

## **ARTICLE 18.00**

# **AG-C, Commercial Agricultural District**

### ***Section 18.01 Statement of Purpose***

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It is intended that developments in this district be designed to preserve significant natural features and promote public health, safety, and welfare. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other natural features is encouraged, consistent with state law. This district is further established to achieve the following objectives:

1. To discourage the encroachment of urban and suburban services into agricultural and rural portions of the Township.
2. To create a stable environment for agricultural production.
3. To permit services and uses that are necessary to support agricultural activities.
4. Encourage use of land that promotes public health, safety and welfare.

### ***Section 18.02 – Permitted Uses and Structures***

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#### **A. Principal Uses and Structures**

In all areas zoned AG-C, Commercial Agricultural, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Farms and other agricultural activities related to the definition of "farm" in Section 1.03, subject to the provisions in Section 8.02, sub-section L, or the Generally Accepted Agricultural and Management Practices (GAAMPs), whichever is applicable.
2. Barns, silos, sheds, equipment storage and other farm buildings, as defined in Section 1.03.
3. One farm dwelling per farm, which serves as the principal residence of the owner, operator, or employee(s) of the farm.
4. Idle cropland, provided that such land is maintained so as to prevent the erosion of soil.
5. Raising and growing of plants, trees, shrubs, and nursery stock, including any buildings or structures used for such activities.
6. The growing, stripping, and removal of sod, provided that all stripped land shall be reseeded by the fall of the year in which it was stripped so as to prevent the erosion of soil by wind or water.
7. Forestry and forest management.
8. Riding arenas or boarding stables, subject to the provisions in Section 8.02, sub-section AA.
9. One roadside stand for the sale of agricultural products raised on the farm, subject to the provisions in Section 8.02, sub-section Z.
10. Home occupations and home based businesses, subject to the provisions in Section 2.06.
11. Adult Foster Family Homes, Family Day Care Homes, Child Foster Family Homes, and Child Foster Family Group Homes.
12. Housing for migrant farm laborers, subject to the requirements for Agricultural Labor Camps in Part 124 of the Michigan Environmental Health Code.
13. Retail sales of ornamental trees, shrubs, and nursery stock that is grown on the premises.

14. Commercial livestock operations that are subject to compliance with the GAAMPS standards.
15. "U-pick" agricultural operations, provided that sufficient parking is provided.
16. The Township may permit a second single family dwelling unit on a parcel used and occupied as a farm in addition to the principal dwelling unit permitted in Section 18.02(A), where the additional unit is for use by those engaged in the farm operation, including owners/operators, partners, or laborers on the farm, and their families, subject to the following conditions:
  - a. The applicant shall submit a plot plan that illustrates the location of the proposed dwelling unit in relation to property lines and existing buildings on the parcel. The proposed dwelling shall be set back a sufficient distance from other buildings and property lines so that it could eventually be split off on a separate parcel in conformance with the standards in the Rural Residential district. If the dwelling is split off on a separate parcel, the parent parcel must comply with all of the standards in the Commercial Agricultural district.
  - b. In the event that the additional dwelling ceases to be used by persons associated with the farm operation, then it shall be split off on a separate parcel in conformance with the standards in the Rural Residential district.
  - c. Only one such second dwelling unit shall be permitted on a parcel. If such a dwelling is split off on a separate parcel, another dwelling unit shall not be permitted on the parent parcel.
  - d. Proposals to place a second dwelling unit on a parcel shall be subject to approval by the Planning Commission, who shall be responsible for determining if the additional unit will be used by those engaged in the farm operation.
17. Essential services, subject to the provisions in Section 2.16.
18. Uses and structures accessory to the above, subject to the provisions in Section 2.03.
19. Temporary real estate auctions, subject to the provisions in Section 8.02, sub-section LL.
20. Temporary general auctions, subject to the provisions in Section 8.02, sub-section LL.
21. Minor agricultural tourism uses, subject to the regulations in Section 8.02, subsection OO.

