deed restrictions, covenants that run with the land, transfer to a nonprofit land trust, a recorded conservation easement such as that provided in the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MSA. 399.251) or dedication to and acceptance of the open space by the Township or other public entity. Such conveyance shall assure, unless the land is dedicated to the Township and accepted by it, that the Township will not be liable for any uses or activities occurring within the dedicated open space and that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use unless mutually agreed by the written consent of the Planning Commission and the property owner or Association. Such conveyance shall also:

- a. Indicate the proposed allowable use(s) of the dedicated open space.
- b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space in the manner specified in the PUD approval.
- c. Provide standards for scheduled maintenance of the open space.
- d. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- e. Bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the PUD.

4. Eighty (80) percent of the dedicated open space must be contiguous.

5. All dedicated open space must be a minimum of twenty (20) feet wide.

6. Dedicated open space must be easily accessible from all residences.

7. The dedicated open space shall remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited.

8. Any structure(s) or building(s) accessory to a recreation or conservation use may be erected within the dedicated open space, if a part of the approved PUD. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1) percent of the dedicated open space area unless the Planning Commission determines, that additional open space used for an accessory building or structure will significantly benefit the users of the project more than the loss of the open space will harm them or abutting property owners.

9. Sidewalks, bike paths and trails shall be provided in the dedicated open space area and shall be designed and constructed to be linked to sidewalks, bike paths and trails on abutting property or public rights-of-way.

### **SECTION 24.09- NONRESIDENTIAL USES OF A PUD**

A. Limited nonresidential uses or structures may be established as part of a PUD provided that the following standards are complied with:

1. Not more than five (5) percent of the portion of the PUD used for residential purposes may be used for nonresidential development.

2. The Planning Commission must make written findings, that such nonresidential uses will not

# Rapid River Township Zoning Ordinance

## Adopted June 2011

significantly increase traffic in the area, will not reduce the value of adjacent homes, structures and uses, will not create unnecessary noise, dust, odors, lights, sound or other nuisances to adjacent properties, and shall materially improve the quality of the PUD.

3. The nonresidential use of the PUD must be located with direct access to a year-round public maintained road.

### **SECTION 24.10- APPEAL TO CIRCUIT COURT**

An appeal on a decision by the Planning Commission to approve, deny or approve with conditions a PUD may be taken to Circuit Court, and may not be appealed to the Board of Appeals.

### **SECTION 24.11- RESERVED FOR FUTURE USE**

### **SECTION 24.12- HARDSHIP PLANNED UNIT DEVELOPMENT**

A. Intent and Purpose: It is the intent of this Section to provide a site specific administrative remedy to allow reasonable use of property in those limited instances in which a property owner demonstrates to the Township Board that (1) the applicant's property cannot be used for the purposes permitted in the zoning district, (2) the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and use would not alter the essential character of the area, and (4) the applicant's problem has not been self-created.

If and when a property owner meets such four-part threshold burden of proof, it is not intended that any use may then be approved. Rather, this Section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable use of property on the particular site, taking into consideration the objective of achieving compatibility and high quality development.

In order to satisfy the finality requirement dictated by the Michigan Supreme Court in Paragon Properties Company v City of Novi, a property owner shall not be required to seek variance relief at the Zoning Board of Appeals if relief is sought and denied under this Section. An application under this Section also represents a waiver of the right to request a use variance from the Zoning Board of Appeals.

B. Application Requirements: In addition to the information required for other variance requests, an application for a Hardship PUD shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:

1. Applicant's property cannot be used for the purposes permitted in the zoning district.
2. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
3. Applicant's suggested use would not alter the essential character of the area.
4. Applicant's problem has not been self-created.

At the end of each statement (B.1, B.2, B.3, and B.4) above, identify all persons who will appear at the hearing with respect to each of the facts, and, separately, identify all persons who will appear at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).

### C. Pre-Hearing Conference

1. Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.
2. The purposes of the pre-hearing conference shall be to:
  - a. Review the procedure for the hearing and identify all persons who will appear (directly or through affidavit) and the evidence to be offered on behalf of the applicant.
  - b. Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.
  - c. Explore a means of providing relief to the applicant by way of non-use variance from the Zoning Board of Appeals.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- d. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing.
3. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.
4. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated above.

### D. Hearing Procedure

1. The applicant shall have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the four factors set forth in Section 24.12.B. 1-4 3.

#### 2. Manner of Presentation

a. Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue.

b. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits; however, the chairperson of the Township Planning Commission may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the Township Planning Commission may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the Township

Planning Commission to ask questions of such witnesses.

c. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.

d. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a **full** picture, including all relevant information, is before the Township Board for consideration as it relates to the specific application presented.

e. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal presentation.

f. At the hearing, the Township Board may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the Township Board. When questions of procedure arise during the hearing, the Supervisor of the Township Board may solicit the recommendation of the representatives of both the applicant and the community.

g. If a hearing is not completed at a given meeting within the time period allowed by the Township Board, the Township Board shall adjourn the hearing to a date certain for continuation.

### E. Decision of the Township Planning Commission

1. The Township Planning Commission may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.



## Rapid River Township Zoning Ordinance Adopted June 2011

2. At the conclusion of the hearing, the Township Planning Commission may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.

3. If the Township Planning Commission determines to grant a Hardship PUD, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. The motion may include conditions that are authorized by law.

4. If the Township Planning Commission adopts a motion to grant a Hardship PUD, such motion may be made as a tentative grant of relief, subject to review by the Planning Commission, planning director/consultant, engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the Township Planning Commission, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE TWENTY-FIVE SITE PLAN REVIEW

### SECTION 25.01 PURPOSE

The intent of this Section is to provide for consultation and cooperation between the applicant and the Township Planning Commission in order that the applicant may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent roads and highways, and on existing and future uses and the environment in the immediate area and vicinity. It is further the intent of this Section that where a site plan is required, the size, shape, placement and design of buildings, parking lots, landscaping, fencing and related changes to a lot or parcel are all made consistent with a site plan which is submitted and reviewed to establish conformance or nonconformance with the requirements of this Ordinance and any other applicable local, county, state or federal regulations. To these ends, specific data submittal requirements, review procedures and standards to guide review and approval of site plans are set forth.

### SECTION 25.02 - USES REQUIRING SITE PLAN APPROVAL

A. The Zoning Administrator shall not issue a Zoning Permit, nor shall the Building Official issue a building permit for any principal use listed below, nor for any accessory use on a lot or parcel for which site plan approval was previously granted or is required, until a site plan covering the entire lot or parcel has been reviewed and approved:

1. The Planning Commission shall review and approve, deny, or approve with conditions all site plans involving the following, except those provided in Section 25.02.A.2 and 25.02.8 below:
  - a. Any new principal use or any expanded principal use requiring more than ten (10) parking spaces in any district;
  - b. All uses requiring a Special Use Permit as specified in each zoning district, except Section 23.10.A1.
  - c. All new or substantially redeveloped uses within the Commercial (C-1) District, the General-Industrial (G-1) District, and the Light-Industrial (L-1) District, and for erection of new principal buildings on all public lands.
  - d. All Planned Unit Developments.
  - e. Or as required elsewhere in this Ordinance. **Added by amendment # 15-01 adopted May 2015**
2. The Zoning Administrator, or the Planning Commission when requested by the Zoning Administrator, shall review and approve, deny, or approve with conditions site plans for expansion of all uses listed in Section 25.02.A.1(c) that are under 20% of the existing structure size, and all expansions requiring less than ten (10) new parking spaces.

B. The Zoning Administrator, or Planning Commission when requested by the Zoning Administrator, may waive Site Plan Review and action thereon where:

1. a change of use requires no new buildings or structures, no expansion in area or height of existing structures or buildings and no new parking;
2. an expansion of an existing use involves only the erection of an accessory structure of a size and location that meets all applicable nondiscretionary standards of this Ordinance or minor building alterations in the discretion of either the Zoning Administrator or Planning Commission;
3. all such waivers are recorded by the Zoning Administrator in a log, along with the rationale for the waiver.

### SECTION 25.03 -APPLICATION PROCEDURES

A. All land for which site plan approval is sought must be owned or under the control of the applicants who must have a majority ownership interest if there is more than one owner. The

# Rapid River Township Zoning Ordinance

## Adopted June 2011

Zoning Administrator may research the parcel ownership and if unsatisfied that the applicant(s) have the majority ownership interest in the property, may require proof thereof. No review of a site plan application may proceed if the Zoning Administrator is unsatisfied that an application has been filed by a person(s) with a bona fide majority ownership interest in the parcel.

B. An application for preliminary or final Site Plan Review or for a major amendment to a previously approved site plan, along with the required fee, and seven (7) copies of the preliminary or final site plan to be reviewed shall be submitted to the Zoning Administrator at least fourteen (14) days prior to the date of the Planning Commission meeting at which the review is to be conducted.

C. An application for Site Plan Review by the Zoning Administrator for projects covered by Section 25.02A.2, along with the required fee and five (5) copies of the site plan to be reviewed shall be submitted to the Zoning Administrator. No application shall be processed until it contains all the information required by this Ordinance and all required fees are paid. An application which is incomplete shall be returned to the applicant.

D. All information depicted on a preliminary or final site plan shall be prepared by, or under the direct supervision of a professional engineer, architect, land surveyor, or landscape architect licensed in Michigan or an AICP or PCP certified professional community planner as indicated by the signature and seal of the professional. This requirement may be waived by the Zoning Administrator for site plans involving only accessory structures or minor building alterations as documented by the Zoning Administrator in the official log of waivers.

E. The Zoning Administrator shall record the date of the receipt of all materials. When all required materials have been received and are determined by the Zoning Administrator to be complete, the Zoning Administrator shall conduct a review of the site plan, attempt to resolve areas of noncompliance and concern with the applicant, and then for projects covered by Section 25.02.A.1, forward the application, the preliminary or final site plan, and the review thereof to the Planning Commission prior to the meeting at which it will be considered.

F. The Zoning Administrator shall review and approve or approve with conditions, all other site plans within thirty (30) days, unless the Zoning Administrator requests Planning Commission input prior to approval. The Zoning Administrator shall document, prior to approval of any site plan within his or her authority to approve, that conformance with the site plan submittal requirements applicable to final site plans in Section 25.06 and the standards in Section 25.05 have been met. The authority granted to the Planning Commission in Section 25.07 also rests with the Zoning Administrator on those site plans (s)he has the authority to approve.

**Part B amended by amendment# 15-01 adopted May 2015**

### **SECTION 25.04 - PRELIMINARY SITE PLAN REVIEW AND SUBMITTAL REQUIREMENTS**

A. Preliminary plans may be submitted for review to the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the degree to which the proposed preliminary site plan conforms with Ordinance requirements prior to incurring extensive engineering and other costs which might be necessary to receive final site plan approval. The Planning Commission shall review a preliminary site plan and make recommendations to the applicant at a regular Planning Commission meeting based on the purposes, objectives and requirements of this Ordinance and, specifically, the standards in Section 25.05 when applicable. In addition to the property owners and applicant's full name, address, telephone, fax and E-mail numbers and signature(s), as well as those of the preparer of the site plan, the following data is required to be depicted on every preliminary site except if waived by the Zoning Administrator:

1. Legal description of the property.,
2. Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area.
3. A generalized map showing any existing or proposed arrangement of:
  - a. Streets.
  - b. Lots.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

- c. Access points and parking areas.
  - d. Other transportation arrangement.
  - e. Buffer strips, landscaping, screening and fenced areas.
  - f. Natural characteristics, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, wetlands, hills, and similar natural assets.
  - g. Signs- location and lighting.
  - h. Buildings.
  - i. Easements.
  - j. Type and location of sewage and waste disposal facilities and water supply facilities existent or proposed for installation.
4. Sketch building elevations.
5. A narrative describing:
- a. The overall objectives of the proposed development
  - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/ or private streets and drives, recreational and open space.
  - c. Dwelling unit densities by area, number and type. Total number, type and square footage of structures by structure that are not dwelling units; employees by shift and related information as pertinent or otherwise required by this Ordinance.
  - d. Proposed method of providing sewer or septic and water service, as well as other public and private utilities.
  - e. Proposed method of providing storm drainage.
  - f. Proposed method of re-vegetating open land areas, both pre-existing and newly created, to a stable condition.
  - g. Applications made and approvals received, including all conditions, from other County, State and Federal authorities, as well as any that have not yet been granted or have been denied.
  - h. Project completion and phasing schedule. The concept for all phases after the first shall be submitted along with the site plan for the first (or the current) phase.
  - i. A description of any existing deed restrictions of record.

B. In addition to the above, said applicant shall submit a fee in accordance with Section 27.04 to cover the normal and specially incurred expenses of the Planning Commission. For site plans reviewed by the Planning Commission, one-half of said fee shall be paid upon submission of the preliminary site plan and the balance upon submission of the final site plan. Fees for all other Site Plan Reviews shall be paid upon submission of the site plan.

### **SECTION 25.05 - STANDARDS FOR REVIEW OF PRELIMINARY AND FINAL SITE PLANS**

A. Prior to approval of any preliminary or final site plan by the Planning Commission, or by the Zoning Administrator, conformance with the following standards shall be ascertained:

- 1 Ingress and egress to the property and proposed structures shall provide motor vehicle and pedestrian safety and convenience, efficient traffic flow and control, and easy access in cases of fire, catastrophe or emergency. Site plans shall fully conform with the driveway and cases of fire, catastrophe or emergency. Site plans shall fully conform with the driveway and traffic safety standards of the Michigan Department of Transportation and the Kalkaska County Road Commission. Sidewalks, bicycle paths and/or a trail system linking the property to abutting property, trails, or public rights-of-way shall be provided where such other facilities exist or are planned.
2. Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present significant noise, glare, odor or other nuisance effects on adjoining properties and properties in the proposed development.
3. Public sewer or septic system, water supply and storm drainage shall be sited in locations which provide suitable availability and compatibility with adjacent uses and structures. Site plans shall fully conform with the requirements of the Michigan Department of Public Health and the County Health Department.
4. The type, dimensions and character of open spaces, landscaping, screening and lands and waters. Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties. See Article 18.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

5. Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be aesthetically pleasing, compatible and in harmony with signs, structures and uses of adjoining properties. See Article 19.
6. The number, size and height of dwellings, buildings and structures, as well as their locations with reference to required yards shall be compatible with existing or planned development in the area and shall be designed consistent with all applicable fire and safety codes.
7. Proposed uses and structures shall be generally compatible with adjacent properties.
8. The site plan shall be consistent with the general purposes and spirit of this Ordinance and the Master Plan of the Township.
9. The applicant may be required by the Planning Commission to place property corner stakes and building corner stakes as a condition to the review of a final site plan.
10. Garbage storage and disposal and recycling bins shall be designed to ensure no vermin Or rodent infestation and easy access to facilities which are screened from view from the road or abutting properties when not in use. See Article 18.
11. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances from entering the soil or water including:
  - a. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
  - b. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
  - c. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
  - d. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
  - e. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Dept. of Environmental Quality.
  - f. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Dept. of Agriculture.
12. Earth moving activities necessary to reshape land consistent with the site plan shall be in compliance with requirements of the Natural Resources and Environmental Protection Act, PA 451 of 1994, and the County Soil Erosion and Control requirements. They shall also minimize: soil erosion and sedimentation, alteration of protected wetlands and floodplains and negative impacts on related natural features, as applicable.

