

CHAPTER 5

AGRICULTURAL DISTRICT

(Ord. 48, eff. Nov. 30, 1999, as amended July 28, 2008) (See Chapter 3 "Restrictions Applicable to All Districts)

Sec. 500. INTENT.

- a) This district is primarily set aside for farming, horticulture, animal husbandry, dairying, and other agricultural activities. Vacant fallow land and wood lots are also included.

People contemplating building a home in the agricultural zone should be aware of the unusual and specific conditions normally associated with land used in farming; such as, but not limited to, odors, noise, sprays and dust.

The regulations of the Agricultural District are intended to ensure that land areas within Wright Township that are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

- b) Other specific purposes for which this district is established include:
- (1) To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.
 - (2) To provide the basis for land tax assessments that reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
 - (3) To prevent the conversion of agricultural land to non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
 - (4) To protect farmland from speculative increases in land value.
 - (5) To prevent loss of farmland.
 - (6) To prevent conflicts between agricultural activities and residences.
 - (7) To prevent encroachment of urban and suburban services into agricultural areas.
 - (8) To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
 - (9) To reduce the amount of land consumed in rural areas for nonagricultural use.

- (10) To prevent intrusion of uses into farm areas which are incompatible with general farming activities.
- (11) To permit services and uses which are necessary to support farming activities.
- (12) To allow a limited amount of non-farm dwelling units in agricultural zones. To this end, the number of non-farm dwellings allowed on a parcel of land shall be based on a schedule of density contained in this article and shall be known as a sliding scale. However, it should be noted that the primary intended use of this district is agricultural activities and that these activities may not be compatible with non-farm residents. ***For complaints regarding farm related issues contact the Michigan Department of Agriculture 1-**

Sec. 501. PRINCIPAL USE.

Land in the Agricultural District may only be used for the following purposes:

- (a) Both general and specialized farming, including horticultural, dairying, raising of farm animals, farm forestry, orchards, vineyards and apiaries, and other similar uses which are operated in compliance with the applicable regulations of the Michigan Agricultural Commission, but no farm shall be operated for the disposal of garbage. ((ord. no.69 eff. May 28,2002))
- (b) Single family.
- (c) Greenhouses and nurseries, including retail sales of plant material grown on site.
- (d) Retail sales of food or agricultural products, provided that all of the following conditions or requirements shall be met:
 - 1) The total area devoted or used for such sales shall not exceed 10,000 square feet, including the square footage of any buildings or structures.
 - 2) The food or agricultural products may be consumed or used on or off the premises.
 - 3) The Owner of the market is to be the Owner or operator of the farm on which the market is located.
 - 4) Adequate parking must be provided which does not interfere with or obstruct the normal flow of traffic on adjacent roads or highways.
 - 5) Items which are not produced on farms owned or operated by the Owner of the market site shall not occupy more than 30% of the total sales area.
 - 6) Items that are not produced on farms owned or operated by the Owner of the market shall not occupy more than 50% of the floor space of any structure erected for such use.

7) Other activities intended to enhance or attract customers to the location, such as, but not limited to, hayrides, sales and displays of crafts, cross country skiing, or other activities associated with farm markets, shall be permitted as accessory to the farm market, provided that such activities must be compatible with agricultural or horticultural areas and not infringe upon or adversely affect adjacent property and property owners.

8) The preparation and sale of foods for consumption on or off premises such as doughnuts, pies, pastries, and other food or juice items which are customarily prepared and sold at such agricultural markets is permitted as an accessory use if required licenses or approval of local health department is obtained and maintained.