## **B. Accessory Uses and Structures**

The following uses and structures accessory to principal uses and structures in the AG-SF District shall be permitted, subject to the provisions in Section 2.03:

1. Roof and building-mounted solar energy systems for individual use, subject to the requirements in Section 8.02, subsection QQ.4.

## **C. Special Uses**

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. Commercial agricultural service establishments whose principal function is performing agricultural or horticultural services on a fee or contract basis, including but not limited to:
  - a. Crop dusting, seeding and spraying.
  - b. Farm equipment sales, service and repair.
  - c. Veterinary clinics, subject to the provisions in Section 8.02, sub-section DD.
  - d. Bulk feed, seed or fertilizer sales, storage or mixing.
  - e. Auction sales facilities, subject to the requirements in Section 8.02, sub-section LL.

- Special approval shall not be required for farms and agricultural activities that are permitted principal uses and that provide one or more of the services listed in this sub-item 1 to other farms on a fee or contract basis, provided that such fee or contract services do not become the principal use of the site.
2. Commercial egg production.
  3. Game preserves.
  4. Gun clubs.
  5. Sand, gravel or mineral extraction, subject to the provisions in Section 2.13.
  6. Commercial kennels, subject to the provisions in Section 8.02, sub-section P.
  7. Municipal buildings and uses.
  8. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
  9. Adult Foster Care Small Group Homes and Group Child Care Homes. Group Child Care Homes shall be subject to the regulations in Section 8.02, sub-section Y.
  10. Cemeteries, subject to the provisions in Section 8.02, sub-section G.
  11. Religious institutions, subject to the provisions in Section 8.02, sub-section X.
  12. Public or private golf courses, including country clubs and driving ranges, subject to the provisions in section 8.02, sub-section N.
  13. Radio and television transmitting and receiving towers, subject to the provisions in Section 8.02, sub-section V.
  14. Oil and gas processing facilities, subject to the provisions in Section 8.02, sub-section T.
  15. Confined animal feeding operations (CAFO), also known as feedlots.
  16. Wireless communications facilities on monopoles, subject to the standards and conditions in Section 8.02(V).
  17. Airports for public use, landing areas for other than personal use, and related accessory uses, subject to the provisions in Section 8.02, sub-section B.
  18. Landscape contractor's operation, subject to the provisions in Section 8.02, sub-section FF.
  19. Outdoor events, including outdoor events in the Williamstown Township Park, subject to the provisions in Section 8.02, sub-section GG.
  20. Nature Centers, demonstration farms, and similar uses, subject to the provisions in Section 8.02, sub-section HH.
  21. Small wine makers and hard cider producers, subject to a minimum lot size of four (4) acres and, subject to the regulations in Section 8.02(JJ).
  22. Permanent agricultural auctions, subject to the provisions in Section 8.02, sub-section LL.
  24. Major agricultural tourism uses, subject to the regulations in Section 8.02, subsection OO.
  25. Small distillers, subject to a minimum lot size of four (4) acres and, subject to the regulations in Section 8.02(OO).
  26. Community solar facilities and Utility Grade solar facilities, subject to the regulations in Section 8.02, subsection QQ.5.
  27. Event Barns, subject to the provisions in Section 8.02. subsection SS.

**D. Option to Permit a Lot Split for an Existing Dwelling**

In addition to conventional methods of land division permitted by this or other ordinances or laws, every farm which contains a single family dwelling at the time of adoption of these regulations shall be allowed to split one (1) lot from the main farm acreage to create a new lot for the existing dwelling. This new lot shall comply with the lot size requirements in this sub-section C unless additional land is needed to meet the setback requirements. The purpose of these standards is to permit division and sale of lots for residential use while providing the opportunity for continued farming or open space preservation.

**1. Compliance with Subdivision Control Act**

No lot split shall be permitted where the split would be in violation of the lot split provisions in the Subdivision Control Act (Michigan Public Act 288 of 1967, as amended).