"12" amended by amendment# 15-01 adopted May 2015

B. The site plan shall fully conform with this Ordinance, and all applicable County, State and Federal statutes, rules and regulations.

### **SECTION 25.06- FINAL SITE PLAN SUBMITTAL REQUIREMENTS**

A. In addition to the property owners and applicant's full name, address, telephone, fax and Email numbers, and signature(s) as well as those of the preparer of the site plan, the following data, and such items as may be requested by the Planning Commission from its review of the optional preliminary site plan is required to be depicted on every final site plan submitted for review and approval, except if waived by the Zoning Administrator:

1. Legal description of the property and a survey including plat or condominium subdivision name, lot numbers, property lines including angles, dimensions, and a reference to a section corner, quarter corner, or point on a recorded plat. Include a copy of any existing deed restrictions or previous zoning approval which limits use of the property, as well as any proposed deed

# Rapid River Township Zoning Ordinance

## Adopted June 2011

restrictions, or in the case of a condominium development, the proposed master deed.

2. Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area including driveway locations of uses across the street.

3. A map at a scale not to exceed one (1) inch equals two hundred (200) feet (1" = 200') with a north arrow. The following items shall be shown on the map:

- a. Existing zoning classification of the site and surrounding properties and any variances to be requested.
- b. Name, address and seal of the preparer and date site plan was prepared or last updated.
- c. The topography of the site at a minimum of two (2) foot intervals and its relationship to adjoining land.
- d. Existing man-made features and existing natural features, including all trees and woods on site and all drains, streams, lakes, ponds, floodplains, and similar features on the site with an indication as to which will be retained and which will be removed or altered by earth changes.
- e. Dimensions of yards, setbacks, locations, heights and size, use and shape of all buildings and structures. Lot area, lot coverage, floor area, floor elevation, and building height by side of building shall all be indicated.
- f. Location and width of alleys, sidewalks, easements and street rights-of-way, indicating proposed access routes, acceleration, deceleration, special right or left turn lanes, parallel access drives, internal circulation, and relationship to existing rights-of-way. The inside radii of all curves including driveway curb returns shall be indicated. All proposed traffic control measures (including signs) and the name of proposed streets or drives shall also be indicated.
- g. Proposed grading, drainage systems, on-site retention and detention basins, and the direction of drainage flow.
- h. Location and type of drainage, sanitary sewers, storm sewers, water, electric and gas lines and any other utilities as well as any easements that exist or are proposed for the installation, repair and maintenance of utilities. Any septic systems, drain fields, dry wells, catch basins, water wells (active or abandoned), and underground storage tanks (active or abandoned) shall also be indicated, as well as the point of discharge for all drains and pipes.
- i. Location and type of open space and recreational areas, fences, landscaping, buffer strips, and screening on a landscape plan which includes the following:
  - 1) Location, spacing, size, and root type [bare root (B/R) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
  - 2) Minimum scale: 1" = 200'.
  - 3) Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
  - 4) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
  - 5) Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
  - 6) Identification of existing trees and vegetative cover to be preserved.
  - 7) Identification of grass and other ground cover and method of planting.
  - 8) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.
- j. Location and type of signs and on-site lighting. See Article Nineteen.
- k. Proposed parking areas and drives including maneuvering lanes, loading areas and surface materials. Parking areas shall be designed showing individual spaces and shall conform with the provisions of Article Seventeen.
- l. Existing and proposed trash receptacles and dumpsters and the location and specifications of any proposed *above* or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

m. Dimensions and number of proposed lots or condominium units.

n. Any other information necessary to establish compliance with County Ordinances.

4. Building elevations.

5. A narrative describing the items indicated in Section 25.04(5) as pertinent to final Site Plan Review. In addition, a statement and other evidence or proof by the applicant of present and future compliance with the criteria required for approval in Section 25.05, and any other pertinent standards of this Ordinance.

B. The applicant may be required by the Planning Commission to place property stakes and building corner stakes.

### **SECTION 25.07- PLANNING COMMISSION PUBLIC HEARING, SITE PLAN REVIEW AND APPROVAL PROCEDURES**

A. Site plans which are a part of a special use or Planned Unit Development request shall have a public hearing preceded by notice as specified in those sections. No separate or additional public hearing is necessary. Nor shall review of any other site plan required by this Ordinance require a public hearing, but the Planning Commission may conduct one if it desires to.

B. After conducting a public hearing, the Planning Commission shall either approve, deny, or approve with conditions the site plan based on the standards listed in Section 25.05 and any other pertinent requirements of this Ordinance. Any conditions required by the Planning Commission shall be shown on the site plan, as well as stated in writing and delivered to the applicant. The Planning Commission shall document its conclusions, the rationale for the conclusions, and if an application is denied, but approval appears feasible, what must be done to obtain approval.

C. Further, the Planning Commission is empowered to require a performance bond, certified check, irrevocable letter of credit, and/or cash bond in the amount equal to the estimated cost of improvements associated with the project per the requirements of Section 21.30.

D. Each development for which site plan approval is required shall be under construction within one (1) year after the date of final approval by the Planning Commission. If said applicant does not fulfill this provision, the Commission may grant a sixty (60) day extension, provided the applicant has an opportunity, preceded by at least ten days' notice, to present reasonable evidence, which is discussed at a public meeting of the Planning Commission, to the effect that said development has encountered unforeseen difficulties but is then ready to proceed.

Should neither of the aforementioned provisions be fulfilled or a sixty (60) day extension has expired without construction underway, the site plan shall be null and void. It may be reconsidered only upon reapplication and payment of all fees.

E. Upon approval of said site plan, the Zoning Administrator shall sign and date four (4) copies thereof. One (1) signed copy shall be made part of the Planning Commission's files, one (1) shall be forwarded to the Building Official for issuance of a building permit. The third copy shall be returned to the applicant and the fourth to the Township in which the project is located. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals relative to the property for which site plan approval was granted, the minutes concerning the variances, duly signed and dated, shall also be filed with the Planning Commission records as a part of the approved site plan and a copy delivered to the applicant.

### **SECTION 25.08 - CONDITIONAL APPROVALS**

A. As provided in the County Zoning Act, PA 183 of 1943, as amended, site plans for uses requiring a special use permit, Planned Unit Developments or other discretionary approvals, including those of the Zoning Board of Appeals, may be approved with reasonable conditions.

B. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

C. A site plan shall be approved if it contains the information required and is in compliance with this Zoning Ordinance and with the conditions imposed pursuant to this Ordinance, other applicable Ordinances, and

# Rapid River Township Zoning Ordinance

## Adopted June 2011

State and Federal statutes.

D. Decisions rejecting, approving, or conditionally approving a site plan or other discretionary approval shall be based upon requirements and standards contained in this Zoning Ordinance, other applicable Ordinances, and State and Federal statutes.

E. Once the site plan is approved and properly signed, any necessary Special Use Permit, Planned Unit Development permit, Zoning Permit, or building permit may be issued.

### **SECTION 25.09 - RECORDING CONDITIONS WITH REGISTRAR OF DEEDS**

A. At the direction of the body or official making the final decision to approve or approve with conditions a Planned Unit Development, uses subject to a special use permit, variance or other discretionary approval authorized by this Ordinance, or as otherwise may be specified by this Ordinance, or at the discretion of the Zoning Administrator, the approval or approval with conditions may be recorded with the County Registrar of Deeds (unless this Ordinance requires for the specific activity that the conditions shall be recorded). The following requirements shall be met with each recording along with any other pertinent requirements in this Ordinance:

1. The applicant shall record an affidavit with the County Registrar of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved site plan or variance unless an amendment thereto is adopted by the Township. In addition, all deed restrictions and easements associated with the property shall be duly filed with the Registrar of Deeds of the County in which the property is located and copies of all recorded documents shall be presented to the Zoning Administrator.
2. Record of Agreement: A copy of any agreement between joint users of parking areas shall be filed with the application for a building permit and recorded with the Registrar of Deeds of Kalkaska County. The agreement shall include a guarantee for continued use of the parking facility by each party. A copy of all recorded documents shall be presented to the Zoning Administrator.
3. All documents to be recorded with the County Registrar of Deeds shall be first reviewed and approved as to form and content by the Township Attorney.

### **SECTION 25.10- SITE PLAN AMENDMENT**

No changes shall be made to an approved Site Plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures:

A. Minor changes to an approved Site Plan involving changes of a few feet in the location of buildings and structures, utilities, walkways, traffic-way, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall keep an accurate record of all such changes made and send a copy of the record of each change to the Planning Commission within seven (7) days.

B. Major changes or amendments to an approved Site Plan involving change in the number and location of accesses to public streets or roads, a reduction in the number of parking spaces, a major relocation of a building, and increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved and subject to a finding of all of the following:

1. Such changes will not adversely affect the initial basis for granting approval;
2. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in the approved application; and
3. Such changes shall not result in any significant reduction of open space area as required herein.

### **SECTION 25.11- CONFORMITY TO APPROVED SITE PLANS**

Property which is the subject of site plan approval must be developed in strict compliance with the



## Rapid River Township Zoning Ordinance Adopted June 2011

approved site plan and any amendments thereto which have received the approval of the permit issuing authority. If construction and development does not conform with such approved plans, the owner shall be cited with a violation of the Ordinance and notified that following a hearing, the permit may be revoked. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

### **SECTION 25.12- APPEALS OF SITE PLAN DECISIONS**

An appeal of a site plan decision made by the Zoning Administrator may be taken to the Board of Appeals in the same manner as other administrative decisions. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any decision by the Zoning Administrator, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the County, or State. The Board of Appeals shall state the grounds of each determination. An appeal of a site plan decision by the Planning Commission may be taken to Circuit Court but may not be taken first to the Board of Appeals.

### **SECTION 25.13- AS BUILT SITE PLANS**

Once a project for which a site plan was approved is completed, two (2) sets of "as built" site plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bike paths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of receipt of a Zoning Permit (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets and/or large buildings are involved.

Rapid River Township Zoning Ordinance  
Adopted June 2011  
**ARTICLE TWENTY-SIX**

**RESERVED FOR FUTURE USE**

**Rapid River Township Zoning Ordinance  
Adopted June 2011  
ARTICLE TWENTY-SEVEN**

**ADMINISTRATION**

**SECTION 27.01- ZONING ADMINISTRATION**

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Township Board for such term and subject to such conditions as may be so stated. He or she shall hold office at the pleasure of the Board, and receive such compensation as shall be determined by the Board.

The Board may also appoint a Deputy Zoning Administrator under such term, and such compensation as the Board may deem desirable, to work under and assist the Zoning Administrator in the discharge of the duties of the office.

**SECTION 27.02- DUTIES AND POWERS OF THE ZONING ADMINISTRATOR**

The Zoning Administrator shall enforce this Ordinance, and in furtherance thereto:

A. All applications for Zoning Permits, Temporary Zoning Permits (see Section 21.17), Certificates of Zoning Compliance, Special Use Permits, Planned Unit Development permits, variances, appeals, requests for Ordinance interpretation and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who shall issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.

B. The Zoning Administrator shall not approve any plans or issue any Zoning Permits for any excavation or construction until he or she has reviewed such plans in detail and found them to conform with this Ordinance. The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. The Zoning Administrator shall seek an administrative search warrant through the County Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.

C. Maintain permanent and correct records of this Ordinance including but not limited to maps, amendments, Special Use Permits, variances and appeals. These shall be filed in the office of the Zoning Administrator and shall be open for public review.

D. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.

E. Investigate all applications for variances and Special Use Permits and report his or her findings to the jurisdictional agency.

F. Initiate appropriate action to prevent, restrain, correct or abate any illegal act or violation of this Ordinance.

G. The Zoning Administrator shall maintain a log of all Zoning Permits requested and granted under this Ordinance and all complaints or identified violations cited and the action taken on each. The Zoning Administrator shall report to the Township Planning Commission at intervals not greater than monthly, summarizing for the period since the last previous report, all Zoning Permits issued and all complaints of violation, violation citations, and any action taken on each complaint and violation notice.

H. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. Wherever the Zoning

# Rapid River Township Zoning Ordinance

## Adopted June 2011

Administrator is specifically authorized to waive a provision in this Ordinance or to make a discretionary decision, he/she shall document the waiver or the discretionary decision and the reason.

I. The Zoning Administrator shall contact the Department of Environmental Quality on questions related to proposed development on or adjacent to state or federally owned land, in wetlands or known floodplains. Any questions on the relationship of state permit requirements or procedures relative to that authorized by this Ordinance shall be raised. Copies of permit applications, requests for variances, appeals or changes to regulations shall be forwarded to the appropriate individuals along with a request for a reply in a timely manner.

J. The Zoning Administrator shall maintain a log of all waivers requested and granted under this Ordinance (see standards in Section 27.05). The log shall include the waiver requested, the applicable section of the Ordinance under which authority for the waiver is found, the decision, and the rationale for the decision. A list of waivers granted shall be transmitted once each month to the Planning Commission and Zoning Board of Appeals for as long as requested by either the Planning Commission or Zoning Board of Appeals.

K. The Zoning Administrator shall prepare, maintain and update as necessary a procedures manual for the conduct of all responsibilities delegated by this Ordinance and related ordinances of the Township.

### **SECTION 27.03- BUILDING PERMITS, ZONING PERMITS, PLOT PLANS, TEMPORARY ZONING PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE**

A. Excavation for a building or structure shall not begin; the erection, addition to, alteration of, or moving of any building or structure shall not be undertaken, or any land shall not be used, or an existing use of land shall not be changed to a use of a different type or class, until a Zoning Permit has been secured from the Zoning Administrator. No building permit shall be issued by the County Building Official nor shall a Zoning Permit be issued until the Zoning Administrator determines the proposed use of land and/or building complies with all the requirements of this Ordinance, including where a Special Use Permit is necessary which first must be approved in compliance with the requirements of Article Twenty-Three. The Zoning Administrator shall issue a Zoning Permit, on application therefor, when it is determined the use of land complies with all the provisions of this Ordinance.

B. Plot Plans: The Zoning Administrator shall require that all applications for uses or structures requiring a Zoning Permit, except those for which Site Plan Review is required, shall be accompanied by plans and specifications, including a plot plan, in triplicate, drawn to scale, showing the following information, unless waived by the Zoning Administrator:

1. The actual shape, location, and dimensions of the lot. If a question arises on these, then a property survey may be required.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structures already on the lot.
3. The existing and intended use of the lot and all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed. The Zoning Administrator shall refuse to accept any plot plan that is unreadable, poorly drawn, not to scale, or does not include the information specified above.
5. In addition, copies of applications for the following approvals shall accompany an application for a Zoning Permit:
  - a. Sanitary Sewer or Septic Approval: In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, and when public sanitary sewage service are available, a written notice of acceptance or hook-up fee receipt shall be required, or when sanitary sewer is not available, a report from the County Health Department certifying in writing the approval of a private sanitary sewage disposal system.
  - b. Water Supply Approval: A written notice of acceptance or hook-up fee receipt shall be required except when no public water is available, in which case, a report from the County Health Department, certifying approval of private water supply systems shall be provided.

