

Marion Township
Ordinance No. 1 of 2000

AN ORDINANCE TO AMEND THE MARION TOWNSHIP ZONING ORDINANCE

SECTION 1 AMENDMENT TO CHAPTER 15 AGRICULTURAL ZONE

THE CURRENT CHAPTER 15 OF THE MARION TOWNSHIP SHALL BE DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE:

Section 15.1 - Purposes

A. In conformance with the Marion Township Land Use Plan the purposes of this District among others, are as follows:

1. To conserve areas containing unique and sensitive natural features such as steep slopes, floodplains and wetlands, by setting them aside from development;
2. To protect areas of the township with productive agricultural and forestry soils for continued or future agricultural/forestry uses, by conserving blocks of land large enough to allow for efficient farming/forestry operations unimpeded by other types of development;
3. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for new development;
4. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
5. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
6. To implement adopted policies in the Marion Township Land Use Plan to conserve a variety of aesthetically and environmentally sensitive resource lands. including provisions for reasonable incentives to create a network of conservation lands for the benefit of present and future residents;
7. To implement adopted land use, transportation, and community policies, as identified in the Marion Township Land Use Plan;
8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;

- 1 9. To provide for the conservation and maintenance of open land within the
2 township to achieve the above-mentioned goals and for active or passive
3 recreational use by residents;
4
- 5 10. To provide multiple options for landowners in order to minimize impacts on
6 environmental resources (sensitive lands such as wetlands, floodplains, and steep
7 slopes) and disturbance of other natural or cultural features.
8
- 9 11. To provide standards reflecting the varying circumstances and interests of
10 individual landowners, and the individual characteristics of their properties; and
11
- 12 12. To conserve scenic views and elements of Marion Townships rural character, and
13 to minimize perceived density, by minimizing views of new development from
14 existing roads and bodies of water.
15

16 B. Inclusion of areas in the Agricultural District boundaries are based on:

- 17
- 18 1. An analysis of soils that identified those areas especially well suited for purposes
19 outline above.
20
- 21 2. Such factors as the existence of substantial agricultural land use or forest cover,
22 existing investment in agriculture and forestry, the extent of and proximity to non
23 farm development, the average size of existing parcels and the minimum acreage
24 needed for economic farming and forestry operations.
25

26 **Section 15.2 - Permitted Uses**

27

28 A. The following uses of land are permitted in this district:

- 29
- 30 1. Farms, including both general and specialized farming operations devoted to the
31 production of food, feed or fiber.
32
- 33 2. Conservation areas for fauna and flora.
34
- 35 3. Farm dwelling units and other farm buildings.
36
- 37 4. Farm drainage and irrigation systems.
38
- 39 5. Forest preserves.
40
- 41 6. Game refuges.
42 7. Historic sites and structures.
43
- 44 8. Single family detached non-farm dwelling units.
45

- 1 9. Timber-cutting.
- 2
- 3 10. Transmission and distribution lines, and pipelines of public utility companies.
- 4
- 5 11. Uses customarily accessory to farm operations (this shall include seasonal farm
- 6 market stands selling items produced on the farm).
- 7
- 8 12. Where area and setback requirements permit, uses and structures customarily
- 9 accessory to single family dwellings.
- 10
- 11 13. Country clubs, golf courses, riding stables, and publicly owned athletic grounds.
- 12
- 13 14. Dog kennels.
- 14
- 15 15. Other similar agricultural uses, provided that such uses shall be found to be
- 16 similar by the Board of Appeals.
- 17
- 18 16. Home occupations as allowed by provisions of this Ordinance.
- 19
- 20 17. On site and off site septic systems.
- 21
- 22 18. Noncommercial recreation facilities.
- 23
- 24 19. Public and Private Road right-of-ways.
- 25
- 26 20. A single free standing Accessory Dwelling or an Accessory Dwelling integrated
- 27 into other structures (*e.g. garage apartment*) when in addition to the other
- 28 provisions of this Ordinance, the following conditions are met:
- 29
- 30 a) The lot the accessory dwelling will be constructed on shall be a minimum
- 31 of six (6) acres in area, and;
- 32
- 33 b) an easement shall be placed on the lot permanently prohibiting the
- 34 splitting the accessory dwelling from the lot containing the principle
- 35 dwelling and requiring that said lot shall remain a minimum of six (6)
- 36 acres in areas.
- 37
- 38 22. Special Land Uses: *Note all Special Land Use applications shall be made in*
- 39 *accordance with and meet the standards outlined in Chapter 18A of this*
- 40 *ordinance.*
- 41
- 42 1) Public Schools and Colleges when owned and operated by governmental
- 43 agency.
- 44
- 45 2) Private non-profit schools, charter schools churches and colleges.