- (e) Churches, parish houses, rectories and convents.
- (f) Schools.
- (g) Public parks, public recreation areas and municipal buildings.
- (h) Earth bermed and underground dwellings.
- (i) Private stables operated in compliance with all applicable regulations of the Michigan Agricultural Commission. (ord. no.70 eff. May 28, 2002)
- j) Home occupations.
- k) Sorting, packaging and processing of farm produce, but only if such produce is grown primarily on that parcel or by the owner of that parcel. Commercial canning and freezing activities are prohibited as permitted uses.
- l) Family day care and adult day care homes with no more than six (6) minor children or adults.
- m) State licensed adult foster care family homes with no more than six (6) adults.
- n) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- o) Essential public services.
- p) Livestock production facilities and manure storage facilities operated in compliance with all applicable regulations of the Michigan Agriculture Commission. (ord. no. 59 eff. Aug. 21, 2001)

- q) Farm labor housing of any size as an accessory use to a farm provided the following conditions are met in addition to the other requirements of the Agricultural District:
 - 1) Compliance with the Michigan Public Health Code being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto.
 - 2) The occupants are employed for farm labor at sometime by the owner of the property, while they occupy the housing.
 - 3) Mobile homes may be used to provide such housing.
 - 4) Farm labor housing may be permitted as a principal use on a parcel which contains a minimum of one acre and which complies with all other requirements of this section. This parcel shall abut the farm parcel where the laborers are employed and both parcels shall be under the same ownership. Creation of such a parcel shall not be considered a split under the sliding scale table in Section 503 herein unless the parcel is converted to a non-farm dwelling unit in which case it shall be counted as a split.
- (r) Uses customarily incidental to the permitted principal use.
(ord. no. 48 eff. Nov. 30, 1999)
- (s) Single-family dwellings designed as Open Space Preservation Projects as regulated by Section 326. (ord. no. 78 eff. Dec. 3, 2002)
- (t) Wind Energy Systems in accordance with Section 327 of this Ordinance.
(ord. no. 106 eff. July 28, 2008)

Sec. 502. **SPECIAL USES.**

The following uses may be permitted as a special land use (also known as a special exception use) when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- a) Agricultural service establishments which are the primary use of a parcel and which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
 - 1) Centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower and agricultural produce milling and processing);

- 2) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
 - 3) Crop dusting;
 - 4) Fruit packing;
 - 5) Farm equipment sales, service, and repair;
 - 6) Veterinary services;
 - 7) Facilities used in the research and testing of farm products and techniques;
 - 8) General repair and welding of farm implements and farm machinery.
- b) Commercial kennels;
 - c) Extractive uses such as stripping of topsoil, sand, rock, gravel, lime, or other soil or mineral sources, including gravel pits and quarries, per Section 307 of this Ordinance.
 - d) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
 - e) Commercial stables provided that such use is operated in compliance with all applicable regulations of the Michigan Agricultural Commission. (ord.no.70 eff. May 28, 2002)
 - f) Storage of boats, trailers, RV's, motor homes, off-road vehicles, jet ski's, snowmobiles, antique motor vehicles, other motor vehicles, and similar non-farm items in farm buildings as regulated by Section 1910 herein. (ord. no. 85 eff., Dec. 30, 2003)
 - g) Bed and breakfast establishments per Chapter 19 herein.
 - h) Wind Energy Systems in accordance with Section 327 of this Ordinance. (Ord. no. 106 Eff. July 28, 2008)
 - i) Ethanol production facilities as regulated by Chapter 19 herein. (ord. no. 107 eff. Dec. 2, 2008)
 - h) Group day care homes that provide care to not less than seven and not more than twelve minor children. (ord. no. 109 eff. June. 2, 2009)

Sec. 503 SLIDING SCALE FOR LOT SPLITS & DWELLINGS

- (a) The maximum number of lots that may be divided or split from a lot of record for new dwelling units in this Agricultural zone shall be based on the gross area of the lot of record which is to be divided, as listed on the following table:

**Permitted Lot Split Table
("Sliding Scale")**

<u>Size of Lot of Record</u>	<u>Number of Buildable Lots Allowed</u>
0 - 40 acres	1
40.1 - 80 acres	2
80.1 - 120 acres	3
120.1 - 160 acres	4

(b) In addition to the splits or divisions permitted under Subsection (a) above, every lot which contains a single family dwelling existing before the Township's amendment of this Subsection (b) on August 10, 2005, shall be allowed to split a lot from the lot of record and create a new lot for the existing dwelling. This new lot need not comply with the maximum lot size requirements contained in Section 504.1 for dwellings, but shall be not less than one acre in size and shall have a lot width of at least 150 feet and all setbacks shall be met.