C. Zoning Permits

## Rapid River Township Zoning Ordinance Adopted June 2011

1. No land clearing, filling or excavation shall be initiated, no building shall be erected, altered, moved or structural alterations initiated until a Zoning Permit has been issued except as otherwise permitted in this Ordinance.

2. Any permit granted under this Section shall become null and void after twelve (12) months from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of the pendency of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective. The permit may be renewed by the Planning Commission for not more than two (2) additional years without reapplication and without payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal. If sufficient progress is not made following an extension of a permit, the Planning Commission may refuse another extension.

3. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. Cancellation of a permit issued for a special land use, Planned Unit Development or variance shall not occur before a hearing by the body which granted the permit. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

4. Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue a Zoning Permit. In any case where a permit is denied, the reasons shall be stated in writing to the applicant. No Zoning Permit shall be issued which relies upon a variance before eight (8) days have expired following the decision of the Zoning Board of Appeals.

5. It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article Twenty until a Zoning Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

6. The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, floodplain, culvert, driveway or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.

7. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance. See Section 21.29.

8. No building permit shall be issued for a new building or structure, one moved, altered, or repaired, or for the expansion of an existing building or structure, before a determination of zoning compliance has been made by the Zoning Administrator.

D. Temporary Zoning Permits (see Section 21.17 and 19.06 for temporary signs)

# Rapid River Township Zoning Ordinance

## Adopted June 2011

1. A Temporary Zoning Permit may be approved, modified, conditioned, or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Planning Commission.
2. A written Temporary Zoning Permit will be issued for all temporary uses (see Section 21.17) and shall contain the following information:
  - a. The applicant's name.
  - b. The location and effective dates of the temporary use.
  - c. Conditions specified by which the permit was issued, such as:
    - 1) use and placement of signs.
    - 2) provision for security and safety measures.
    - 3) control of nuisance factors.
    - 4) submission of performance guarantee, if required.
  - d. Signature of the Zoning Administrator on the permit.
3. The following standards shall be met before approval is granted:
  - a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
  - b. The use shall not be typically located within a permanent building or structure.
  - c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
  - d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
  - e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - f. Signs shall conform to the provisions of this Ordinance (see Article Nineteen).
  - g. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
  - h. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to ensure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
  - i. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (i 5) days may be applied for no later than three (3) days prior to the expiration date of the current permit.
4. Upon expiration or revocation of a Temporary Zoning Permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. A Temporary Zoning Permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
  - a. That circumstances have changed;
  - b. That the Temporary Zoning Permit was obtained by misrepresentation or fraud;
  - c. That one (1) or more of the conditions of the Temporary Zoning Permit have not been met;
  - d. That the use is in violation of any statute, Ordinance, law, or regulation.
5. An appeal of a decision by the Zoning Administrator relative to denial of a Temporary Zoning Permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals

# Rapid River Township Zoning Ordinance

## Adopted June 2011

pursuant to Article Twenty-Nine of this Ordinance.

6. The Zoning Administrator may require a performance guarantee pursuant to the standards of Section 21.29.

### E. Certificates of Zoning Compliance

No land shall be occupied or used and no building shall be used or changed in use until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the building and its intended use complies with the provisions of this Ordinance.

1. Certificates for Existing Buildings: Certificates of Zoning Compliance may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, such uses of land are in conformity with the provisions of this Ordinance. Where the certificate is issued for a building, or use not in conformity with this Ordinance, the certificate shall specify the degree of nonconformity including but not limited to use type, use intensity, structures, and dimensions.

2. Certificates for New or Changed Uses: All uses permitted in this Ordinance by Zoning Permit, Special Use Permit, Site Plan Approval, or Planning Unit Development Permit, shall not be occupied or used until a Certificate of Zoning Compliance is issued by the Zoning Administrator.

a. Application for Certificates of Zoning Compliance shall be in writing to the Zoning Administrator on a form furnished for that purpose, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

b. If such certificate is refused for cause, the applicant shall be mailed a notice of such refusal and cause thereof, within the aforesaid five (5) day period.

### SECTION 27.04- FEE SCHEDULE AND ESCROW ACCOUNT FOR ZONING FEES

A. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:

1. Zoning Permits and Certificates of Zoning Compliance.
2. Special Use Permits.
3. Subdivision and/or land division review by the Planning Commission under Section 15.02.
4. Appeals to or request for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Township Planning Commission, the Zoning Administrator or an official Township Body shall not be subject to a zoning fee.
5. Classification of unlisted property uses.
6. Requests for Variances from the Zoning Board of Appeals.
7. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board, the Township Planning Commission or an official Township Body shall not be subject to a zoning fee.
8. Site Plan Reviews.
9. Requests for a Planned Unit Development (PUD) or a hardship PUD.
10. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning

# Rapid River Township Zoning Ordinance

## Adopted June 2011

Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

B. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or the Zoning Board of Appeals equal to the estimated additional costs. The Planning Commission and/or Zoning Board of Appeals may establish procedures for setting the fees for special professional reviews and delegate this responsibility to the Zoning Administrator. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the Appeal. Any unexpended funds held in escrow shall be returned to the Applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the Applicant and shall be paid prior to the issuance of any permit or the release of a final decision on an appeal.

### **SECTION 27.05- ADMINISTRATIVE WAIVER**

A. Authority and Limit of Waiver: The Zoning Administrator is hereby authorized to grant administrative waivers to the provisions of this Ordinance in an amount not to exceed a ten percent (10%) variation from the site development standards, parking and loading requirements, sign requirements, lot width-to-depth ratios and the specific dimensional-, area-, and similar provisions and requirements contained in Articles Three through Seventeen of this Ordinance unless a larger amount is specifically permitted elsewhere. This authority does not extend to waiver or consideration of different land uses than those expressly permitted within a zoning district.

B. Criteria: Upon receipt of a request for an administrative waiver, the Zoning Administrator shall prepare a report of the situation and all factual data concerning the site in terms of:

- (1) what the situation would be if developed pursuant to the standards stated in this Ordinance;
- (2) what the situation would be if the administrative waiver were granted;
- (3) what impacts, if any, on the public and neighboring property owners would result if the administrative waiver were granted; and
- (4) the conclusion on the waiver request and the rationale for that conclusion.

No administrative waiver shall be granted if doing so would create a nuisance or result in significantly more noise, odor, dust, bright or flashing lights, or similar impact on the public or abutting property. Decisions rendered by the Zoning Administrator shall be in the form of a letter which states specifically a determination on each of the items listed above. An appeal on any administrative waiver may be made by any affected person to the Zoning Board of Appeals within eight (8) days following the decision. No decision by a Zoning Administrator on an administrative waiver shall be effective until after this eight (8) day period has passed.

All abutting property owners shall receive notice of any administrative waiver request and when a decision is expected to be made, prior to a determination by the Zoning Administrator. Abutting property owners may file a written statement on the administrative waiver request with the Zoning Administrator, but the decision of the Zoning Administrator shall be based on the standards contained in this section, or other section of this Ordinance if specific to a waiver.



## Rapid River Township Zoning Ordinance Adopted June 2011

C. Log of Waivers: All waivers shall be recorded in a log pursuant to the requirements of Section 27.02.J).

D. Appeals: The decision of the Zoning Administrator on a waiver may be appealed to the Board of Appeals pursuant to Section 29.03.A of this Ordinance.

E. Copy of Waiver Decision: A copy of each waiver decision shall be promptly provided to each member of the Planning Commission and the Zoning Board of Appeals, unless the respective bodies ask to no longer receive a copy.

### **SECTION 27.06- APPEALS TO THE ZONING BOARD OF APPEALS**

Any decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals (see Section 29.03.A). All written records of the Zoning Administrator related to an appeal shall be provided to the Zoning Board of Appeals. The Board shall review the decision in light of the applicable procedures and standards in the Ordinance and overturn the decision of the Zoning Administrator only where the facts do not support the decision made.

### **SECTION 27.07- PUBLIC NOTICES**

All public notices required to be mailed under this Ordinance shall go to the name and address of property owners on record with the Kankaska County Equalization Department, unless another name and address has been filed with the Zoning Administrator for a particular application.

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE TWENTY-EIGHT**

**VIOLATIONS AND ENFORCEMENT**

**SECTION 28.01 - NUISANCE *PER SE***

Any land, dwelling, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance *per se*.

**SECTION 28.02- VIOLATIONS**

Any person, partnership, limited liability company, corporation or association who creates or maintains a nuisance per se as defined in Section 28.01 above or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. The Township Zoning Administrator and Sheriff's Department are hereby designated the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**SECTION 28.03- EACH DAY A SEPARATE OFFENSE; RIGHTS AND REMEDIES**

Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE TWENTY-NINE ZONING BOARD OF APPEALS

### SECTION 29.01 - CREATION AND MEMBERSHIP

There shall be created a Township Zoning Board of Appeals with no fewer than three (3), if the population of the Township is less than 5000, the members of which shall be appointed by the Township Board for staggered terms, as provided by MCLA 125.3601 Zoning Enabling Act, PA 110 of 2006, as amended. All members shall be chosen from electors residing in the Township. The compensation of the Zoning Board of Appeals shall be fixed by the Township Board.

This Section amended by amendment# 15-01 adopted May 2015

### SECTION 29.02- MEETINGS

A. Meetings of the Board of Appeals shall be held at the call of the Chairperson, and at such other times as the Board may specify in its rules of procedure. A majority of the total membership present shall comprise a quorum. The Board shall maintain a record of its proceedings, which records shall be filed in the office of the Zoning Administrator, as well as in the office of the Township Clerk, and shall be a public record.

B. All members of the Board of Appeals shall vote on every matter (no abstentions) unless a member of the Board has a conflict of interest. A member of the Board shall request to be disqualified from a vote in which the member has a conflict of interest. The member shall state the nature of the conflict of interest and the Board shall vote whether to excuse the member from participation because of a conflict of interest. Failure to raise an issue of conflict of interest prior to discussion and vote on a matter before the Board, shall constitute misfeasance in office for which the member may be removed, following a hearing.

C. Conflict of interest may include, but is not limited to considering property a Board member owns or has a legal or financial interest in or adjacent property; considering a request by a party a Board member has close ties with, such as a relative, friend, boss, co-worker or neighbor. The fundamental issue is whether the member of the Board believes he or she can objectively consider the request before the Board.

### SECTION 29.03 - DUTIES AND POWERS

#### A. Powers: Majority Control; Right to Appeal

The Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning map. The Board of Appeals may establish rules and regulations to govern its procedure. It shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of a majority of all members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the township, county or state. The grounds of every such determination shall be stated.

#### B. Time to Appeal and Matter of Taking Appeal: Transmission of Record

Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the Zoning Administrator and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

#### C. Stay Pending Appeal

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

# Rapid River Township Zoning Ordinance

## Adopted June 2011

be granted by the Board of Appeals or by the circuit court, on application, on notice to the Zoning Administrator and on due cause shown.

### D. Hearing and Determination of Appeals; Determination not Final

1. When an application for hearing or appeal has been filed with the required data, in proper form, and the fee paid, the secretary of the Board shall immediately place the said application or appeal upon the calendar for hearing and cause to be served notices stating the time, date, place, and purpose of the hearing. Such notice shall be published in a newspaper which circulates in the county and sent by mail or personal delivery to the owners of the property, to all persons to whom real property within 300 feet of the premises in question is assessed and to the occupants of all structures within the said 300 feet. The names of owners shall be determined from the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. The notices shall be given not less than fifteen (15) nor more than twenty (20) days prior to the hearing. The secretary of the Board shall also cause a copy of the notice to be provided to the Zoning Commission. For appeals of a Zoning Administrator decision, notification requirements shall comply with those specified in Section 604 of the Michigan Zoning Enabling Act.
2. Any interested party may appear and be heard at such hearing in person or by agent or attorney. Upon the date for hearing any application or appeal, the Board may adjourn the hearing in order to obtain additional information, or to cause service of such further notice as it deems proper. In the case of an adjourned hearing, persons previously notified and persons already heard at the hearing need not be notified of the resumption of the hearing, if the motion to adjourn contains the time, date and place for the resumption of the hearing.
3. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done. The decision of the Board of Appeals may be appealed in circuit court on questions of law and fact by any person having an interest affected by this Ordinance.

### E. Variance Standards

Prior to authorizing any variance from Ordinance requirements (including but not limited to lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign regulations) the Zoning Board of Appeals shall ensure that all the standards listed below are met and that the record of proceedings of the Zoning Board of Appeals contains evidence supporting each standard. The Zoning Board of Appeals shall find:

1. That the variance:
  - a) will be in harmony with the general purpose and intent of this Ordinance;
  - b) will not cause a substantial adverse effect upon surrounding property or property values and the use and enjoyment of property in the neighborhood or district.
  - c) If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
2. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
3. That unnecessary hardships or practical difficulties exist which prevent carrying out the strict letter of this Ordinance. These unnecessary hardships or practical difficulties shall not be deemed economic, but shall be evaluated in terms of the characteristics of a particular parcel of land.
4. That practical difficulties exist because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
5. That the unnecessary hardship, or practical difficulties which exist because of unique circumstances or physical conditions, do not result from actions of the applicant.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

6. That the variance will relate only to property under control of the applicant.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
8. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a Temporary Zoning Permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards.

### F. Conditions of Approval

1. In authorizing a variance, the Board may impose specific conditions regarding the location, character, fencing, buffering or landscaping, or such other design changes as are reasonably necessary for the furtherance of the intent and spirit of this Ordinance and to ensure the protection of the public interest and abutting properties (see for example the landscaping standards in Article Eighteen, and those in Section 25.08 on Conditions). Such conditions shall be based on standards in this Ordinance designed to minimize or mitigate the impacts of one land use on another, or to protect the public health, safety or general welfare. To ensure compliance with such conditions, the Board may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond per the requirements of Section 21.29.

### G. Expiration of Authorization:

1. If the variance is granted or if the issuance of the Zoning Permit is finally approved, or other action by the appellant or applicant is authorized, the necessary permit(s) shall be secured and authorized action begun within twelve (12) months after the date when the variance is granted or the issuance of the permit is approved by the Board.
2. Should the appellant or applicant fail to obtain the necessary permit or permits within the twelve (12) month period, or having obtained the same, fail to commence work thereunder within the same twelve (12) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, and abandoned his appeal or his application, and all permissions, variances, and permits granted to him shall be deemed automatically rescinded by said Board.
3. Before permission is actually rescinded, the Zoning Administrator shall notify the property owner of the pendency of such voiding action by sending a notice to the owner at the address indicated on the permit or variance at least ten (10) days before such voidance is effective. The permit may be renewed for not more than two (2) additional months but without payment of the original fee, subject to the provisions of all Ordinances in effect at the time of renewal.