**2. Minimum Lot Dimensions**

Lot splits permitted by this sub-section shall comply with the following dimensional standards:

- a. **Lot Area:** Lots created pursuant to the regulations in this sub-section shall be at least two (2) acres and no larger than five (5) acres in size, plus-or-minus five percent (5%), unless a larger lot area is required to accommodate a septic system as required by the Ingham County Health Department.
- b. **Minimum Lot Width:** 240 feet
- c. **Minimum Setbacks for Principal and Accessory Buildings:** As specified for single family lots in the RR district.

**3. Septic System**

Each lot shall contain one (1) replacement drain field approved by the Ingham County Health Department prior to issuance of a building permit. The location of the field shall be illustrated on building plans submitted to the Building Inspector. A building, structure, or impervious surface shall not be placed or constructed over any active, proposed, or replacement drain field area.

**4. Conforming Status of New Lots**

Both lots legally created using the procedures outlined herein shall be considered conforming with respect to minimum lot size.

**E. Accessory Special Land Uses**

A landing area or airport may be permitted in the AG-C District provided that such a use is accessory to permitted principal uses and structures on the same parcel, and subject to the provisions in Sections 2.03 and 8.02(B), review and approval by the Planning Commission and Township Board, and the procedures and requirements in Section 29.03.

**F. Option to Permit Lot Splits for Non-Farm Dwellings**

In addition to other methods of land division permitted by this or other ordinances or laws, land division to create lots for non-farm dwellings shall be permitted by right in the AG-C district, subject to the requirements in this sub-section. The purpose of these requirements is to permit division and sale of lots for residential use while providing the opportunity for continued farming or open space preservation.

**1. Maximum Number of Lot Splits**

The maximum number of lots that may be created shall be based on the following formula (provided that minimum lot dimensions can be met):

$$\text{Total acreage of parcel divided by 10} = \text{Maximum number of lots}$$

When the above calculation results in a fractional number, round down to the nearest integer to determine the permitted number of lots.

**2. Compliance with the Land Division Act**

No parcel split shall be permitted where the split would be in violation of the land division requirements of the Land Division Act (Michigan Public Act 288 of 1967, as amended).

**3. Minimum Lot Dimensions**

	<b>Option A: Frontage on Public Road</b>	<b>Option B: Shared Driveway Option</b>
Maximum Lot Area	2 acres, +/- 5%*	2 acres, +/- 5%*
Minimum Lot Area	40,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	200 feet	120 feet
Minimum Frontage on a Public Road	200 feet	200 feet**
Front Setback	50 feet	50 feet
Side Setback	30 feet	30 feet
Rear Setback	40 feet	40 feet

\*A larger lot area may be permitted if required by the Ingham County Health Department to accommodate a septic system.

\*\*The Township Board, upon receiving a recommendation from the Planning Commission, may waive the requirement for 200 feet of frontage on a public road for no more than four (4) lots served by a shared driveway upon finding that:

- a. The proposal to create up to four (4) lots lacking public road frontage would be superior (compared to one with public road frontage) for one or more of the following reasons:
  - i. It would maintain the Township’s rural character and image by allowing houses in locations where they are all fully or substantially screened from the public road.
  - ii. It would allow development on the parts of the parent parcel that are best suited for development, because of suitability of soils for septic systems and least disruption to sensitive environmental areas, such as wetlands, floodplains, and woodlands.
  - iii. It would allow development that is compatible with surrounding land use.
- b. The shared driveway meets all of the requirements of the following sub-section 4.
- c. The shared driveway would provide adequate emergency access. Where the shared driveway is longer than 600 feet in length, then a circular turnaround shall be provided at the end of the shared driveway with a minimum radius of sixty (60) feet.

**4. Shared Driveway Option**

Vehicular access to lots created pursuant to this sub-section E may be provided by a shared driveway, subject to the following requirements:

- a. A shared driveway may provide access to no more than four (4) parcels.
- b. A shared driveway shall not exceed 1,320 feet in length.
- c. The minimum width of a shared driveway shall be eighteen (18) feet.
- d. Prior to issuance of a building permit for any lot served by a shared driveway, proof shall be submitted that a driveway easement has been recorded and that an easement maintenance agreement has been executed and recorded.
- e. The driveway easement shall provide for unrestricted access for emergency and public vehicles and normal ingress and egress for property owners served by the driveway, their families, guests, invitees, tradespeople, and others traveling to or leaving properties served by the driveway.
- f. The driveway maintenance agreement shall provide for ongoing maintenance and a means of funding such maintenance.