1
2 3) Campgrounds.
3

4 **Section 15.3 - General Development Provisions**
5

6 A. **Maximum Lot Depth to Width Ratio:** Unless otherwise specified the maximum lot
7 depth to width ratio* shall be 4 to 1 for any newly created lots. (**The determination of*
8 *the lot depth to width ration of irregularly shaped lots shall be based on the maximum*
9 *diagonal length method outlined in Appendix A of this Ordinance.*)
10

11 B. **Public Road Access:** Newly created lots with **Building Footprints** which shall access
12 public roads directly shall be limited to one (1) per five hundred (500) feet of **Master**
13 **Parcel** public road frontage (*or fraction thereof for those Master Parcels with less than*
14 *500 feet of frontage.*) All other new **Building Footprints** on newly created lots shall be
15 setback no less than two hundred and fifty (250) feet from any public road **and** shall
16 access public roads only through a common drive or private road servicing or intended to
17 service two (2) or more other lots. *When other suitable alternatives do not exist, the*
18 *Planning Commission may reduce 250 foot public road setback requirement by the*
19 *minimum necessary in order for Building Foot Prints to avoid areas normally*
20 *considered unbuildable (e.g. slopes greater than 25%, Wetland areas, etc.).*
21

22 C. **Minimum Building Footprint Setbacks:** The minimum building footprint setbacks shall
23 be fifty (50) feet from any public road, twenty (20) feet from any property line, one
24 hundred (100) feet from any lake, river or stream and twenty five (25) feet from any
25 designated wetland area. Tall structures such as transmission towers (when permitted)
26 and upright silos shall be setback a minimum of their above ground height from any lot
27 line, preexisting public or private road right of way or any preexisting residential
28 structure.
29

30 D. **On-site Sewage Treatment Requirement:** All lots hereafter created not serviced by off
31 site sewage treatment facilities shall have sufficient suitable area to site both a water well
32 and septic system*. (**Note: The Planning Commission may allow the splitting of parcels*
33 *without a suitable site for septic system on the condition that a statement is recorded with*
34 *the deed or land contract stating that this parcel was not created in conformance with the*
35 *Marion Township Zoning Ordinance Sewage Treatment Requirement. No zoning*
36 *permit(s) for dwelling structure(s) on this parcel shall hereafter be issued except when*
37 *they shall be hooked to a public sewer system.*
38

39 E. **Minimum Buildable Area Requirement:** Except as noted in Section 15.3 D above, all
40 lots hereafter created shall have a sufficient area of land which is suitable to site at least
41 one single family dwelling structure in full compliance with the requirements of this
42 Ordinance.
43

44 F. **Maximum Impervious Surface Coverage:** No more than 20% of the total area of any
45 lot shall be covered by impervious surface.

- 1
2 G. **Siting of Building Footprints:** When other practical options exist new **Building**
3 **Footprints** or extensions of existing **Building Footprints** shall not be sited in **Wetlands**,
4 on 100-year floodplains or in areas where slopes 25% or greater predominate as identified
5 in the Soil Survey of Charlevoix County.
6
7 H. **Minimum Floor Area:** Each dwelling unit in this zone shall have a minimum floor area
8 of five hundred (500) square feet of usable floor area, exclusive of porches, garages,
9 basements, or utility areas.
10
11 I. **Maximum Building Height:** Except for farm buildings and structures allowed by special
12 use, all new structures in this district shall not exceed thirty-five (35) feet or two and
13 one-half (2 1/2) stories in height, whichever is less. Building height shall be measured
14 from the average finished lot grade at the base the structure to the highest point on the
15 roof.
16
17