## **SECTION 29.04- PROCEDURES**

### A. Adoption of Procedures

The Board of Appeals shall fix rules and regulations to govern its procedures in accordance with the provisions of Section 601 of the Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended.

### B. Written Requests

All appeals and requests for variances, or ordinance interpretations over which the Board has jurisdiction shall be filed in writing accompanied by such fee as provided in Section 27.04.

### C. Decision Time

All appeals shall be made within thirty (30) days from the date of any decision constituting the basis for appeal. Upon hearing of such appeals, the Board may affirm, change or modify the ruling, decision, or determination, or in lieu thereof make such other or additional determination as it shall deem proper under the circumstances. The Board shall return its decision to the appellant in writing within fourteen (14) calendar days after a request or appeal has been heard unless in the opinion of the Board, an extension of time is necessary to review or gather additional information pertinent to making a decision. The Planning Commission shall be provided with a copy of every decision of the Zoning Board of Appeals at the same time the appellant is notified of the decision.

# Rapid River Township Zoning Ordinance Adopted June 2011

## D. Reapplication

No application for variances, ordinance interpretation or appeals which has been denied shall be resubmitted within one (1) year from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid by the Board or the Zoning Administrator.

## E. Rehearing

No request for rehearing or reconsideration of an application denied by the Zoning Board of Appeals shall be granted except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon review by the Board or the inspection by the Zoning Administrator to be valid. A rehearing or reconsideration shall be processed in the same manner as the original application, including a new fee unless it is initiated by the Zoning Board of Appeals or Township Board. A request for rehearing shall be made within eight (8) days of the decision of the Zoning Board of Appeals. No Zoning Permit shall be issued which relies upon a variance before eight (8) days have expired following the decision of the Zoning Board of Appeals.

## **SECTION 29.05 -APPEALS REGARDING SEXUALLY ORIENTED BUSINESSES**

All appeals to the Zoning Board of Appeals which relate to sexually oriented businesses will be processed pursuant to Article Twenty-Nine to the extent the provisions of this Article do not conflict with that portion of Article Twenty-Three, Section 23.02 J. (2). If any provision of Article Twenty-Nine does conflict with Section 23.02 J., the latter shall control.

## **SECTION 29.06 - REVIEW BY CIRCUIT COURT**

A. The decision of the Zoning Board of Appeals shall be final. However, any party aggrieved by the decision may appeal to the Circuit Court for the County of Kankaska provided that the appeal is filed within which of the following deadlines comes first:

- (a) Thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson; or
- (b) Twenty-One (21) days after the Zoning Board of Appeals approves the minutes of its decision.

B. The Circuit Court shall review the record and decision of the Zoning Board of Appeals to ensure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by the Board of Appeals.

C. If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board of Appeals, the Court shall order further proceedings before the Board of Appeals on conditions which the Court considers proper. The Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.

D. As a result of the review required by this section, the Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals.

**Part A amended by amendment # 15-01 adopted May 2015**

# Rapid River Township Zoning Ordinance Adopted June 2011

## ARTICLE THIRTY AMENDMENTS

### SECTION 30.01 -INITIATION OF AMENDMENTS

A. The regulations and provisions stated in the text of this Ordinance and the boundaries of Zoning Districts shown on the Zoning Districts Map of Rapid River Township may be amended pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

B. Amendments may be initiated by the Township Board, the Township Planning Commission, a representative of another governmental entity, or by petition of one (1) or more persons having an interest in the property to be affected by the proposed amendment.

C. The applicant shall submit a formal petition to amend the zoning ordinance on a form established for that purpose to the Zoning Administrator along with the necessary fee. The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or incomplete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission. The application shall include the applicant's name and address, the applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner. If a rezoning is proposed, the application shall include a legal description of the property proposed for rezoning; a scale map of the property clearly showing the location of the property; and the desired change and reasons for such change. The reasons shall address all the factors in Section 30.03.

D. The Planning Commission may authorize the preparation of a proposed amendment to be considered if the written request does not come in the form of an application, or if the Planning Commission independently desires to propose ordinance text to be amended or parcels to be rezoned. The Planning Commission may prepare an alternative to any application which has been submitted, if in the opinion of the Planning Commission it is in the public interest to do so. If an alternative is proposed, both the original application and the alternative shall be considered at the same public hearing.

### SECTION 30.02 - PUBLIC HEARING

The Township Planning Commission shall conduct at least one (1) public hearing on each petition for amendment.

A. Notice of the time and place of which shall be given by publication in a newspaper of general circulation in the County, the first to be printed not less than fifteen (15) days before the date of such hearing.

B. Not less than fifteen (15) days' notice of the time and place of such hearing shall be given by mail to all public utility companies and to railroads within the district affected.

C. Each notice shall include:

1. The date, time and place of the hearing;
2. Action proposed;
3. Area affected (if rezoning); and
4. Place and time where the Ordinance can be examined and further information on a proposed amendment obtained.

D. For rezonings, a notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question. Such notices shall include the places and times at which the tentative text or map change(s) may be examined. A record of all notices prepared and sent, and to whom they are sent shall be maintained with the file of the application. The notices shall include the places and times at which the tentative text and/or any rezoning maps may be examined.

**Part D amended by amendment # 15-01 adopted in 2015**

### SECTION 30.03- FINDING OF FACTS REQUIRED

# Rapid River Township Zoning Ordinance

## Adopted June 2011

A. In reviewing any petition for a zoning amendment, the Township Planning Commission shall identify and evaluate factors relevant to the petition and shall report its findings in full, along with its resulting recommendations (including any recommended modifications to the petition) for the proper disposition of the petition to the Rapid River Township Board. The factors to be expressly considered by the Township Planning Commission shall include, but shall not be limited to the following:

1. What, if any, identifiable conditions related to the petition have changed which justify the amendment?
2. What, if any, error in judgment, procedure, or administration was made in the original ordinance which justifies the amendment?
3. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the amendment?
4. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?
5. On a rezoning, does the petitioned amendment adversely affect the environmental conditions or value of the surrounding property?
6. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built; such as:
  - a. surface water drainage problems;
  - b. waste water disposal problems;
  - c. adverse effect on surface or subsurface water quality; and
  - d. the loss of valuable natural resources such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land.
7. Does the proposed district change comply with the adopted Rapid River Township Plan? If not, and if the proposed zoning change is reasonable, in light of all other relevant factors, then the Plan should be amended before the requested zoning amendment is approved.
8. If a specific property is involved, can the property in question be put to a reasonable economically feasible use in the zoning district in which it is presently located?
9. Is another procedure, such as a variance, special use or Planned Unit Development procedure a more appropriate alternative than a rezoning?

B. In determining the degree to which a rezoning request conforms with the factors listed above, the Township Planning Commission may solicit information and testimony from officials in other public offices including, but not limited to, the following agencies:

1. County Health Department
2. County Road Commission
3. County Drain Commissioner
4. Any school district affected
5. Any County agency
6. Any State or Federal agency or office with an interest in the proposed change
7. Any professional or firm hired by the Township to provide a review or comments on the proposed amendment.
8. Any local government affected.

### **SECTION 30.04 CONSIDERATION BY THE RAPID RIVER TOWNSHIP BOARD**

After receiving the recommendations of the Township Planning Commission, the Rapid River Township



# Rapid River Township Zoning Ordinance

## Adopted June 2011

Board, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment. The Township Board shall make no change in the proposed amendment without first referring the petition back to the Planning Commission, which shall have thirty (30) days from and after such referral in which to make a further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that a petition is referred back to the Planning Commission, the Township Board shall make mention of the specific provisions or problems on which they desire further study. Action on an amendment shall be by ordinance, requiring a roll call vote.

### **SECTION 30.05 - RESERVED FOR FUTURE USE**

### **SECTION 30.06- EFFECTIVE DATE OF AMENDMENT**

Unless a registered elector residing in the zoning jurisdiction of Rapid River Township files with the clerk of the Township Board a notice of intent to file a petition as allowed under Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, an amendment shall take effect upon the expiration of seven (7) days after publication of a notice of adoption as provided in Section 30.07, or at such later date as may be specified by the Township Board.

### **SECTION 30.07- PUBLICATION OF NOTICE OF ORDINANCE AMENDMENTS**

A. Following adoption of amendments to this Ordinance by the Rapid River Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the County within fifteen (15) days after adoption and shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

### **SECTION 30.08 - OPTIONS UPON DENIAL OF AMENDMENT REQUEST**

A property owner whose amendment or rezoning request is denied may file an appeal with Circuit Court. If the property owner alleges that the denial of the amendment has the result of leaving the property owner with no reasonable or economically viable use of the property, then the property owner shall exhaust their administrative remedies before seeking judicial review in Circuit Court. This may include requesting a Hardship PUD pursuant to the requirements of Article Twenty-Four, Section 24.12.

### **SECTION 30.09- RESUBMITTAL**

No application for a rezoning which has been denied by the Rapid River Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Rapid River Township Board to be valid.

### **SECTION 30.10- RECONSIDERATION**

No request for rehearing or reconsideration of an application denied by the Rapid River Township Board shall be granted except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon review by the Township Board to be valid. A rehearing or reconsideration shall be processed in the same manner as the original application, including a new fee unless it is initiated by the Planning Commission or Rapid River Township Board. A request for rehearing shall be made within eight (8) days of the decision of the Rapid River Township Board. No Zoning Permit shall be issued which relies upon a rezoning before eight (8) days have expired following the decision of the Rapid River Township Board.

Rapid River Township Zoning Ordinance  
Adopted June 2011

**SECTION 30.11 -COMPREHENSIVE REVIEW OF ZONING ORDINANCE**

The Planning Commission should in the year 2014 and at intervals of not more than five (5) years thereafter, examine all the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Rapid River Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE THIRTY-ONE**

**RESERVED FOR FUTURE USE**

Rapid River Township Zoning Ordinance  
Adopted June 2011  
**ARTICLE THIRTY-TWO**

**DEFINITIONS**

**SECTION 32.01 -RULES APPLYING TO THE TEXT**

A. For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary. The particular shall control the general.
2. The word "person" includes a partnership, trust, corporation or firm as well as an individual.
3. The word "building" includes the word "structure" and any part thereof.
4. The word "lot" includes the word "plot," "tract," or "parcel."
5. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
7. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them. A dictionary may be consulted.
10. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended.
11. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Legal holidays include New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas.

**SECTION 32.02 - DEFINITIONS**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

**ACCESSORY BUILDING OR STRUCTURE:** A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building. When "accessory" is used in this Ordinance, it shall have

# Rapid River Township Zoning Ordinance

## Adopted June 2011

the same meaning as accessory use. An accessory use includes, but is not limited to the following:

1. Domestic or agricultural storage in a garage, barn, shed, tool room, or similar accessory building or other structure.
2. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
3. Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
4. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
5. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
6. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
7. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
8. Residential accommodations for servants in single-family dwellings.
9. Swimming pools for the use of the occupants of a residence or their guests.
10. Except as otherwise provided by this Ordinance, an accessory building or accessory structure shall not be used for human habitation or as a dwelling. This includes a garage, shed, pole barn, roofed over basement or any other accessory structure except a cottage or second dwelling that is specifically constructed for human habitation. (See also "primary or principal use").

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

**ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 20% or more of sales volume or occupies 20% or more of the floor area or visible inventory within the establishment.

**ADULT CABARET:** A nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of specified anatomical areas or by

# Rapid River Township Zoning Ordinance

## Adopted June 2011

specified sexual activities;

3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**ADULT FOSTER CARE FACILITY:** Adult foster care facilities provide shelter and care for individuals with special needs in single family dwellings for more than six (6) persons but less than twelve (12) persons, or in larger facilities when more persons are assisted. These are all state-regulated facilities. See regulations in Section 23.10.B. Common names and thresholds for various adult foster care facilities follow:

Group Home: A facility which provides adult foster care for more than six (6), but not more than twenty (20) adults.

Group Day Care Home: A private home in which more than six (6), but not more than twelve (12), children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Congregate Facility: A facility which provides adult foster care for more than twenty (20) adults.

**ADULT MOTEL:** A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

**ADULT MOTION PICTURE THEATER:**

A commercial establishment, which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATER:** A theater, concert hall, auditorium or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.

**AGGRIEVED PERSON/PARTY:** A person who is in a position to suffer some special damage, such as the threat of unique harm to a neighboring property.

**ALTERNATIVE TOWER STRUCTURE:** Any structure which, if intended to be used to locate an antenna or tower, may accommodate the presence of said antenna or tower, including, but not limited to man-made trees, clock towers, bell steeples, water towers, light poles and silos.

**ALTERATIONS:** Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of the building; and enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another. Once done, the building or structure may be referred to herein as "altered" or "reconstructed".

**ANTENNA:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio

# Rapid River Township Zoning Ordinance

## Adopted June 2011

frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**APARTMENT:** A room or combination of rooms in a multiple family dwelling, including bath and kitchen facilities, arranged and designed for use as a dwelling by a single family.

**BASEMENT:** That portion of a building which is partly or wholly below finished 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. A basement shall not be counted as a story (see Figure 32-1). A cellar is a basement.

**BED AND BREAKFAST INN:** A single family, owner-occupied dwelling unit in which transient guests are provided a sleeping room and board for compensation as an accessory use of the one-family dwelling. A continental or American breakfast, lunch and/or dinner may be served to overnight guests only. A bed and breakfast inn has ten (10) or less sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family.

**BENEFIT, RECOGNIZABLE AND SUBSTANTIAL:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of the proposed development and use(s), including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

**BERM:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity. A mound established to meet requirements of the County Health Department as part of the discharge area for a septic system is not a berm.

**BILLBOARD:** A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure". Said signs are subject to the requirements of PA 106 of 1972, as amended, as well as the requirements of this Ordinance.

**BOARD OF APPEALS OR ZONING BOARD OF APPEALS:** Rapid River Township Zoning Board of Appeals.

**BOARD, TOWNSHIP BOARD:** Rapid River Township Board.

**BUFFER STRIP:** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer strip and may be so required by this Ordinance.

**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 or for the conduct of business. This shall include but is not limited to: tents, inflatable structures, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

**BUILDING OFFICIAL:** The appointed officer of the County Board of Commissioners to implement the building code in Kalkaska County.

**BUILDING LINE (or REQUIRED SETBACK LINE):** A line defining the minimum front, side and rear yard

# Rapid River Township Zoning Ordinance

## Adopted June 2011

setback requirements outside of which no building or structure may be located.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which it is located unless specifically permitted by this Ordinance.

**CAMPGROUND:** Means any parcel or tract of land under the control of any person wherein sites are offered for 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 five (5) or more recreational units including recreational trailers, travel trailers or tents.

