

CHAPTER 7

“R-1” - RESIDENTIAL - ONE FAMILY ZONE

Section 7.01 - PERMITTED USES

No building or part thereof in a R-1 Residential Zone shall hereafter be used, erected, altered or converted, or land used, in whole or in part, except for:

- A. One-family dwellings with accessory uses as defined in this Ordinance.
- B. Churches and accessory religious facilities where located at least one hundred (100) feet from any other lots.
- C. Public, parochial, and private schools, where located at least three hundred (300) feet from any other lot.
- D. Public libraries, public museums, and public art galleries, where located at least one hundred (100) feet from any other lot.
- E. Public parks, playgrounds, and community centers, provided that any buildings located thereon shall be at least one hundred (100) feet from any other lot.
- F. Parking requirements for all permitted uses shall be governed by Chapter 14.
- G. A state licensed residential facility developed pursuant to P.A. 287 of 1972, as amended, or P.A. 116 of 1973, as amended.

Section 7.02 - HEIGHT, AREA, AND YARD RESTRICTIONS OF PLATTED LOTS

Every platted lot in this zone shall meet the following requirements:

- A. An unoccupied front yard of at least fifty (50) feet.
- B. Two (2) side yards totaling at least twenty (20) feet; the minimum of each side yard shall be ten (10) feet.
- C. A rear yard of thirty-five (35) feet.
- D. A minimum width of one hundred (100) feet at all points front to back.
- E. The front and rear yards shall be maintained across the entire width of the lot. All yards shall be kept clear and unobstructed, and shall not be used for the storage of vehicles, equipment, materials, rubbish or debris.
- F. No building or structure shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is the lesser, unless as otherwise provided by this Ordinance.

- G. Each dwelling unit shall have a minimum usable floor area of nine hundred sixty (960) square feet. The dwelling shall not be made up of additions of a dissimilar type or quality of construction or materials. No dimension shall be less than twenty (20) feet.
- H. Lot Area - All lots in this zone shall have a minimum lot area of twenty thousand (20,000) square feet.
- I. The maximum lot coverage shall not exceed thirty (30) percent of the gross lot area. Lot coverage shall include the area occupied by structures, dwellings, accessory structures, parking areas, driveways, patios, decks and other impervious surfaces.

Section 7.03 - HEIGHT, AREA AND YARD RESTRICTIONS OF UNPLATTED LOTS

Except as provided in this Section 7.03, the height, area and yard requirements for unplatted lots shall be the same as provided in Section 7.02.

All unplatted lots shall have a minimum lot area of twenty five thousand (25,000) square feet.

Section 7.04 - BED AND BREAKFAST (TOURIST HOME) (SPECIAL EXCEPTION)

Bed & Breakfast (Tourist Home) shall be an incidental and secondary use of the dwelling unit for business purposes. The intent of this ordinance is to insure compatibility of such business use with other permitted uses of the residential districts and with the residential character of the neighborhoods involved; and, that the operation and continuance of a Bed and Breakfast (tourist home) thereof would not be contrary to the public health, safety, or welfare of the neighborhood; that the use or structure does not and is not likely to significantly depress the value of nearby properties; and that the use or structure was lawful at the time of its inception. Planning Commission approval for the issuance of a special use permit (special exception) for Bed & Breakfast (tourist home) establishments when specified procedures and requirements, as outlined in this Section and Chapter 19, Section 19.07 are complied with:

- A. The issuance of a special use permit for the operation of a Bed & Breakfast (tourist home) is subject to the following conditions in addition to conditions contained elsewhere in this ordinance:
 - 1. The Bed & Breakfast (tourist home) is occupied and operated by the owner(s) listed on the Special Use Permit and is a single family residential dwelling.
 - 2. The exterior appearance of the structure shall not be altered from its single family character. There shall be at least two (2) exits to the outdoors.
 - 3. All rooms utilized for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purpose. A guest room shall not be located in a basement or an attic. There shall be no separate or additional kitchen facility for the guests.
 - 4. The rooms utilized for sleeping are a part of the primary residential use, are not specifically constructed for rental purposes and are limited to a maximum number of four (4). 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 who stay no more than seven (7) consecutive days.

5. Signs shall not exceed six (6) square feet. There shall be no neon, flashing, moving, etc. type of signs.
 6. Off-street parking shall be provided at a ratio of one parking space per rental room plus two additional spaces. A detailed parking site plan is to be submitted at the time of application. The proposed parking area shall be landscaped in such a manner that the residential character of the property is preserved.
 7. A person who does not reside at the home shall not be employed to assist in the conduct of a Bed & Breakfast (tourist home) except as usual for a single family residence.
 8. The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
 9. A list shall be maintained of all guests and their place of residence.
 10. A fire escape plan shall be developed and graphically displayed in each guest room. Fire extinguishers and smoke detectors are to be displayed and maintained throughout the home per the Antrim County Building Department.
 11. An initial on-site compliance inspection of the facility shall be satisfactorily completed by the Zoning Administrator prior to the commencement of operation. Reinspection shall be performed every third year. A compliance inspection fee shall be charged. The initial inspection fee and reinspection fees shall be determined by the Township Board Fee Resolution Schedule.
- B. Other conditions or stipulations may be required if deemed necessary by the Planning Commission to protect the surrounding properties and property values.
- C. The rental of recreation equipment such as snowmobiles, ATV or similar vehicles, in conjunction with the operation of a Bed & Breakfast (tourist home) shall be prohibited.
- D. Lapse of Operation. The active operation of a Bed & Breakfast (tourist home) shall not have lapsed for more than nine (9) months.
- E. There shall be no additional Bed & Breakfast (tourist home) allowed within twenty-five hundred (2,500) feet of an existing establishment.
- F. Property owners within one thousand (1,000) feet of a proposed establishment shall be notified by mail of an impending Bed & Breakfast (tourist home) special use permit application hearing.