18 **Section 15.4 - Land Division Options**

- 19
20 23. Lots created hereafter shall conform with both **Section 15.3 - General Development**
21 **Provisions** and the applicable provisions of one or more of the following options.
22 Splitting and combining of adjacent pre-existing **Master Parcels** not previously split
23 under one or more of the options listed below is allowed. The resulting reconstituted
24 Master Parcels shall be the basis for further allowable land divisions.
25

26 1. Option #1 - Country Properties Option

27
28 A maximum of 20% of any **Master Parcel** may be divided into new lots averaging
29 not less than 2 acres in area. When area allows the remainder of the **Master**
30 **Parcel** may be split into lots not less than 40 acres in area (or 25 acres when the
31 *maximum lot depth to width ratio on newly created lots shall be 2 1/2 to 1 or*
32 *less.*)
33

34 2. Option #2 - Michigan Land Division Act Compatible Option

35
36 The **Master Parcel** may be divided into lots according to the schedule below:

<u>Master Parcel Acreage</u>	<u>Number of Allowable Splits</u>
0 to 19.99 Acres	4
20.00 to 119.99 Acres	6 plus one additional split each full 10 acres over 20 acres.
120.00 Acres or greater	16 plus one additional split for each full 40 acres over 120 acres.

1 One of the lots created above shall encompass a minimum of sixty percent (60%)
2 of the *Master Parcels* pre-existing area. It shall also contain minimum of half of
3 the *Master Parcels Buildable Lands* including a majority of the parcels *Prime*
4 and *Unique Farmlands*. (*Note: There shall be no maximum lot depth to width
5 ratio requirements for this lot if it shall be held in common ownership by the
6 surrounding lot owners.)
7

8 3. Option #3 - Conservation Subdivision Planned Unit Development Option
9

10 **Eligibility:** *Master Parcels* not previously split may be developed per this option.
11 In addition *Master Parcels* previously split under either Options 1 or 2 may
12 further developed under this option, provided all previous splits along with any
13 additional new splits shall conform with the provisions of this option (3).
14

15 **Maximum Developable Land Area:** An area equivalent to a maximum 50% of
16 the *Master Parcel's Buildable Land* may be divided into small lots. A *Master*
17 *Parcels Buildable Land's* will include all areas except *Wetlands*, areas with the
18 100-year floodplain and slopes greater the 25% as identified in the Charlevoix
19 County Soil Survey.
20

21 The maximum number of new lot splits in this area shall be determined through
22 the development of a **Conceptual Yield Plan** as outlined below.
23

24 The remainder of the *Master Parcel* shall be designated as Conservation Lands to
25 be permanently protected by a conservation easement
26

27 **Developing a Conceptual Yield Plan to Determining Maximum Allowable**
28 **Lot Density Under Option 3:** The maximum number of new lots which may be
29 created on the remaining *Master Parcel* lands (*not covered by a conservation*
30 *easement*) shall be limited to the number which could have been realized if the
31 *Master Parcel* were developed into a "conventional" subdivision with lots a
32 minimum of 2 acre in area.
33

34 In order to calculate this number, the applicant shall submit a conceptual yield
35 plan. This plan shall containing proposed lots, streets, rights-of-way, and other
36 pertinent features laid out in a "conventional" manner. Although this plan must be
37 drawn to scale, it need not be based on a field survey. It must however, be a
38 realistic layout reflecting a development pattern that could reasonably be expected
39 to be implemented, taking into account the presence of wetlands, floodplains,
40 steep slopes, existing easements or encumbrances and, if unsewered, the
41 suitability of soils for subsurface sewage disposal.
42

43 The following dimensional standards shall be used in the development of the
44 conceptual yield pan:
45

1	Minimum Lot Size:	2 acres
2	Minimum Road Frontage	200 feet
3	Maximum Lot Depth to Width Ratio	4:1
4	Minimum Lot Width at the Building Line	200 feet
5	Minimum Lot Buildable Land Area	.25 acre
6	Minimum Building Setbacks	Front yard 50'
7		Side yard 20'
8		Rear yard 20'
9		Waterfront 100'