**CAMPSITE:** An area designated for the exclusive, temporary use of a single recreational unit.

**CARPORT:** A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

**CEMETERY:** Property, including crematories, mausoleums, and/or columbaria, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

**CHANGE OF USE:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the Building Code, as amended.

**CHANGEABLE MESSAGE BOARD:** A sign which identifies a business, institution or organization on the premises of which it is located and which contains the name of the business, institution or organization, the names of individuals connected with it, and a portion of the sign which periodically changes including general announcements of events or activities occurring at the institution or similar messages such as products on sale, the price of a product or a special service opportunity. Time and temperature electronic signs are permitted, but not other electronic sign messages.

**CHILD CARE ORGANIZATION:** Any governmental or non-governmental organization having as its principal function the receiving of minor children for care, maintenance, training and supervision, notwithstanding whether educational instruction may be given, and organizations commonly described as child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes or day care homes.

**CHURCH:** See Place of Worship.

**CLUB:** An organization of persons or a group of persons associated for a common purpose or the special purpose of promoting or engaging in sports, hunting, recreational and social activities, arts, sciences, literature, politics or the like, but not operated for profit and open only to members and not to the general public.

**CO-LOCATION:** The location of more than one antenna on a tower or alternative tower structure when said antenna is not owned by the same entity.

**COMMUNICATION TOWER OR TELECOMMUNICATION TOWER:** All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals/ including, but not limited to radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS) and cellular telephone towers. Not included in this definition are citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.

**CONDOMINIUM PROJECT:** Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).



# Rapid River Township Zoning Ordinance

## Adopted June 2011

**CONDOMINIUM MASTER DEED:** See MASTER DEED.

**CONDOMINIUM SUBDIVISION:** A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Act of 1967, Public Act 288 of 1967, as amended.

**CONDOMINIUM SUBDIVISION PLAN:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**CONDOMINIUM UNIT:** Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

**CONFLICT OF INTEREST:** Participation by a member of the Zoning Board of Appeals, Planning Commission, or Rapid River Township Board in a public hearing, lobbying, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or close friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance.

**COUNTY HEALTH DEPARTMENT:** The District Health Department established pursuant to the State Public Health Code, P.A. 368 of 1978, as amended, that provides service to Kankaska County.

**DECK:** An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade. (See Section 21.10.G.)

**DEED RESTRICTION:** A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Registrar of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

**DENSITY:** The number of dwellings or dwelling units per net acre of land. Density is established by the minimum lot size standards in each district as listed on Table 15-1. A minimum lot size of one acre equals a density of one dwelling unit per acre. A minimum lot size of 10 acres equals a density of one dwelling unit per 10 acres. A minimum lot size of 12,000 square feet equals a density of one dwelling unit per 0.275 acres or 3.63 dwellings per acre. The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, shall be calculated by taking the total gross acreage of the parcel and subtracting the area in rights-of-way for streets and roads. (See Figure 32-6 and definitions of Lot Area, Gross and Lot Area, Net). If a parcel description includes no area in a right-of-way, or access easement, or none will be included on a lot proposed for creation, then a net acre equals a gross acre.

**DETACHED ACCESSORY DWELLING STRUCTURE:** a small (under 900 ft/structure, providing independent living facilities with permanent provisions for sleeping, and sanitation, and possibly for cooking and eating; on the same lot, detached from the principal dwelling on a parcel, but owner-occupied, and generally intended for use by guests or family. Such structures are often described as "mother-in-law cottages" or "guest houses". See definition of Dwelling.

**DEVELOPMENT:** A parcel of land with one or more structures and a legal use.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

**DISTRICT OR ZONE:** An area of land for which there are uniform regulations adopted as part of this Ordinance governing the use of buildings and premises, density of development, yard requirements, and height bulk and area limitations.

**DRIVE-IN:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

**DRIVEWAY:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the County, the County Road Commission or State of Michigan (depending on which entity exercises authority over the street from which driveway access is derived).

**DUPLEX:** A dwelling consisting of two separate single family units. A house with a smaller single apartment shall not be considered a duplex.

**DWELLING:** A single unit building or portion thereof providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**DWELLING, ONE-FAMILY:** A dwelling designed for occupancy by one (1) family.

**DWELLING, MULTIPLE-FAMILY:** A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

**EFFICIENCY UNIT:** A dwelling consisting of one (1) room and having such facilities as kitchen, closets, bathrooms, and hallways in or immediately adjoining such room.

**EQUINE BOARDING STABLE:** A facility for the storage and care of horses and other members of the equine animal family. When operated for a profit, the following definitions apply:

1. BOARDING STABLE - Rental space and daily care for a fee.
2. TRAINING FACILITY- A facility for training of horses, provision of riding lessons, clinics and otherwise general education involving horses.
3. BREEDING FACILITY- A facility used for breeding and raising horses for profit.
4. RIDING ACADEMIES- Boarding, lodging and tourist homes,
5. TIME RENTAL RIDING FACILITY- Ranch/farm type operation where customers come and rent equine animals for riding.

**ERECTED:** Includes built, constructed, reconstructed, located, moved upon, excavated or any physical operation on the premises intended or required for a building or structure. Fill, drainage and general property improvements shall not be considered as erection unless done in conjunction with placement of a structure.

**ESCORT:** A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions or boards, of underground, surface, or overhead gas, electrical, steam, fuel, sewer, storm sewer or water transmission, collection or distribution systems; telephone, communication, supply or disposal systems; including such poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, convenience or welfare of the public, but not including water towers, or office buildings, substations, or structures which are enclosures or structures for service equipment, or maintenance depots, or grounds for the storage of vehicles or equipment. Communication towers and telecommunication towers or facilities, alternative tower structures and oil or gas pipelines or post-wellhead processing or transfer facilities are not included within the definition of essential services.

**EXCAVATION:** Any breaking of ground, except common household gardening and ground care.

**EXISTING BUILDING:** A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

**EXISTING USE:** A use of premises or buildings or structures actually in operation openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

**FAMILY:** An individual, or two (2) or more persons related by blood, marriage or adoption, together with not more than three (3) persons not so related, occupying a dwelling unit and living as a single nonprofit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.

**FARM:** A parcel of land containing at least five (5) acres which is principally used for gain in the raising of agricultural products, livestock, poultry, or dairy products and includes necessary farm structures and the storage of equipment used on the farm.

**FENCE:** A structure artificially constructed as a barrier and made of wood, metal, stone, brick, or various manufactured materials which is usually erected for the enclosure of yard areas or the perimeter of property.

**FLOOD PLAIN:** That area subject to inundation by a river and/or stream and its tributaries based on a reasonable flood expectancy as determined by flood history. Unless otherwise documented by detailed hydrological studies, the flood plain shall be identified by a competent engineering study.

**FLOOR AREA, USABLE** (For the purposes of computing parking): That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used, or intended to be used, principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, janitorial services, or for utilities or sanitary facilities shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**FOOTPRINT:** The area of land occupied by the foundation of a building and does not include appurtenances like porches unless they are on a permanent foundation.

**GASOLINE SERVICE STATION:** Any land, building, or structure used for retail sale of motor vehicle fuels, oils, or accessories, or installing or repairing minor parts and accessories, but not including repairing or replacing motors, or fenders or painting motor vehicles.

**GRADE, AVERAGE:** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (see Figure 32-3).

**GRADE, FINISHED:** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

# Rapid River Township Zoning Ordinance Adopted June 2011

**GRADE, NATURAL:** The elevation of the ground surface before man-made alterations associated with a proposed project.

**HAZARDOUS SUBSTANCE:** means one of the following:

1. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
2. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
3. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103 (g)(ii) **amended by amendment # 15-01 adopted May 2015**
4. "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(g)(ii).

**HEIGHT (BUILDING):** In the case of a principal building, the vertical distance measured from the average finished grade in the front yard to the highest point of the roof surface; (see Figure 32-2). A cupola, widow's watch or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall be determined as the greatest vertical distance from the average finished grade of any side to the highest point of the roof surface (see also Section 21 11 and definition of average grade above).

**HIGH WATER MARK:** The natural or clear line impressed on the shore or bank representing the ordinary height of the water. It may be determined by bank shelving, changes in the character of the soil, destruction or absence of terrestrial vegetation, the presence of litter or debris, or a combination of the above (see also **WATER'S EDGE**).

**HOME OCCUPATION:** An occupation performed within a dwelling unit by the owner/occupier of the property or a renter/occupier that is clearly incidental to residential use, including but not limited to dressmaking, beauty shop, real estate sales, day care, bookkeeping and accounting services. Such use shall not occupy more than twenty-five (25) percent of the floor area of the dwelling unit exclusive of attic or basement. See Section 21.09.

**HOME PROFESSIONAL OFFICE:** The office of a professional person such as a doctor, lawyer, osteopath, dentist, chiropractor, or engineer and similar learned professions, when engaged in only by a resident within his or her dwelling. If the activity meets the definition of a home occupation, it shall be regulated as such (see Section 21.09). If it takes place in an accessory building or structure, and/or with the assistance of not more than two (2) outside or non-resident employees it shall be considered a residence-based occupation and regulated as such (see Section 23.10.HHH). Such use shall show no external evidence of such use or any change in the appearance of the building, or of the premises, from residential use, provided, that one illuminated but non-flashing or glaring sign not exceeding eight (8) square feet in area may be erected flat on the front wall of the dwelling for identification. See Article 19.

**HOTEL:** A building or part of a building, with a common entrance or entrances, in which rooms are rented primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

**IMPROVEMENTS:** Those features and actions associated with a project which are considered necessary by the body or official granting zoning 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 area, including, but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

**JUNKYARD:** The use of premises for storage of old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, mobile homes, wagons and other kinds of vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, old iron, machinery, rags, paper and other kind of scrap or waste material.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

### **KENNELS:**

1. A commercial kennel with less than ten (10) acres is defined as a building(s) or structure(s) where dogs and/or cats are confined and kept for selling, boarding, breeding or training purposes intended for profit. A Special Use Permit is needed to establish a commercial kennel in an R-R, F-R, C-1, L-1 or A-R Districts.

2. A private or hobby kennel is defined as a place or location where five (5) or more dogs and/or cats are kept for recreational purposes by the owners or occupants of a lot. No Special Use Permit is needed to establish a private kennel in any district in which a residence is permitted and the private kennel is an accessory use of the residence. All animals must be maintained in accordance with the Kalkaska County Animal Control Ordinance.

**Part 1 amended by amendment# 15-01 adopted May 2015**

**KEYHOLE OR FUNNEL DEVELOPMENT:** A development serving more than one (1) dwelling unit, which provides access to a waterbody, often from a comparatively narrow portion of the land comprising the development. It is often shaped like a keyhole or funnel. Most commonly, such developments have a comparatively large backlot which funnels people onto a lake through a contiguous, narrow lakefront lot. It can result in proportionally more surface water users than are contributed by other riparian's and has been documented to contribute to overuse of surface waters.

**LAND DIVISION:** Creation of a lot or parcel.

**LINE, STREET:** The dividing line between a street or road right-of-way and a lot.

**LOADING SPACE:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT/PARCEL:** Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on an approved private road (see Figure 32-4). as may be provided by appropriate ordinance. Such lot may consist of:

- a) a single lot of record;
- b) a portion of a lot of record;
- c) a combination of contiguous lots of record or portions of contiguous lots of record, or;
- d) a parcel of land described by metes and bounds;

provided that in no case shall a division or combination of any residential lot or parcel be created which does not meet the requirements of this Ordinance (see Section 20.09).

**LOT AREA, GROSS.** The area contained within the lot lines or property boundary including street right-of-way (see Figure 32-6).

**LOT AREA, NET.** The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot (see Figure 32-6).

**LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees (see Figure 32-4).

**LOT COVERAGE:** The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or less above the

# Rapid River Township Zoning Ordinance

## Adopted June 2011

finished grade) or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

**LOT OF RECORD:** A lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the Office of the Registrar of Deeds for Kalkaska County prior to the effective date of this Ordinance; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date. Any one lot of record created after the effective date of this Ordinance without frontage on any public road or right-of-way shall not be occupied without access to a public road or right-of-way and must have access provided by an easement or other right-of-way no less than 20 feet wide.

**LOT, DEPTH OF:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. (See Figure 32-5).

**LOT, FLAG:** A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. See Figures 32-4 and 32-7.

**LOT FRONTAGE:** The length of the front lot line. (See Figure 32-5.)

**LOT, INTERIOR:** Any lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (see Figure 32-4).

### **LOT LINE:**

**FRONT:** In the case of an interior lot, that line separating said lot from the street, a private road, or other access easement. In the case of a through lot, that line separating said lot from either street private road, or other access easement. In the case of a waterfront lot, the line which fronts on a navigable waterway shall be a front lot line. (See Figure 32-7).

**REAR:** The line opposite the front lot line. In the case of a through lot or a lot having frontage on more than one street, the line which is opposite the street address selected by the owner. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. (See Figure 32-7).

**SIDE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (See Figure 32-7).

**LOT, THROUGH:** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot (see Figure 32-4). In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

**LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard (also known as the front building line) intersects the side lot lines. (See Figure 32-5).

**MAJOR THOROUGHFARE:** A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is a County Primary, State Trunk line, Interstate Highway, or is classified as a "principal arterial" or "major collector" on the Street and Highway Classification Map (see Figure 32-8).

**MASTER DEED:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**MASTER PLAN:** The plan adopted by the Planning Commission pursuant to Public Act 33 of 2008, including text, maps and graphic proposals indicating the general location for streets, parks, schools,

# Rapid River Township Zoning Ordinance

## Adopted June 2011

public buildings, and all physical development of the Township, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**MINING, SURFACE:** The moving, removing, excavating, extraction, filling, dumping, depositing, or stockpiling of sand, gravel, soil, topsoil, rock, minerals, peat and other similar materials.

**MINOR THOROUGHFARE:** A public street identified as a secondary street or road on Figure 32-8.

**MOBILE HOME:** A structure, with a title issued by the State of Michigan, that is approved by the U.S. Department of Housing and Urban Development, and transportable in one (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 unit, recreational trailer or travel trailer.

**MOBILE HOME PARK:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any 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 recreational trailer or travel trailer park.

**MODULAR HOUSING UNIT:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

**MOTEL:** A building or group of buildings, whether detached or in connecting units, used or designed as individual sleeping units for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designed as "auto courts", "tourist courts", "motor courts", "motel hotels", and similar identification of integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

**NONCONFORMING LOT OF RECORD:** A lot lawfully existing at the effective date of this Ordinance or amendment thereto, and which fails to meet the area and/or dimensional requirements of the district in which it is located.

**NONCONFORMING USE:** A building, structure or use of land lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the regulations of the district or zone in which it is located.

**NUDE MODEL STUDIO:** Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

**NUDITY OR A STATE OF NUDITY:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.

# Rapid River Township Zoning Ordinance

## Adopted June 2011

3. Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

**NUISANCE:** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of nonabutting street frontage by traffic.

**OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**OPEN SPACE, COMMON:** Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development, or by others if so-authorized by this Ordinance or other municipal action.

**OPEN SPACE, DEDICATED:** Common open space dedicated as a permanent recorded easement, or other means of permanent dedication that runs with the deed.

