

## ARTICLE IV – USE REGULATIONS – AG. RESIDENTIAL

### AGRICULTURE-RESIDENTIAL

Adopted November 8, 2004

#### SECTION 402: A2 - AGRICULTURAL RESIDENTIAL DISTRICT

##### SECTION 402.01 General Purpose or Intent

This district is intended to encourage the continuation of agricultural operations while permitting non-farm residential development that is consistent with the rural character of the community.

##### SECTION 402.02 Definitions:

1. **RURAL:** A sparsely developed area where the land is primarily used for farming, forestry, resource extraction, characterized by very low-density residential uses (one unit per 10 acres or less) or open space uses.
2. **AGRICULTURE:** For the purpose of this Ordinance, agriculture shall consist of soil cultivation and animal husbandry.
3. **ANIMAL UNIT:** One thousand (1000) pounds of animal(s) weight.

##### SECTION 402.03 Permitted Uses:

The following uses of land are permitted in this district:

1. Commercial crop agriculture, farm, farm operation, agriculture. wholesale, and retail, minimum forty (40) acres in size.
2. Conservation area for fauna and flora
3. Churches, public and private schools
4. Dwelling unit, farm
5. Dwelling unit, non-farm
6. Farm buildings
7. Farm drainage and irrigation systems
8. Forest preserve
9. Historic sites and structures
10. Home occupations
11. Non-commercial raising of farm animals
12. Small livestock production facilities e.g., rabbits and chickens. For small livestock operations, the following standards shall apply:
  - A. The operation shall have a maximum density of one (1) animal unit for the first three (3) acres, plus one (1) animal unit per additional acre.
  - B. Animals shall be provided suitable shelter, with shelters meeting the setback requirements for accessory structures.

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C. The producer shall utilize a suitable method for removing and disposing of animal waste.

12. Tree, sod farms and nurseries
13. Greenhouses
14. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-ways
15. Uses customarily accessory to farm operations
16. Uses and structures customarily accessory to non-farm dwellings
17. Orchards and vineyards
18. Cemeteries
19. Game and wildlife refuges
20. Public parks, public parkways, and public recreation facilities

### SECTION 402.04 **Special Approval Uses:**

1. The following uses of land and structures may be permitted upon the issuance of a special approval use permit in accordance with the procedures and standards contained in Section 605 and 608 (procedure for applying for special approval use).

A. Commercial agriculture, farm, farm operation, agriculture-wholesale, and retail less than forty (40) acres in size.

B. Agricultural service establishments

C. Essential service structures including, but not limited to, any new rights-of-way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.

D. Livestock Production Facilities:

Large livestock operations shall be reviewed and approved by the Michigan Department of Agriculture according to the Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities, as per PA 261 of 1999.

E. Roadside stand selling products at least of which fifty (50) percent is grown on the same premises or on land which is part of the same farm or produced on that farm. A setback from the right-of-way of at least fifty (50) feet and adequate off-street parking is required.

F. Planned Unit Developments (PUD=s).

G. Private parks, country clubs, gun clubs, golf courses, ski resorts, golf driving ranges and similar private recreation facilities provided that such uses are on a continuous parcel of not less than five (5) acres.

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- H. The raising of fur bearing animals, including commercial dog kennels, mink, rabbit, cat, and canine establishments, provided said use shall be on a continuous parcel of land twenty (20) acres or more in area, and all outdoor runs of breeding areas are enclosed on all sides by an obscuring wall or fence not less than four (4) feet high
  - I. Soil, sand, clay, gravel, or similar removal operations, quarry excavation and filling of land subject to all applicable State, County, and township ordinances
2. Standards applicable to special approval uses A, B, C, and E:
- A. The proposed use shall be sited upon lands which are less suitable for commercial agriculture than other agricultural lands within the district.
  - B. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.
  - C. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agricultural service establishments into agricultural service centers shall be encouraged and accomplished by special approval use permit.

### SECTION 402.05 Development Standards:

- 1. Site development standards applying to all uses, except as noted in Section 406.04, paragraph 2:
  - A. Minimum Lot Area: for non-farm dwelling units: 2 acres, +/- 1/10 acre.  
  
Minimum Lot Area for special approval uses: 10 acres (does not apply to commercial agriculture, farm, farm operation, agriculture. wholesale, and retail)  
  
Minimum Lot Area for farm dwelling unit: 40 acres.
  - B. Minimum Lot Width: 165 ft. for non-farm dwelling units, 600 feet for farm dwelling units.
  - C. Maximum Lot Coverage: 10%
  - D. Minimum Setbacks
    - Front: 50 ft.
    - Side: 20 ft.
    - Corner: 50 ft.
    - Rear: 50 ft.
  - E. Maximum Height:

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2 stories/35 feet

F. Maximum lot width to depth ration: 1 to 4

2. The following qualifications and exceptions apply:

A. Each lot for a dwelling unit shall be a separately conveyed parcel of at least two (2) acres (+/- 1/10 acre) in area and described by a recorded certificate of survey.

B. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:

(a) Local secondary road: 100 feet

(b) County primary/state highway: 125 feet

(c) Minimum distance from an intersection of two or more of the above: 80 feet.

C. After the effective date of this ordinance, all non-farm dwellings units, farm buildings, and accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another.

D. Non-farm dwelling units are limited to a maximum of one (1) farm animal per acre.

E. The maximum height of farm buildings/structures shall be one hundred (100) feet. All farm buildings over thirty-five (35) feet shall be set back from a lot line a distance of at least equal to the height of the building.

F. Line and structures within existing public rights-of-way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.

G. Prior to the issuance of a zoning permit, the zoning administrator shall certify that the location of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet spacing requirements from existing farm buildings or non-farm dwellings, no other location is available.

H. Adequate area for a septic drain field and approved distance shall be maintained between the well and septic tank drain field as required by the County Health Department.

I. Access to a public road shall meet ordinance requirements.

J. Accessory buildings, structures and uses to non-farm dwelling units are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform with setbacks. Rear setbacks may be reduced by the zoning administrator up to twenty

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(20) feet from the lot line, unless it is a right-of-way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.

3. Non-farm dwelling units shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the St. Clair County Register of deeds upon or prior to the effective date of this Ordinance, or on a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided they are able to meet all applicable standards and requirements of this Ordinance and all other applicable township and county ordinances.

### **SECTION 402.06 Application Procedure For Special Approval Use:**

Application for special approval uses authorized in this Ordinance shall be submitted to the Planning Commission through the Zoning Administrator. ) See Article VI, Section 607 for Administrative Procedure)

The application shall contain the following:

1. Completed form for new land use or change
2. Material as required for site plan review as outlined in Article V Section 606.

### **SECTION 402.07 Planning Commission Action:**

The Planning Commission may deny, approve, or approve with conditions, requests for special approval use. The decisions on a special approval use shall be incorporated in a statement of conclusions relative to the special approval use under consideration. The decision shall specify the basis for the decision and any condition imposed.