10
11 In those situations when sewer will not service new lots, density shall be further
12 determined by evaluating the number of homes that could be supported by
13 individual septic systems on conventional lots. Based on soil septic suitability
14 information from the Soil Survey of Charlevoix County and the Natural Resources
15 Conservation Service, the Planning Commission shall select a 10% sample of the
16 conceptual yield plan lots considered to be marginal for on-site sewage disposal.
17 The applicant will be required to provide evidence from the District Health
18 Department that these lots would be considered suitable. If all lots chosen meet
19 this standard, the applicant shall be granted the full density determined by the
20 plan. Should any of the lots in a sample fail to meet the standards for individual
21 septic system, those lots shall be deducted from the yield plan and a second 10%
22 sample shall be selected by the Planning Commission and tested for compliance.
23 This process shall be repeated until all lots in a given sample meet the standards
24 for individual septic systems.

25
26 **Endowment Lot Density Bonuses for Option 3:** In addition to the maximum lot
27 density as determined above, when the required easement covering Conservation
28 Lands shall be held in part by a locally recognized non-profit land conservancy, a
29 maximum of two additional lots may be allowed. The proceeds for the sale of
30 these lots shall be used solely an endowment to cover the expenses for monitoring
31 compliance with the conservation easement.

32
33 **Siting Criteria for New Lots and *Building Footprints* Created Under Option**
34 **3:** Diversity and originality in lot layout are encouraged to achieve the best
35 possible relationship between development and conservation areas. In evaluating
36 the layout of proposed lots (*and the resulting Conservation Lands*) the following
37 criteria will be considered by the Planning Commission as indicating design
38 appropriate to the site's natural, historic, and cultural features, and meeting the
39 purposes of this ordinance. Siting criteria are list in order of there importance.
40 New lots and ***Building Footprints*** shall be laid out in a manner that:

- 41
42 a) *Protects and preserves all floodplains, Wetlands, and steep slopes (25% or greater) from clearing, grading, filling, or construction.*
43
44 b) *Maintains or creates an undisturbed upland buffer of natural native*
45

1 *vegetation of at least 100 feet in depth adjacent surface waters, including*
2 *lakes rivers and streams.*

3
4 c) *As much as practical preserves and maintains, existing fields, pastures*
5 *and orchards, and creates sufficient buffer areas to minimize conflicts*
6 *between residential and agricultural uses. In those situations where*
7 *development must be located in these areas due to greater constraints in all*
8 *other parts of the site, as much as practical dwellings should be sited on*
9 *the least **Prime** and **Unique farmland** soils.*

10
11 d) *Minimizes impacts on large woodlands five acres or greater in area,*
12 *especially those located on prime or important farmland soils or those*
13 *located on prime timberland soils.*

14
15 e) *Provides that existing trees be retained or new plantings be made and*
16 *maintained to soften the visual impact of new construction sited on*
17 *prominent hilltops or ridges as seen from public roads and waterways.*

18
19 f) *Designs around and preserves sites of historic, archaeological, or cultural*
20 *value, and their environs, insofar as needed to safeguard the character of*
21 *the feature.*

22
23 g) *Protects rural roadside character and improves public safety and*
24 *vehicular carrying capacity by avoiding development fronting directly onto*
25 *existing public roads.*

26
27 h) *Provides that Conservation Lands shall be reasonable contiguous. While*
28 *Conservation Lands are exempt from the maximum lot depth to width*
29 *ratio requirements of this Ordinance, fragmentation of these lands shall as*
30 *much as practical be minimized so that these lands are not divided into*
31 *numerous small parcels located in various parts of the*
32 *development. (except for common greens and playground areas)*

33
34 **Ownership of Conservation Lands Under Created Under Option 3:**

35 Ownership of Conservation Lands may remain with the original *Master Parcel*
36 owner, a homeowners association made up of surrounding lot owners or any
37 another individual or group.