**OVERSIZED ACCESSORY BUILDINGS:** A subordinate building or structure greater than 1,200 square feet on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

**OWNER:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his- or her duly authorized agent.

**PARK:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

**PARKING SPACES:** An area of definite length and width used for the parking of a motor vehicle. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**PERSON:** An individual, sole proprietorship, partnership, corporation, limited liability company, trust, association, or other legal entity.

**PLACE OF WORSHIP:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary buildings.

**PLANNED UNIT DEVELOPMENT:** A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

**PLANNING COMMISSION:** The Rapid River Township Planning Commission, when established under Public Act 33 of 2008.

**PLAT:** A map of a subdivision of land recorded with the County Registrar of Deeds pursuant to Public Act



# Rapid River Township Zoning Ordinance

## Adopted June 2011

288 of 1967, or a prior statute.

**PLOT PLAN:** A drawing showing the proposed placement of a new building, dwelling structure or use, or an addition to a building, structure or use on a parcel of land. See Section 27.03.8.

**PORCH:** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned.

**PRIMARY OR PRINCIPAL STRUCTURE OR PRINCIPAL BUILDING:** A building in which is conducted the main or principal use of the lot on which it is located.

**PRIMARY OR PRINCIPAL USE:** The main use to which the lot or premises are devoted. For example, the main use is residential where a single-family home is the principal structure on the lot or parcel and commercial where a retail store is the principal structure on the lot or parcel. The use of a primary or principal structure or principal building establishes the primary or principal use of a lot, not the use of an accessory structure.

**PRIVATE ROAD:** A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

**PROPERTY LINE:** The boundary between one owner and another owner's property.

**PUBLIC PLACE:** Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state. This may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element. A public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board fully authorized to furnish to the public, electricity, gas, steam, telephone, telegraph, transportation, water, sewage disposal or light.

**RECREATIONAL ACCESSORY SPACES:** Any space within an accessory building or structure that is designed for human habitation for daytime and/or nighttime uses. This space, building or structure shall not be designed for or capable of being used for an accessory apartment or dwelling.

### **RECREATIONAL UNIT:**

1. A vehicle or vehicular type structure primarily designed as temporary living quarters for recreational camping or travel use, which has its own motor power or is mounted on or drawn by another vehicle which is self-propelled.
2. A collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping out of doors. Recreational units include but are not limited to: travel trailers, camping trailers, motor homes, truck campers, slide-in campers, chassis mounted campers, fifth wheels, tents, and tent campers measuring eight (8) feet or less in width and designed to be operated on the highways without special permits.

**RECYCLING CENTER AND TRANSFER FACILITY:** An intermediate destination for solid waste, which is temporarily stored while waiting permanent disposal at another location. Also known as a transfer station, recycling station, recycling center, collection center or impoundment yard. Transfer facilities may include separation of different types of solid waste, including but not limited to newspaper, cardboard boxes, plastics and glass, junk motor vehicles or machinery, as well as aggregation of smaller shipments with larger ones. Transfer facilities may also include compaction to reduce the bulk of the waste. Transfer facilities can service garbage trucks, tow trucks, residential and small business recyclers, and receive paper, glass or plastic recyclables, impounded vehicles (whether titled or not), motor vehicle parts, farm

# Rapid River Township Zoning Ordinance

## Adopted June 2011

equipment, old appliances and similar metals. Waste, scrap materials or vehicles may be bundled, compacted and sold or merely transferred from a transfer facility. A junk yard could be approved as a transfer facility if it meets the requirements of Section 23.10.JJ, but without a Special Use Permit for a transfer facility, a junk yard is not a transfer facility.

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

**RESIDENCE-BASED OCCUPATION:** A residence-based occupation is either:

1. A home occupation performed in an accessory building (instead of principally within a residence) within two hundred (200) feet of a dwelling unit on the same lot involving the manufacture of, provision of, or sale of goods and services, in a manner which does not significantly or negatively change the residential character of the lot or parcel, as observable from the public road right-of-way or adjacent parcels (including, but not limited to, artist, wood carver, furniture maker or refinisher, clock repairer, Amway distributor, boarding of horses, and performing body-, painting-, and/or mechanical work on motorized vehicles); or
2. A home occupation which involves the performance of a service away from the site but may involve the storage of goods or equipment within accessory structures on the parcel (including but not limited to a well driller, welder, house painter, steam cleaner, maid service or caterer).

**RIGHT-OF-WAY:** A road, street, highway or other thoroughfare or easement permanently established for passage of persons or vehicles or the location of utilities.

**ROADSIDE STAND:** A "roadside stand" is a structure for the display of agricultural products, with no space for customers within the structure itself.

**SATELLITE ANTENNA:** A dish-shaped receiving device greater than three (3') feet in diameter, together with other incidental equipment related to such purpose.

**SCHOOL:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research and recreational purposes.

**SCREEN:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

**SEASONAL MOBILE HOME PARK:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home. Seasonal mobile home park does not include a campground licensed pursuant to sections 12501 to 12516 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.12501 to 333.12516 of the Michigan Compiled Laws.

**SEASONAL RECREATIONAL STRUCTURE:** A temporary or seasonal structure exempt from the minimum floor area requirements of this Ordinance. However, such structure is not intended to be used as a permanent residence and therefor is limited to seasonal use incidental to hunting, fishing and other seasonal recreational activities.

**Added by amendment# 15-01 adopted May 2015**

**SETBACK:** The required minimum horizontal distance from which any part of a building may be placed or erected from a lot line and which must be maintained as yard. Waterfront setback is the minimum required distance from the water's edge to a principal building (see definition of **water's edge**).

**SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

# Rapid River Township Zoning Ordinance

## Adopted June 2011

1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

**SEXUALLY-ORIENTED BUSINESS:** A business or commercial enterprise engaging in any of the following:

1. adult arcade;
2. adult bookstore or adult video store;
3. adult cabaret;
4. adult motel;
5. adult motion picture theater;
6. adult theater;
7. escort agency;
8. nude model studio; and
9. sexual encounter center.

**SIGN:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any street or road and used as an outdoor display.

**SIGN AREA:** The total square footage of a sign face exposed to public view.

**SIGN, FREESTANDING OR DETACHED:** A sign advertising the name of the establishment and/or goods and services available on the lot which is not attached to a principal or an accessory structure.

**SIGN, PORTABLE:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers.

**SPECIAL USE PERMIT:** A Special Use Permit is required for all special uses of land and structures so specified in the district requirements of this Ordinance.

**SPECIAL USES:** Special uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, pub services and facilities, and adjacent uses of land. Special uses are specifically designated in the district requirements.

**SPECIFIED ANATOMICAL AREAS:** Specified Anatomical Areas are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Specified Sexual Activities means and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1- through 3 above.

**SPORTSMANS CLUB:**

PRIVATE - A club for people who are interested in, or take part in, sporting activities such as hunting and fishing, operated by an individual, organization or group, and is open only to bona fide members and their

# Rapid River Township Zoning Ordinance

## Adopted June 2011

guests.

**PUBLIC-** A place where people who are interested in, or take part in, sporting activities such as but not limited to, snowmobiling, hunting, fishing, archery, skeet shooting, etc., and is operated for profit.

**STOP WORK ORDER:** An administrative order which is either posted on the property or mailed or personally delivered to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**STORY:** That part of a building, except a mezzanine included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story (see Figure 32-1).

**STORY, HALF:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'-6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

**STREET OR ROAD:** A public dedicated right-of-way, other than an alley, or an approved private road or easement which affords the principal means of access to abutting property.

**STRUCTURE:** Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground and built up or composed of parts joined together in some definite manner; this includes but is not limited to any construction such as dwellings, garages, principal and accessory buildings, mobile homes, signs and sign boards, towers, poles, antennas, satellite dishes, independently supported decks, landfill, sea walls, weirs, jetties, stand pipes or other like objects, but not including fences or anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential services

**SUBDIVISION:** The division of a lot, tract, or parcel of land into more lots for the purpose of sale or development, and subject to the requirements of Public Act 288 of 1967, as amended, this Ordinance and any applicable Ordinance adopted by Rapid River Township.

**SWAMP:** A type of wetland characterized by open water on the surface. See definition of "wetland".

**TELECOMMUNICATION TOWER:** See definition of communication tower.

**TEMPORARY USE OR BUILDING:** A use, building or structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

**TRAILERS, RECREATIONAL AND TRAVEL:** Recreational and travel trailers are vehicular-type structures 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. They are distinguished from tents which are collapsible shelters of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Specifically;

- a) a travel trailer is a vehicular portable structure mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile, primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use;
- b) a camping trailer is a vehicular portable structure mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

**UNDERGROUND STORAGE TANK:** A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

**USE:** The purpose for which land or a building is arranged, designed, or intended, or the purpose for

# Rapid River Township Zoning Ordinance

## Adopted June 2011

which land or a building is or may be occupied.

**VARIANCE:** A variance is a modification of the literal provisions of the Zoning Ordinance granted by the Board of Appeals when standards established in Article Twenty-Nine have been met. These standards seek to ensure no variance is granted unless: such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulties in complying with dimensional requirements of the Ordinance.

**VICIOUS ANIMAL:** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals (See Section 21.27).

**WATER'S EDGE:** For purposes of this Ordinance, the water's edge is the ordinary high water-mark of the water body which is that line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. When water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high watermark.

**WATERFRONT LOT:** A lot with at least one side abutting a pond, lake, reservoir, swamp, stream, river or other natural water course and on which any principal structure is usually placed in such a manner as to orient towards the water. Separate lot width and setback provisions are provided in this Ordinance in addition to other lot regulations for waterfront lots.

**WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support even if only for a part of the growing season, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The presence of hydrophytic vegetation, hydric soils and wetland hydrology are the three most important factors used to identify a wetland.

**WILD ANIMAL:** Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), rodents, ferrets, any hybrid animal that is part wild, and captive-bred species of common cage birds (See Section 21.27).

**YARD:** Space open to the sky between a building and the lot lines of the premises on which located, unoccupied and unobstructed by any encroachment or structure except as otherwise provided by this Ordinance.

**YARD, FRONT:** A yard extending across the full width of the lot from the front line of the principal building to the front lot line, waterfront, or highway right-of-way line, as the case may be.

**YARD, REAR:** A yard extending across the full width of the lot from the rear line of the principal building to the rear lot line.

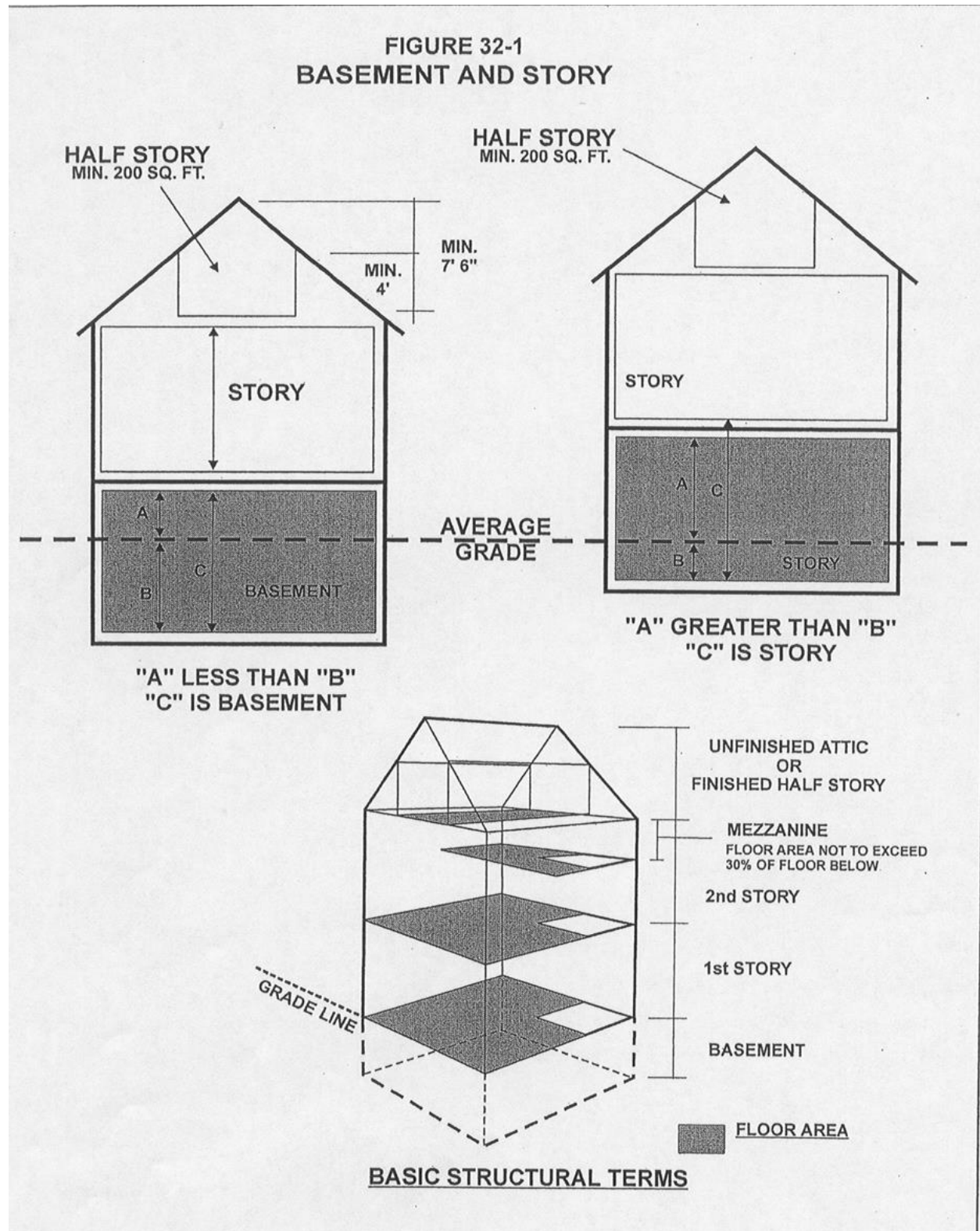
**YARD, SIDE:** A yard extending from the side lot line to the nearest side line of the building.

