

Melrose Township

CHARLEVOIX COUNTY

Ordinance No. 1 of 2018

AN ORDINANCE TO AMEND THE MELROSE TOWNSHIP ZONING ORDINANCE BY AMENDING THE “A”, AGRICULTURAL DISTRICT, CHANGING ITS NAME TO “FF”, FARM AND FOREST, CHANGING THE MINIMUM LOT SIZE FROM 10-ACRES TO 5-ACRES, CHANGING THE MINIMUM FRONTAGE FROM 300’ TO 200’ IF IT FRONTS ON A PUBLIC ROAD AND CHANGING THE WIDTH FROM APPLYING TO ALL PARCELS TO ONLY THOSE FRONTING ON A PUBLIC ROAD.

THE TOWNSHIP OF MELROSE ORDAINS:

SECTION 1. AMEND ARTICLE VI, SECTION 6.8 OF THE MELROSE TOWNSHIP ZONING ORDINANCE, TO READ AS FOLLOWS:

Section 6.8 – “FF”, Farm and Forest District

- A) **PURPOSE** – This Zoning District is intended for larger tracts used for farming, forestry, residential, or which are idle. It is not intended for any use except agricultural, low density, single-family residential use and other specialized rural uses requiring larger tracts of land. This restriction is necessary to prevent development without proper planning. If development and subdividing are to occur, they should be preceded by sound planning and either review of a PUD overlay district or re-zoning.
- B) **USE REGULATIONS** – Land and/or buildings in the FF, Farm & Forest District may be used for the following purposes only:
- 1) Any use permitted in the R-2 Zone.
 - 2) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms.
 - 3) Roadside stands for the sale of products raised on the lot or parcel provided that off street parking shall be provided, and no hazardous traffic condition shall result from such activity.
 - 4) Private dog kennels and related facilities
 - 5) Accessory uses customarily incidental to the preceding listed permitted uses including but not limited to off street parking and loading spaces as required by Article VIII, and signs as regulated by Article VII of this Ordinance.
 - 6) Accessory Dwelling Unit (ADU) that shares a common wall with the primary dwelling on a single zoning lot subject to the following:
 - a) A maximum of one ADU is allowed. Properties with two dwellings or more on the property shall not be permitted an ADU.
 - b) An ADU shall not be used for tourist lodging.
 - c) The floor area of the ADU shall not exceed 780 sq. ft.
 - d) The ADU shall not have more than two (2) bedrooms.

- e) A minimum of two conforming off-street parking spaces are required on the property.
 - f) The property owner shall occupy either the primary or accessory dwelling.
 - g) All sanitary code permits shall have been obtained for the main use and for the ADU.
 - h) The addition of an ADU to the principal dwelling shall be designed so that the appearance of the building remains that of a single-family dwelling.
 - i) The accessory dwelling unit shall not be condominiumized or sold separately from the primary use.
 - j) No more than 40% of the lot shall be covered with impervious surfaces.
 - k) Driveway ingress and egress shall be shared.
 - l) A Declaration of Covenants, Conditions, and Restrictions shall be filed with the Charlevoix County Register of Deeds which includes the restrictions identified in "a" thru "k" above, prior to issuance of a Township Zoning Permit for this use.
 - m) A copy of the recorded document from paragraph "l" above shall be provided to the Zoning Administrator prior to issuance of a Township Zoning Permit for this use.
- 7) Special uses that may be authorized in this Zoning District, if the tract is 10 acres or larger, include the following uses, provided that an application is submitted for a special use permit and approved in accordance with the provisions and standards of Article X of this Ordinance:
- a) Junkyards, salvage yards, sewage treatment facilities, and sanitary landfills, provided that all applicable regulations of the State of Michigan are complied with.
 - b) Commercial natural resource extraction or relocation, including sand and gravel. Specifically exempted are cases where land grades are changed in connection with the construction of roads or driveways, and other land improvements.
 - c) Camps, clubs, campground, provided no commercial activity shall be conducted on the premises, buildings shall not exceed thirty (30) feet in height, and parking facilities shall be no closer than twenty (20) feet to any property line.
 - d) Housing for transient labor, provided that such housing shall not be occupied for more than one hundred eighty (180) days of any calendar year, such use shall comply with all applicable regulations of the State of Michigan and the Health Department of Northwest Michigan
 - e) Airports and their associated facilities.
 - f) Golf courses, country clubs, riding stables and publicly owned recreation areas.
 - g) Non-intensive recreation facilities such as ski hills and lifts, snowmobile trails, archery and rifle, skeet or gun range, and hunting and fishing preserves or clubs. Commercial activities such as taverns, restaurants, hotel and/or lodge accommodation, retail stores, service establishments are not permitted.
 - h) Property owner's personal storage building as a primary use
 - i) Commercial dog kennels and related facilities.

- j) Telecommunication towers and facilities and alternative tower structures.
- C) **HEIGHT REGULATIONS** –Only agricultural structures can exceed thirty-five (35) feet. Height restrictions in this Article do not apply to telecommunication towers and facilities and alternative tower structures located in accordance with this ordinance.
- D) **AREA REGULATIONS** – No building or structure shall hereafter be erected, altered or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building erection, alteration or enlargement:
- 1) **Front Yard** – There shall be a front yard of not less than fifty (50) feet, except for residential buildings and accessory residential buildings which shall maintain a thirty-five (35) foot front yard.
 - 2) **Side Yard** –There shall be side yards of sixty (60) feet, except for residential buildings and residential accessory buildings, which shall maintain twenty-five (25) foot side yards.
 - 3) **Rear Yard** – There shall be a rear yard of not less than one hundred (100) feet, except for residential buildings and residential accessory buildings, which shall maintain a sixty (60) foot rear yard.
 - 4) **Lot Area** – The minimum lot area for use in the FF Zone District shall be five (5) acres. For lots ten (10) acres and larger, there shall be a minimum lot width of three hundred (300) feet at the front lot line. If the lot is less than ten (10) acres, this minimum lot width at the front lot line shall be reduced to the percentage of the lot's actual size to 10 acres, subject to a minimum width of two hundred (200) feet. These lot widths only apply to a front lot line on a public road.
- E) **FLOOR AREA REQUIREMENTS** - Each dwelling in this Zone District shall contain a minimum floor area of seven hundred twenty (720) square feet of usable floor area exclusive of porches, garages, basements and utility areas if a one (1) story building. One and one half (1 ½) story buildings shall have one thousand (1,000) square feet of usable floor area, and buildings over one and one half (1 ½) stories shall have a one thousand two hundred (1,200) square feet of usable floor area.

SECTION 2. SEVERABILITY

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any 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 this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the township.

Ordinance No. 1 of 2018 was adopted on the 11th day of September, 2018, by the Melrose Township Board of Trustees as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

Robin Hissong Berry, Clerk

Vern Goodwin, Supervisor

Adopted:

Publication Date:

Effective Date:

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