- g. Shared driveways shall comply with the requirements in Section 2.10, sub-section D. Such driveways shall provide sufficient horizontal and vertical clearance to allow the free passage and maneuvering of fire apparatus, subject to review by the Fire Chief. There shall be a minimum of 12 feet vertical and 18 feet horizontal clearance.

**5. Buffer Zone**

A buffer zone shall be required along lots which have public road frontage, which shall be densely planted with trees and shrubs ("densely planted," for example, would be a double row of spruce trees, planted 15 feet on-center). The buffer zone shall occupy a commons area and shall not occupy any portion of the frontage lots. For the purposes of this sub-section, a buffer zone is a strip of land having a minimum width of fifty (50) feet, containing a variety of trees and shrubs that achieve the following purposes:

- a. Screens development from view from the road, and
- b. Maintains or enhances rural character.  
Prior to completion of the lot split(s), the developer or property owner shall post a bond for the full cost of the proposed landscaping plus installation to assure trees and shrubs are properly planted in accordance with the plans. Plantings shall be continuously maintained and dead or diseased plant material shall be replaced in the same growing season that the dead or diseased condition is noted.

**6. Development of the Remainder of the Parcel**

The development rights on the farmland or open space that is intended to be preserved shall be conveyed to the Township or to an approved open space or agricultural preservation trust so that such land may be only used for agriculture or left as open space in perpetuity. The legal instrument by which the development rights are conveyed shall be subject to review and approval by the Township Attorney.

The ownership of the preserved land (minus the development rights) may be retained by the property owner who initiates the land division, or the ownership may be conveyed to the owners of the newly created lots, the open space or agricultural preservation trust, or to another owner. If the permitted number of lot splits is not completed all at once, then the conveyance may provide for additional future splits, provided that the total number of splits shall not exceed the maximum specified in sub-item 1.

**7. Septic System**

Each lot shall identify the location of one (1) primary and one (1) replacement drain field approved by the Ingham County Health Department prior to issuance of a building permit. The location of the septic fields shall be shown on the building plans submitted to the Building Inspector. A building, structure, or impervious surface (e. g., a driveway) shall not be placed or constructed over any active, proposed, or replacement septic drain field.

**8. Conforming Status of New Lots**

Lots legally created using the procedures outlined herein shall be considered conforming with respect to lot dimensional requirements.

**Section 18.03 Development Standards**

**A. Site Plan Review**

Site plan review and approval is required for all uses except principal and accessory structures and uses, in accordance with Section 29.02.

**B. Area, Height, Bulk, and Placement Requirements**

Buildings and uses in the Commercial-Agricultural District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes, and exceptions.

<b>Regulations</b>	
Minimum Lot Area	40 acres***
Minimum Lot Width	330 ft.
Maximum Height	2 ½ stories, 35 ft.
Maximum Building Coverage	10%
Minimum Front Setback	50 ft.
Minimum Side Setback	50 ft.
Minimum Rear Setback	50 ft.
Minimum Usable Floor Area	900 sq. ft.

\*\*\*Creation of lots or parcels that are less than forty (40) acres may be permitted in the following instances:

- a. When the lot or parcel that is less than forty (40) acres is an entire quarter-quarter section or a half of a half of a quarter section, or
- b. When the land division creating the new lot or parcel would permit use of the land in accordance with the purposes of the Commercial Agricultural district (see Section 18.01) and with the Township Master Plan, and where the existing parent parcel being divided is between seventy-four (74) and eighty (80) acres. In this instance, a lot or parcel being created through land division may be as small as thirty-five (35) acres.

**C. Open Space Preservation Option**

The Open Space Preservation Option is permitted in the AG-C District as a means of permitting residential use and preserving open space and agricultural lands, subject to the provisions in Section 8.03, sub-section C.

***Section 18.04 – Penalties and Enforcements***

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.