**ZONING ADMINISTRATOR:** Appointed officer of Rapid River Township to effect proper administration of this Ordinance.

**ZONING PERMIT:** A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates

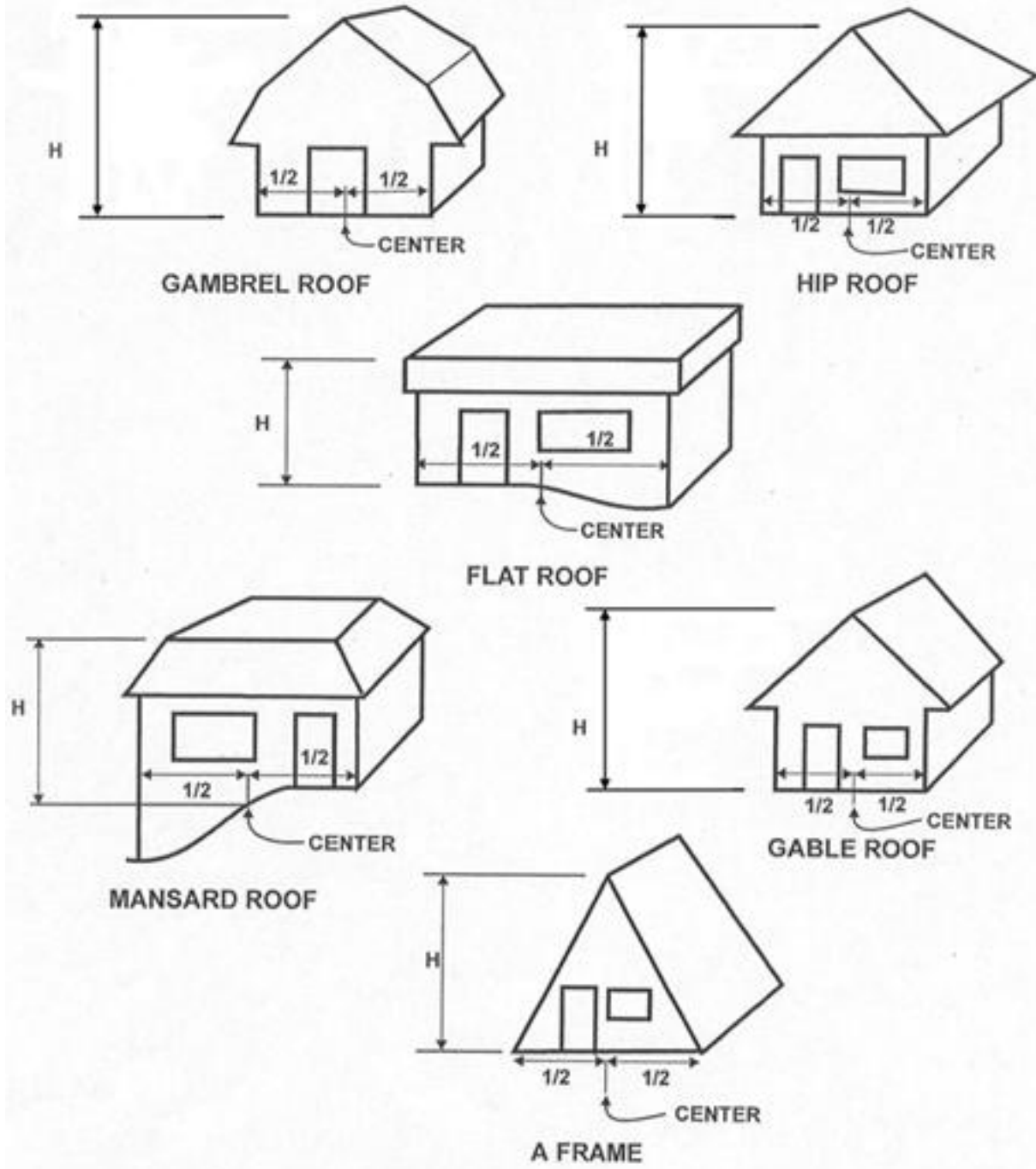
# Rapid River Township Zoning Ordinance Adopted June 2011

that a site plan, plot plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance there from.



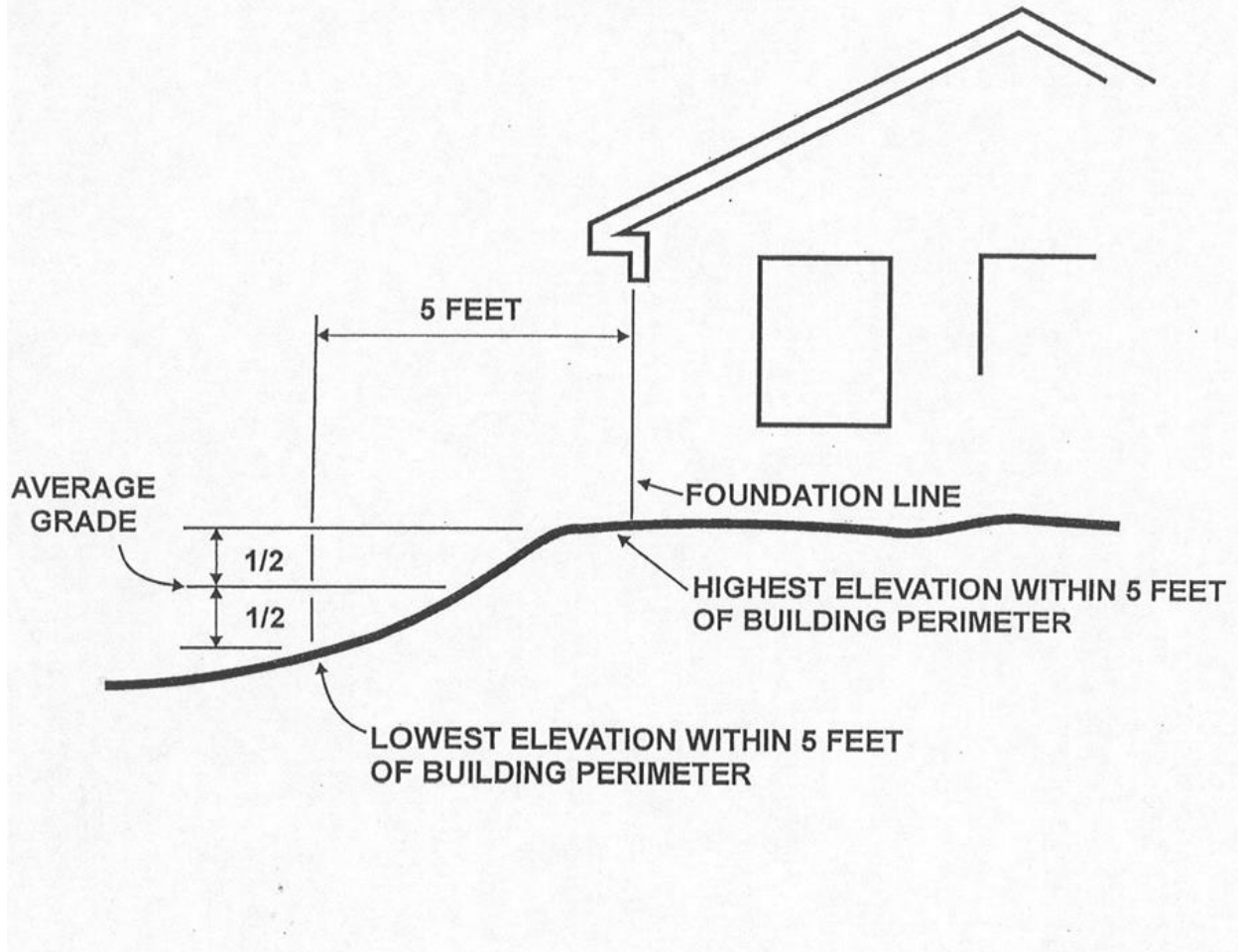
Rapid River Township Zoning Ordinance  
Adopted June 2011

FIGURE 32-2  
BUILDING HEIGHTS



Rapid River Township Zoning Ordinance  
Adopted June 2011

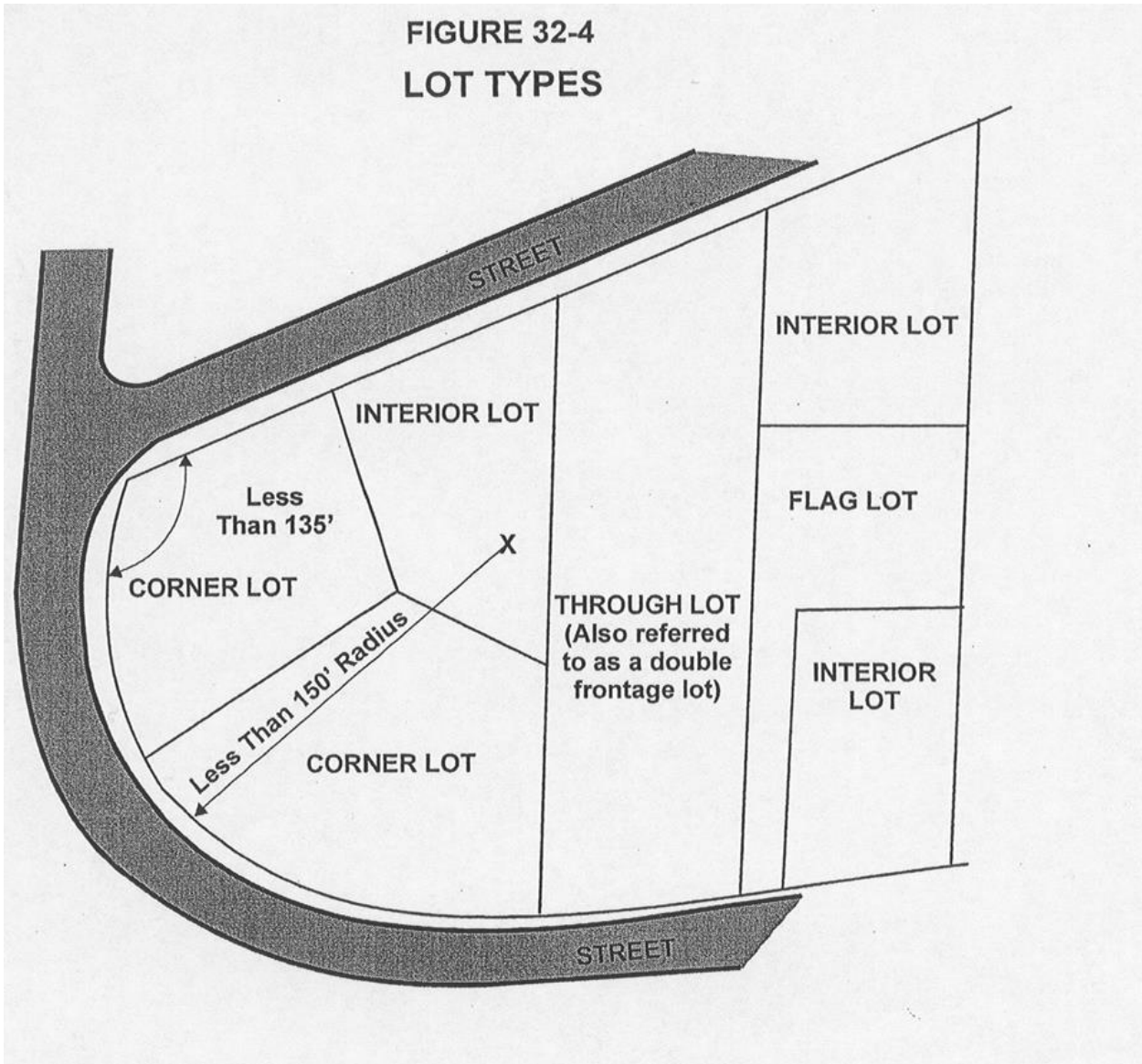
FIGURE 32-3  
AVERAGE GRADE





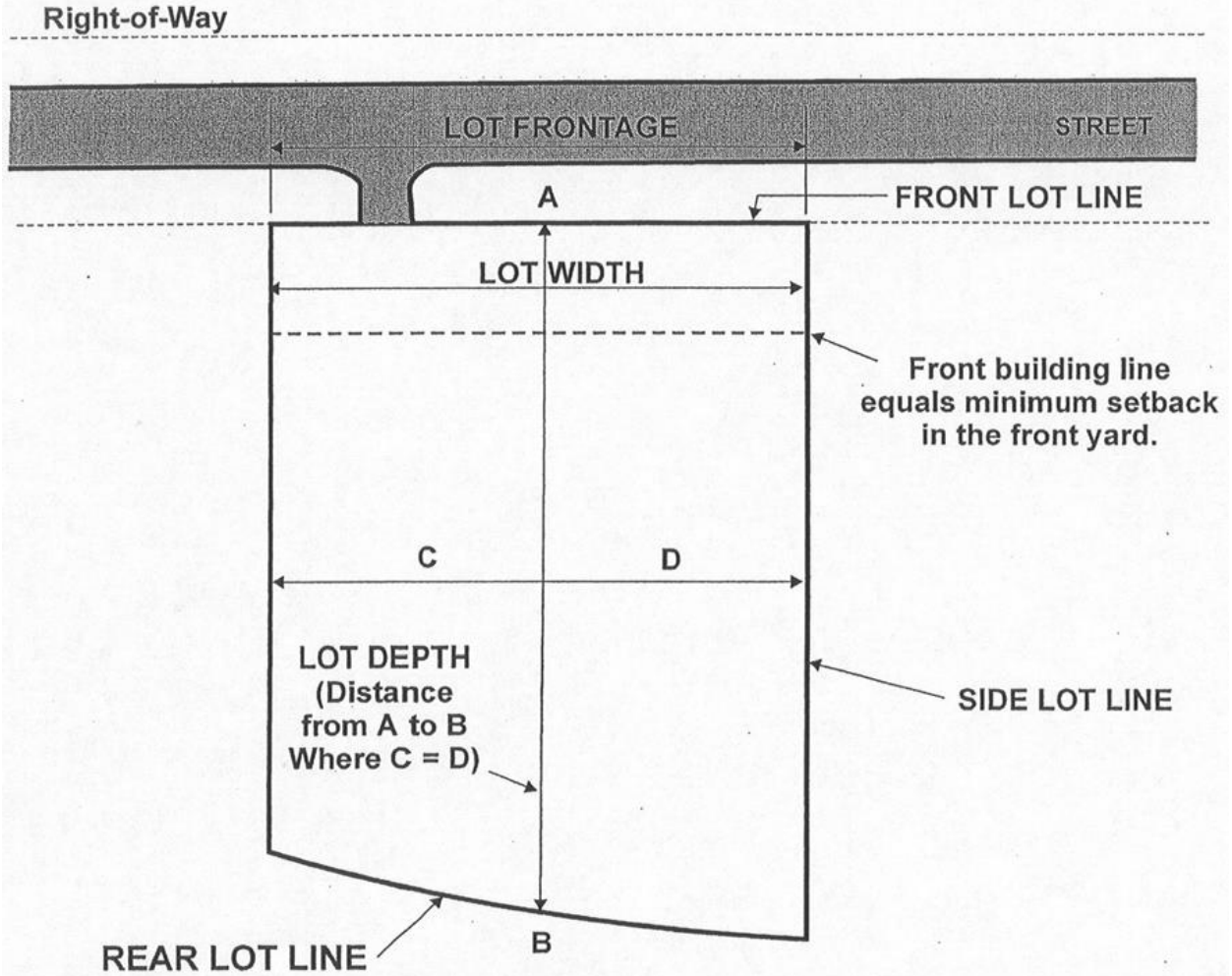
Rapid River Township Zoning Ordinance  
Adopted June 2011