The lot remaining after the permitted lot(s) for new dwellings are created is not a buildable lot and a building permit shall not be issued for this remaining parcel. For example, if the lot of record contains 50 acres and two lots for two new dwellings are created with a lot size of two acres each, then the remaining parcel, which would consist of 46 acres, would be unbuildable and a building permit would not be issued for this 46 acre parcel.

(c) Any lot created in violation of Subsections (a) or (b), above, shall not be buildable (i.e., cannot have a building or dwelling built, placed or used thereon.)

(d) The maximum number of *new dwellings* that may be built on lots created from a lot of record shall be based on the gross area of the lot of record which is to be divided, as listed in the following table:

**Permitted Number of Dwelling Units
("Sliding Scale")**

<u>Size of Lot of Record</u>	<u>Number of Residential Dwellings Allowed</u>
0 - 40 acres	1
40.1 - 80 acres	2
80.1 - 120 acres	3
120.1 - 160 acres	4

The parcel remaining after the permitted lot(s) for new dwellings are created (as specified in Subsection (b), above) is not a buildable lot and a building permit shall not be issued for this remaining parcel. (ord. no. 96 eff. August 30, 2005)

Sec. 503.1 LOTS WITHOUT PUBLIC ROAD FRONTAGE.

A lot may be created which does not abut a public street. Such lot shall not contain a dwelling unit except as may be permitted by Section 504.1 herein but may contain farm buildings as

7/28/2008
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defined herein as well as essential service buildings and structures and radio and cellular towers and antennas. (ord. no. 96 eff. August 30, 2005)

Sec. 503.2 MONITORING LOT SPLITS.

Wright Township recognizes that proper administration of the “sliding scale” concept is important in meeting the intent of this Ordinance. The following procedures have been established to help ensure proper monitoring of lot splits.

- a) Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
- b) An allotment of dwelling units possible under this Ordinance shall be made for each parcel in the Agriculture District.
 - (1) As allotments are used up, the official map and register shall be updated to reflect these changes.
 - (2) The official map and register shall be maintained by the Township Clerk and copies made available for inspection by the public.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 504. DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged in the Agricultural District unless the following requirements are met and maintained:

Sec. 504.1 MINIMUM LOT AREA AND WIDTH.

All lots created after August 10, 2005 for the purposes of constructing a single family dwelling shall comply with the following regulations:

- (a) A lot shall be a minimum of one acre and a maximum of two acres in size except as may be otherwise allowed by Section 503(b) herein.
- (b) A lot shall be created to comply with at least one of the following standards:
 - (1) A lot shall have a minimum width of 150 feet at the front lot line abutting a public road.
 - (2) A lot must have no more or no less than 20 feet of width at the front line abutting a public road. This width shall be maintained to a point where the lot must expand to be at least 150 feet in width as measured across the front of the dwelling from side lot line to side lot line. Such lot shall not be subject to the lot depth to width ratio requirements of this Ordinance.

- (3) A lot must have frontage on an easement and the easement must be at least 20 feet in width.

The lot shall have a minimum width of 150 feet. This width is measured from side lot line to side lot line across the front of the dwelling.

- (c) A driveway serving a single dwelling shall comply with the driveway requirements of Chapter 29 of this Ordinance.
- (d) If two lots from the same lot of record are created according to the requirements of Section 504.1(b) (2) or (3) above such lots shall abut each other along the full length of a common property line unless it can be demonstrated that such an arrangement is not feasible due to steep topography, wetlands, soils which are not suitable for on-site septic systems or other similar site features.

If these two lots abut they shall be served by a shared driveway. This shared driveway shall comply with the requirements for shared driveways contained in Chapter 29 herein.

- (e) No more than two lots permitted under Subsection (b) (2) and (3) above may be created from a lot of record.
- (f) Lots which are to be created under Subsection (b) (2) and (3) above must first obtain the approval of the Planning Commission. The following procedures shall be followed in seeking this approval from the Planning Commission.