- G. Previously established Bed & Breakfast (tourist home) in the Township shall comply with the conditions and regulations of this Ordinance. Any amendments to this ordinance shall be retroactive for all established Bed & Breakfast (tourist home) establishments in the Township with compliance being mandatory.

Section 7.05 – GENERAL PROVISIONS

See Chapter 2, GENERAL PROVISIONS for supplemental requirements and height, area, and yard restrictions.

Section 7.06 - GROUP RETREAT CENTER (SPECIAL EXCEPTION USE)

- A. A Group Retreat Center is only permitted as a Special Exception Use in the R-1 Zone. The Group Retreat Center including all uses and accessory uses and structures shall be completely located in the R-1 Zone. The issuance of a special exception use permit for the operation of a Group Retreat Center is subject to the following conditions and the provisions and procedure of Section 19.07:
1. A Group Retreat Center can only be considered on a parcel of at least seven (7) acres in size.
 2. The exterior appearance of the structure shall maintain its single-family residential character.
 3. All meals of the Group Retreat Center are to be provided in the main structure.
 4. One sign is permitted not to exceed six (6) square feet in area. Illumination is not permitted. The location of the sign shall meet the requirements of Chapter 3 of the Zoning Ordinance.
 5. Parking shall be provided at a ratio of one (1) parking space per three (3) guests and one parking space for each employee. The applicant shall provide parking spaces for the maximum number of guests anticipated for the center plus employees. The parking area shall meet the standards of Chapter 14 except the Planning Commission may consider a porous parking surface to reduce storm water runoff.
 6. Sleeping quarters shall only be permitted in the existing single-family dwelling and no expansion of the existing single family dwelling shall be permitted.
 7. Existing accessory structures on the property may be converted to a use associated with the Group Retreat Center. Any proposed use of an accessory structure or building shall be declared in the application material and subject to review and approval by the Planning Commission. Any proposed building or structure to be added to the property shall have a residential character and specified in the application material. Additional buildings must be reviewed and approved by the Planning Commission as a new application if not part of the original application.
 8. Site and Structure Requirements
 - Minimum parcel size: 7 acres

- Minimum existing single family Dwelling size: 8,000 sq. ft. (Floor Area)
- Setbacks:
 - Front Yard 50'
 - Side Yard 30'
 - Rear Yard 50'
- Minimum lot width: 300'
- Maximum structure height: 2 ½ stories or 35'
- Maximum lot coverage: 30%

Lot coverage shall include the area occupied by structures, dwellings, accessory structures, parking areas, driveways, patios and other impervious surfaces.

- B. Other conditions or stipulations may be required if deemed necessary by the Planning Commission to protect the surrounding properties and property values including but not limited to hours of operation, size of group, length of stay of a group, outside activities proposed, use of temporary structures, frequency of events, types of events and others as deemed appropriate by the Planning Commission.
- C. The rental of motorized recreation equipment such as snowmobiles, boats, personal watercraft, ATV or similar vehicles, in conjunction with the operation of the Group Retreat Center shall be prohibited. Privately owned or leased motorized recreation equipment will not be allowed to operate from the Group Retreat Center by a guest or an employee.
- D. The Group Retreat Center shall be required to be connected to public utilities, if available, or a County approved water and septic system.
- E. There shall be no Group Retreat Center allowed within twenty-five hundred (2,500) feet of an existing Group Retreat Center.
- F. Property owners within one thousand (1,000) feet of a proposed Group Retreat Center shall be notified by mail of an impending Group Retreat Center special exception use permit application public hearing.
- G. A fire escape plan shall be developed and graphically displayed in each guest room. Fire extinguishers and smoke detectors are to be displayed and maintained throughout the home per the Antrim County Building Department and the Elk Rapids Fire Department.
- H. The Zoning Administrator shall satisfactorily complete an initial on-site compliance inspection of the facility. Re-inspection shall be performed every third year. A compliance inspection fee shall be charged. The Township Board Fee Resolution Schedule shall determine the initial inspection fee and re-inspection fees.
- I. In December of each year, the owner of the property shall submit a report to the Zoning Administrator indicating the number and types of events held during the year.
- J. The Special Exception Use permit issued to the original applicant can be assigned to subsequent owners. In the event the property is sold and a new owner who proposes/intends to continue the operation of the Group Retreat Center, the seller shall notify the Zoning Administrator of the name, address and phone number of the new owner. The new owner shall be required to contact the Township for the purpose of reviewing the

conditions and operational procedures associated with the original Special Exception approval or any amendments since the original approval.

- K. If a Group Retreat Center has lapsed in operation for more than nine (9) months, the Special Exception Use shall become void.