38
39 **Allowable Uses and Protection of Conservation Lands Under Option 3:**

40 Conservation Lands may be used for any purpose allowed under **Section 15.2 -**
41 **Allowable Uses.** In addition, Conservation Lands shall be covered by a
42 conservation easement prohibiting their future splitting into parcels less than 40
43 acres in area. This easement will also prohibit the construction of more than two
44 (2) dwellings on any single parcel of Conservation Lands. The conservation
45 easement shall be held jointly by both the Township and by either a Home Owners

1 Association made up of the owners of all lots created from the *Master Parcel* or a
2 recognized local land conservancy or both.
3
4

5 **Section 15.4 - Application and Site Plan Review Process**
6

- 7 A. A pre-application conference between the applicant, the site designer and the planning
8 commission (*or its designated agent*) is encouraged for all parcels to be split under the
9 provisions of **Option 1**. This conference shall be **mandatory** for parcels to be split under
10 the provisions of **Options 2 or 3**. At this session the parties shall discuss the applicants
11 objectives and how these may be achieved under the Ordinance. Conceptual sketch
12 plans and yield plans may be developed by the applicant for this session. **However, no**
13 **engineered site plans or surveys will be accepted at this conference.** If necessary a
14 site visit may be scheduled at this conference.
15
- 16 B. After the pre-application conference (and site visit if needed) applicants developing
17 properties under **Options 2 or 3** shall submit nine copies of a proposed site plan (*drawn*
18 *to scale*) containing at minimum the following information
19
- 20 1. Name and address of the applicant.
21
 - 22 2. Boundaries and dimensions of the existing *Master Parcels*.
23
 - 24 3. Location of existing structures.
25
 - 26 4. The site plan shall include the soil mapping units from the 1974 Soil Survey of
27 Charlevoix County Soil. In addition, the location of existing cover types/uses
28 such as agricultural lands, forestland, other open spaces, wetlands, etc. shall also
29 be included.
30
 - 31 5. Location and dimensions of proposed new lots, conservation lands, **Building**
32 **Footprints**, common recreation facilities, common drives and other private roads.
33
 - 34 6. Other information deemed necessary by the Planning Commission to insure
35 conformance with this Ordinance or other applicable township, county, state or
36 federal regulations.
37
 - 38 7. In addition to the above, if required under provisions of this ordinance, the
39 applicant shall provide copies of the proposed conservation easement, which shall
40 cover Conservation Lands.
41
- 42 C. Upon receipt of a completed application the Planning Commission shall take action or
43 hold a public hearing for Planned Unit Developments. Notification of public hearings
44 shall be done in accordance with the Special Land Use provisions of this Ordinance.
45

1 D. The Planning Commission shall review all proposed property splits under the above
2 options to insure all of the conditions of this District have been met. It shall prepare a
3 report stating it's decision, the basis for its decision and any conditions related to the
4 decision. Upon a finding by the Planning Commission that the Site Plan and/or other
5 required documents are in compliance with the provisions of this District, the application
6 for land division shall be approved.
7

8 E. All Planned Unit Development approvals shall be valid for a period of one year from the
9 date of approval (or adoption of this provision for those Planned Unit Developments
10 approved before this provision). If no substantial construction activities have taken place
11 in that time period the applicant may reapply for a single one-year extension.
12

13 **SECTION 2 AMENDMENTS TO CHAPTER 22 DEFINITIONS**

14
15 CHAPTER 22 OF THE MARION TOWNSHIP ZONING ORDINANCE SHALL BE
16 AMENDED TO INCLUDE THE FOLLOWING DEFINITIONS:
17

18 19 **Section 22._ Building Footprint**

20
21 The boundaries on a lot, parcel or condominium unit in which the principal building or
22 structure intended for or constructed together with any attached or detached Accessory
23 Buildings are sited.
24

25 **Section 22._ Condominium Unit**

26
27 That portion of a Condominium Project designed and intended for separate ownership
28 and use as, as described in the master deed, regardless of whether it is intended for
29 residential, office, industrial, business, recreational, use as a time share unit or any other
30 type of use.
31

32 **Section 22._ Master Parcel**

33
34 A parcel of land, or a series of adjacent parcels of land, under the same ownership as of
35 the date of adoption of this ordinance.
36