FIGURE 32-4  
LOT TYPES



Rapid River Township Zoning Ordinance  
Adopted June 2011

FIGURE 32-5  
LOT FRONTAGE, WIDTH & DEPTH



Rapid River Township Zoning Ordinance  
Adopted June 2011

FIGURE 32-6  
NET AND GROSS LOT AREA

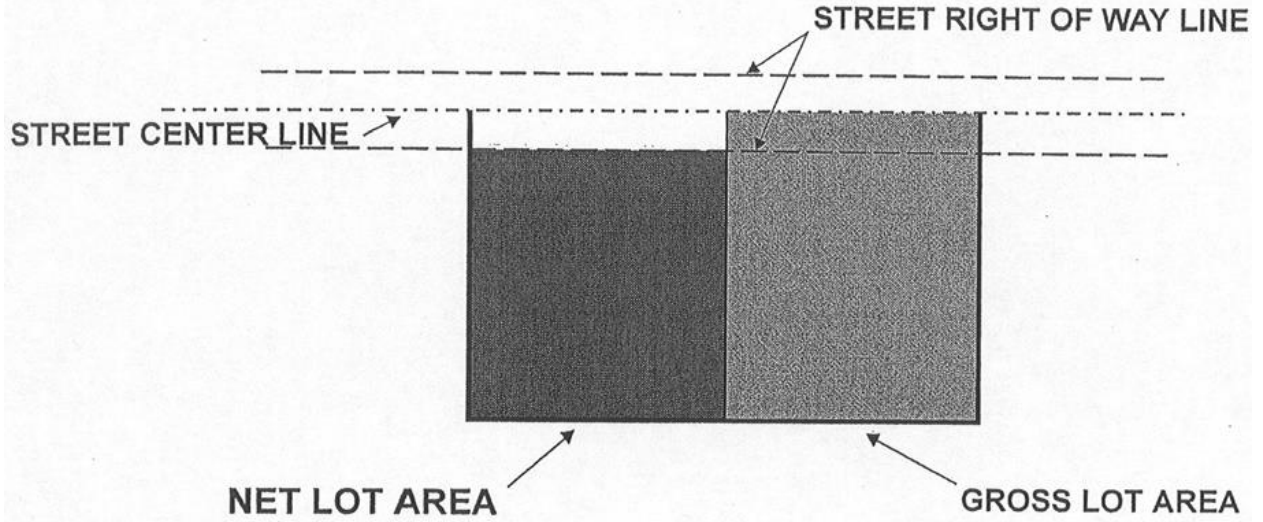
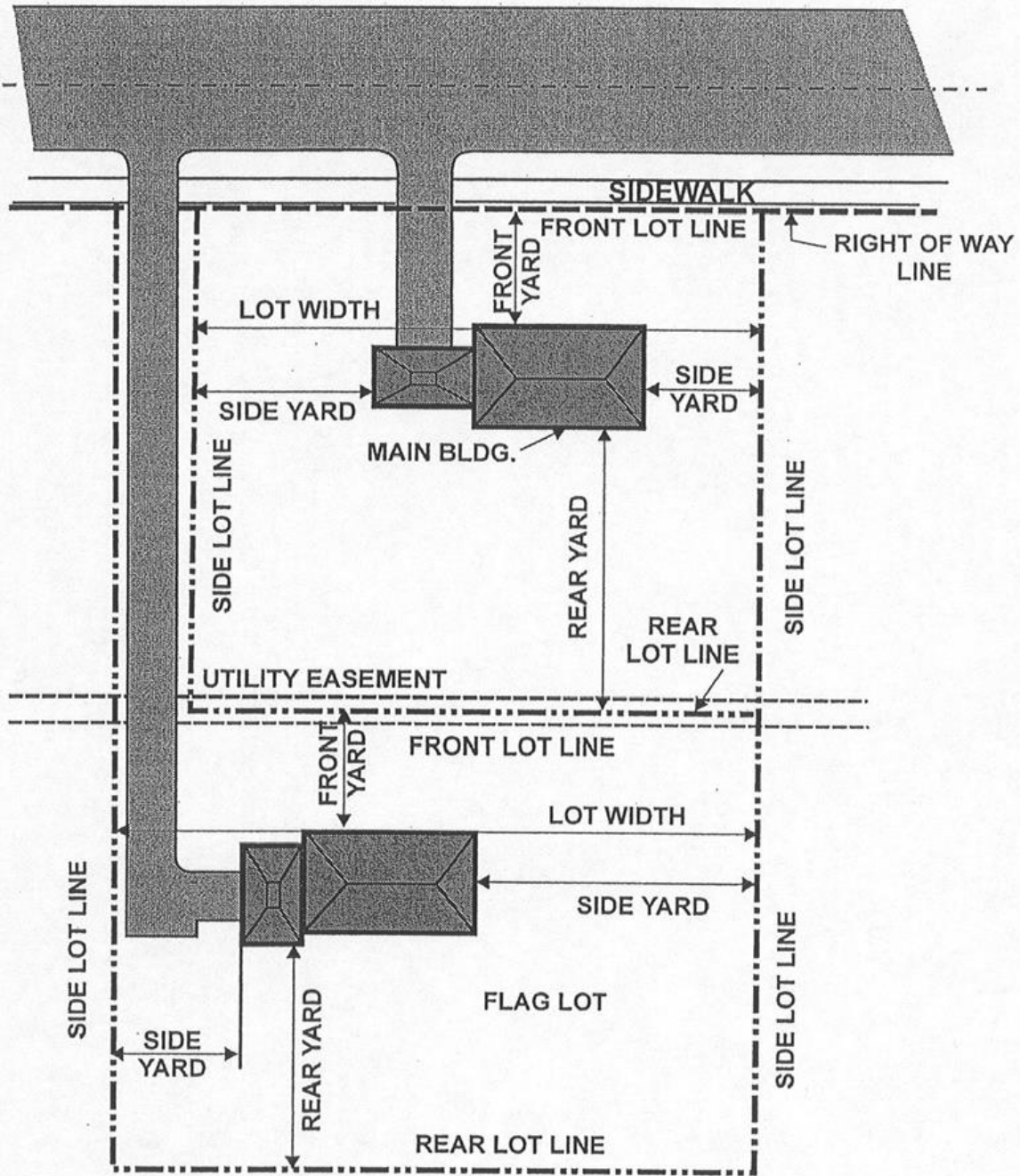


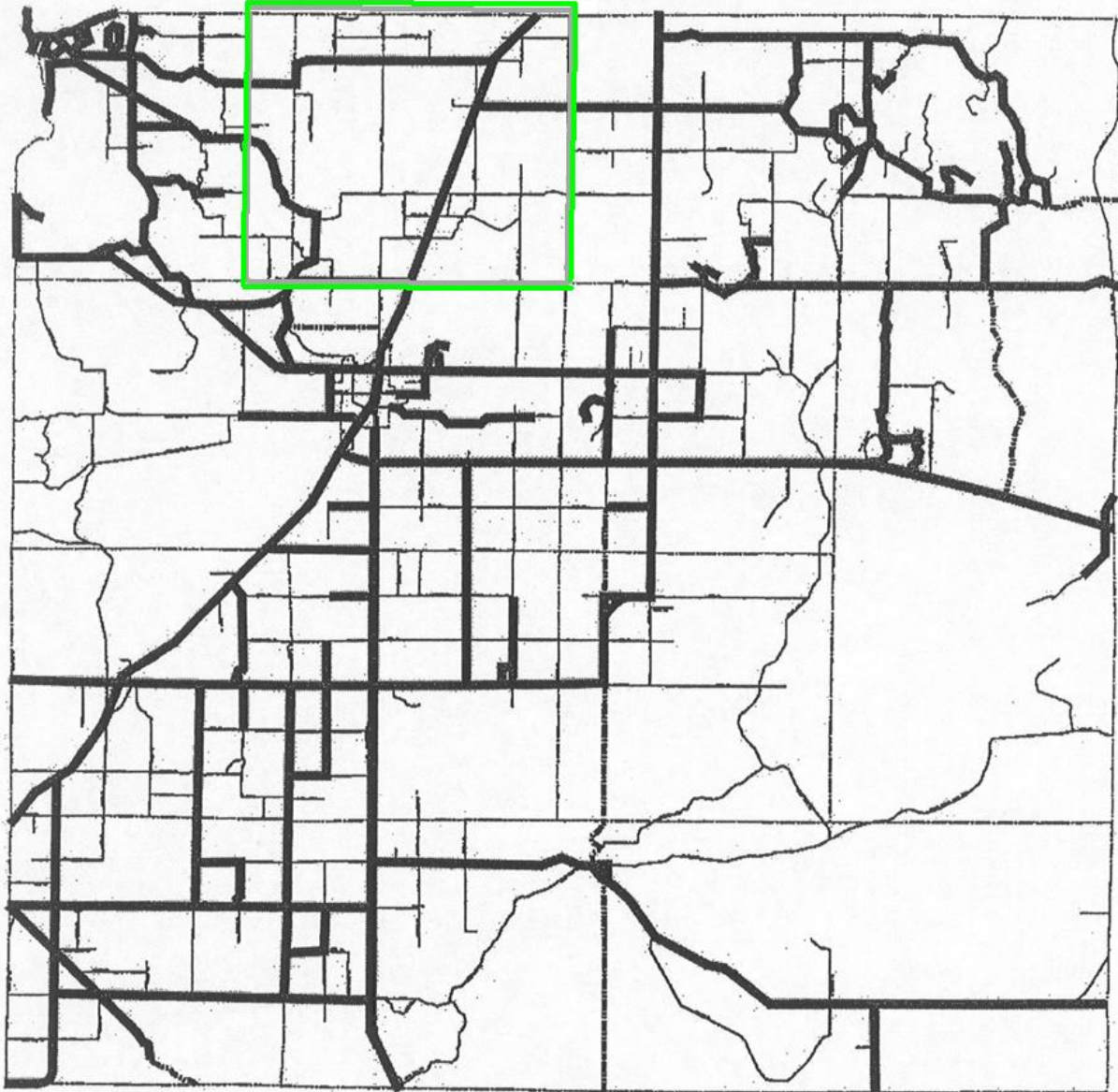
FIGURE 32-7  
LOT LINES AND YARDS



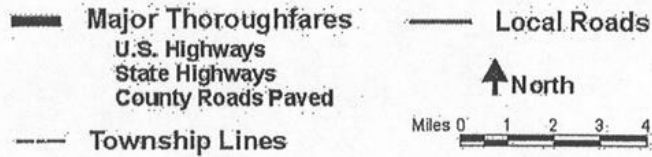
Rapid River Township Zoning Ordinance  
Adopted June 2011

FIGURE 32-8

STREET AND HIGHWAY CLASSIFICATION MAP



**Kalkaska County**  
Existing Transportation Network

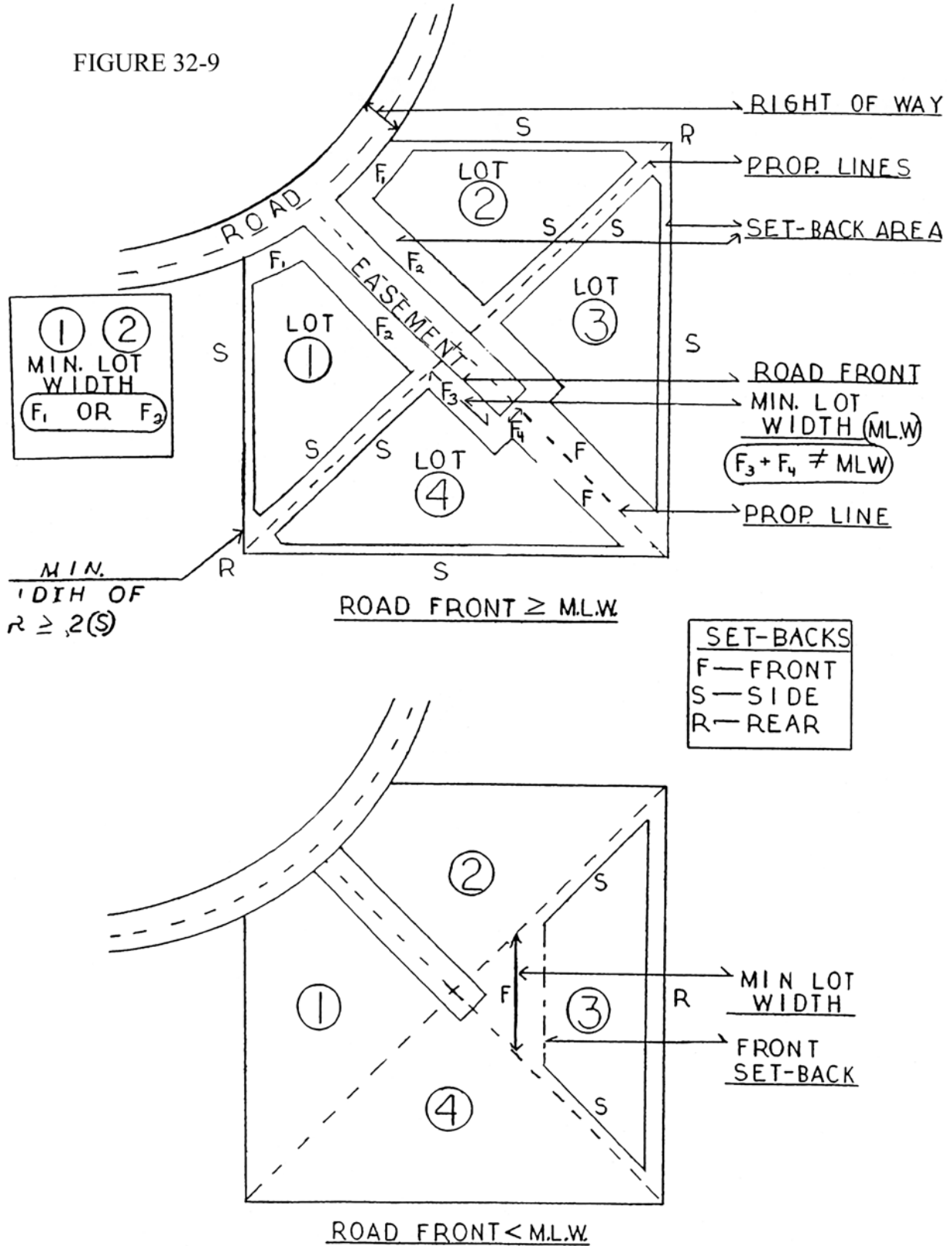


Map by Planning & Zoning Center, Inc., Updated 2000  
Source: MDOT, MiRIS, County Road Commission



Rapid River Township Zoning Ordinance  
 Adopted June 2011

FIGURE 32-9



Minimum Lot Width and Setback Determinations

Rapid River Township Zoning Ordinance  
Adopted June 2011

**ARTICLE THIRTY-THREE**

**VALIDATION AND EFFECTIVE DATE**

**SECTION 33.01 - SEVERABILITY**

If any section, clause or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Rapid River Township Board hereby declares that they would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

**SECTION 33.02 - EFFECTIVE DATE**

This Ordinance shall be in full force and effect on the date following

- 1) its adoption, by a motion approved by a majority of the Township Board in a roll call vote, and
- 2) a motion giving it immediate effect, approved by another majority roll call vote of the Township Board.