- (1) An application shall be submitted to the Township Clerk on the same form used for site plan review along with any fee as may be set by the Township Board. Along with this application ten copies of an accurate drawing to scale shall be submitted. This drawing shall illustrate the proposed land division and the method of access to demonstrate compliance with the requirements of this Chapter.

- (2) The Clerk shall transmit this drawing and the application to the Planning Commission for consideration at the next meeting of the Commission. The Commission shall make a decision on the request within 60 days of the submittal of all required information or the request shall be considered to be approved.

- (3) In its consideration the Commission must find that the request satisfies the following standards in order to approve the request.

- (i) The driveway and dwelling shall be located so as to minimize or avoid conflicts between the residents of the proposed dwelling and nearby farmland and to have the least impact on the ability to farm the adjacent land taking into account odors, pesticide and fertilizer application noise from farm equipment operation and other activities normally associated with farming.

- (ii) The driveway and dwelling unit shall be located on land that is difficult or unlikely to be used for agricultural production due to soil types, poor drainage, wetlands, topography, woods or similar conditions.
- (iii) The lot and driveway shall not have the effect of dividing land into such isolated or small areas that these areas cannot feasibly be used for farming.
- (4) The Planning Commission may attach reasonable conditions for any approval granted hereunder. If the Commission finds that the request does not satisfy the above criteria, the Commission shall deny the request.
- (5) If the Commission approves the request the applicant must also obtain approval of the proposed lot split as required by the Township Land Division Ordinance. If the request includes a shared driveway the procedures and standards of Section 2911 must also be met. (ord. no. 96 eff. August 30, 2005)

Sec. 504.2 MAXIMUM BUILDING HEIGHT.

No principal building shall exceed a height of thirty five (35) feet.

Sec. 504.3 MINIMUM FRONT YARD.

Each lot or parcel shall have a minimum front yard of fifty (50) feet along each public street right-of-way line that abuts the lot or parcel or along an access easement as may be permitted by Section 504.1 herein. . (ord. no. 96 eff. August 30, 2005)

Sec. 504.4 MINIMUM SIDE YARD.

Each lot or parcel shall have minimum side yards of not less than fifteen (15) feet on each side.

Sec. 504.5 MINIMUM REAR YARD.

Each lot or parcel shall have a minimum rear yard of fifty (50) feet in depth from the rear lot line.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 504.6 SEPTIC SYSTEM & WELL PLACEMENT.

A septic system and well shall be on the same lot as the dwelling which is served by such septic system and well. . (ord. no. 96 eff. August 30, 2005)

Sec. 505. PLATS AND CONDOMINIUMS.

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In the Agricultural Zoning District, all lots platted under the State Land Division Act of 1996, PA 591 of 1996, as amended, and the Condominium Act, PA 59 of 1978, as amended, must have the required lot width on public roadways and approved private roads which existed as of the effective date of this Section.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 506. **MINIMUM FLOOR AREA.**

Dwelling units in the A District shall have the following minimum floor areas. The square footage shall be measured to the outside dimensions of the dwelling and shall not include attached garages, unenclosed porches or other accessory structures.

- a) One-Story Dwelling: All one-story dwellings shall have a minimum of nine hundred, sixty (960) square feet of area, except that dwellings with less than three (3) bedrooms must only have a minimum of seven hundred, twenty (720) square feet of area.
- b) Two-Story Dwellings: All two-story dwellings shall have a minimum of seven hundred twenty (720) square feet of area on the first floor.
- c) Split Level, Bi-Level, and Raised Ranch: All split level, bi-level, and raised ranch dwellings shall have a minimum of seven hundred, twenty (720) square feet of area above grade.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 507. **ACCESSORY BUILDINGS.**

Accessory buildings shall be located not less than (fifteen) 15 feet from the side and rear lot lines, and fifty (50) feet from the front lot line. (ord. no. 48 eff. Nov. 30, 1999) *No accessory building may be located in the "required front yard."