37 **Section 22._ Prime Farmlands**

38
39 Those Soil Mapping Units identified in the Soil Survey of Charlevoix County that have
40 the best combination of physical and chemical characteristics for producing food, forage,
41 fiber, and oilseed crops. The following Soil Mapping Units are included in this
42 definition: EmA, EmB, EoA & EoB.
43

44 45 **Section 22._ Unique Farmlands**

1
2 Those areas that because of soil qualities, growing season, temperature, humidity,
3 elevation, aspect and moisture supply are uniquely suited for the production of specific
4 high value food and fiber crops. Areas included in this definition are limited to those
5 identified with Slight" or Moderate limitations in the 1975 Red Tart Cherry Site Inventory
6 for Charlevoix & Emmet Counties.
7
8

9 **SECTION 3 INCLUSION OF A NEW APPENDIX A**

10
11 THE FOLLOWING APPENDIX A SHALL BE INCLUDED IN THE MARION TOWNSHIP
12 ZONING ORDINANCE.
13

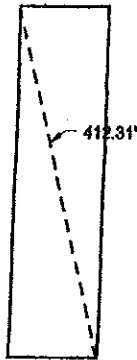
14 **APPENDIX A**

15
16 **Determining Conformance with Lot Depth to Width Ratio Requirements**
17

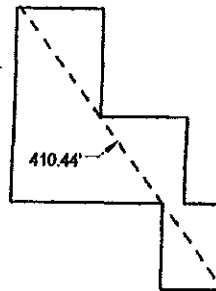
18 The following method shall be used to determine the conformance of new lots with the lot depth
19 to width ratio requirements of the Marion Township Zoning Ordinance.
20

21 New lots shall be considered to be in conformance with ordinance lot depth to width ratio
22 requirements, when the shortest interior measurement between the furthest two points on the lot
23 is less than or equal to the diagonal measurement of an equivalent rectangular shaped lot of the
24 same area that meets the ordinance's maximum depth to width ratio requirements.
25

26 To illustrate this concept Lots 1 and 2 below are both 40,000 square feet in area. Lot 1 has a
27 depth four times greater than it's width, the maximum allowed in this situation. The diagonal
28 measure of this lot is 412.21 feet. In this case Lot 2 would also be considered to be in
29 conformance with the 4 to 1 maximum depth to width ratio requirement since the shortest
30 interior distance between the two most distance points is less than diagonal measurement of Lot
31 1.



Lot 1



Lot 2

1 Diagonal measurements for different lot depth to width ratio requirements shall be calculated
2 using the following formulas.

3	4	5
	Depth to Width Ratio	Formula
6	2 1/2:1	$\sqrt{(\text{Lot Area}*/2.5) \times 2.693}$
7		
8	4:1	$\sqrt{(\text{Lot Area}*/4) \times 4.123}$
9		

10 *Note: Lot area is in square feet

11
12 *Example: A proposed 25 acre lot (1,089,000 square feet) is located in a Zoning District with a*
13 *maximum 2.1/2:1 lot depth to width ratio requirement. Using the above formula this lot would*
14 *be considered in compliance with the depth to width ratio requirements if the shortest interior*
15 *distance measurement between the furthest two points on the lot is 1,777.38 feet or less.*

16 [$\sqrt{(1,089,000/2.5) \times 2.693} = 1777.38 \text{ feet}$]
17

18 19 **SECTION 4 - SEVERABILITY**

20
21 THE VARIOUS PARTS, SECTIONS AND CLAUSES OF THIS ORDINANCE ARE HEREBY
22 DECLARED TO BE SEVERABLE. IF ANY PART, SENTENCE, PARAGRAPH, SECTION
23 OR CLAUSE IS ADJUDGED UNCONSTITUTIONAL OR INVALID BY A COURT OF
24 COMPETENT JURISDICTION, THE REMAINDER OF THE ORDINANCE SHALL NOT BE
25 AFFECTED THEREBY.

26 27 **SECTION 5 - EFFECTIVE DATE**

28
29 THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION
30 IN THE PETOSKEY NEWS-REVIEW