ARTICLE XI
AGRICULTURAL DISTRICT

SECTION 11.1 - INTENT AND PURPOSE: This district is intended to preserve, enhance and stabilize areas within the Township which are presently used predominantly for farming purposes and which should be preserved for low intensity land uses. It is the further purpose of this district to formulate the protection of the existing natural environment, and to preserve the essential characteristics and economic value of these areas as agricultural lands.

SECTION 11.2 - PERMITTED USES: No building or structure, nor any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one (1) of the following specified uses, subject, however, to the provisions of Article VI of this Ordinance.

a. One family dwelling

b. Two-family dwelling

c. Adult Foster Care Small Group Homes (6 or less) and Family Day Care Homes.
Section 11.2 part c added by amendment #03-04 adopted 9/21/03.

d. Home occupations, as defined herein

e. Nurseries, greenhouses and agricultural products

f. Roadside stands for sale of agricultural products

g. Raising and/or grazing of farm animals, poultry and fur-bearing animals provided, however, said animals are properly housed, fenced, maintained and controlled so as not to be objectionable or offensive.

The keeping of farm animals for 4-H and recreational purposes are permitted provided such uses shall be for the personal use of the owner or leasee of such land, family and friends, and shall not constitute a commercial operation or public riding stable, and which meets the following conditions:

a.A minimum land area of two (2) acres shall be required for the first two (2) horses or farm animals kept. One (1) horse or farm animal may be added for each additional one (1) acre in land area, up to ten (10) acres, after which there is no limitation.

b.Foals or other farm animals born on parcels where these farm animals are presently kept may be kept on said parcel for two (2) years even though such additional farm animals may increase the number on such parcel beyond the per acre limitation.

Pasture areas for farm animals may be fenced at the property line. However, animals confinement areas including structures and feeding areas shall be a minimum one hundred and fifty (150) feet from any neighboring residential structures, excluding the occupant's structure.
"g" amended by amendment #08-02 adopted 6-9-08

h. Household WECS as regulated by Article IV, Section 4.25
Part "h" added by amendment #06-07 adopted 12/11/06

i. Hunting Cabin – A hunting cabin is permitted in this District provided the following requirements are met:

1. A minimum parcel size of 20 acres.

2. Setbacks shall be 300 feet front and 100 feet side and rear lot lines.

3. The total square footage of the cabin shall not exceed 600 sq. ft.

4. The structure shall have minimum outer wall lengths of sixteen (16) lineal feet for perpendicular and/or perimeter walls.

5. No other temporary dwelling is permitted except as specifically allowed in this Ordinance.

SECTION 11.2.1 - USES PERMITTED WITH SITE PLAN REVIEW APPROVAL: The following uses may be permitted, subject to the provisions of site plan review contained in SECTION 5.2 of this Ordinance:

a. Animal hospital

b. Veterinary clinics

c. Kennels

d. Churches

e. Schools

f. Government buildings and parks

g. Public utility buildings and substations

SECTION 11.3 - USES PERMITTED WHEN AUTHORIZED BY SPECIAL USE PERMIT: The following special land uses may be permitted after review and approval of the Township Planning Commission, provided, however, that any request for a special use permit shall be subject to the requirements set forth in SECTION 5.1 and 5.2, and each subsection thereof, of this Ordinance:

a. Offices

b. Clinics

c. Recreational camps, dude ranches, gun clubs, golf courses, archery ranges, riding stables

d. Public utility buildings and substations

e. Fertilizer manufacturer compost or storage

f. Brine disposal facilities

g. Secondary oil recovery facilities

h. Bed and Breakfast establishments

i. Flea Market, Open Air Market

j. Communication Towers

k. Gun and Skeet Clubs, Shooting Ranges, Hunting Preserve, also subject to the following specific conditions:

1. Minimum lot area for Gun and Skeet Clubs shall be forty (40) acres, with a minimum distance on one side of one thousand three hundred and twenty (1,320) feet.

2. Minimum lot area for Hunting Preserves shall be eighty (80) acres, with minimum distance on one side of one thousand three hundred and twenty (1,320) feet.

3. Buffering requirements--Minimum front, side and rear yard setbacks shall be five hundred (500) feet. This setback area shall contain evergreen trees either occurring naturally or planted at a minimum height of eight (8) feet, in eight (8) rows spaced six feet apart in a staggered pattern to create a visual and noise barrier and shall meet the requirements of site plan review as specialized in SECTION 5.2 of the Ordinance.

4. Performance Standards--A site plan for the development including range areas, shooting areas, games release and shooting areas, access, parking, buildings, dog runs, sanitary, solid waste, fire control and safeguards from accidental explosion and any other facilities to be utilized in connection with this use shall be shown on a site plan that meets the requirements of SECTION 5.2 of the Ordinance and has been reviewed and contains written comments from the County Sheriff, County Health Department and County Rural Fire Chief prior to Submission to the Planning Commission.

5. Access shall be from a State Highway or County Primary Road as defined by the Grand Traverse County Road Commission.

6. Night lighting except for security purposed is prohibited.

7. A five (5) foot high chain link fence with warning signs every one hundred (100) feet shall completely contain the area devoted tot he shooting of firearms to assure that individuals will not unknowingly trespass on the property where firearms are being discharged and to contain and control dogs from entering onto adjacent property.

8. Hours of operation shall be normal business hours of 9:00 a.m. to 7:30 p.m. Monday through Saturday with no Sunday operation.

9. The operation shall comply with all applicable Federal, state, County and Local Laws and regulations including the Grand Traverse County Disturbance of the Peace Ordinance.

10. Shell casings, clay pigeons, gun powder, solvents and other potentially hazardous wastes associated with gunpowder or solvents shall be disposed of in
accordance with the Michigan Hazardous Waste Management Act 64 of 1979, as amended.

11. If there is open water or wetlands as defined by the Michigan Department of Natural Resources, on the property that is accessible or a part of the hunting preserve operation, then only steel shot shall be used at this facility to avoid lead contamination of waterfowl.

12. Alcoholic beverages shall not be available or consumed on the premises.
13. The applicant shall cause to be performed a Phase I Environmental Assessment of the property every five (5) years or when the ownership changes, whichever occurs first. The applicant shall be required to undergo further study or remediation as required by an environmental consultant retained by the applicant or as provided in SECTION 5.2, whose qualifications shall be approved by the Township Board.

14. A copy of the liability insurance policy showing effective date of coverage and carrying not less than one million ($1,000,000.00) for bodily injury or death shall be filed with the Township Clerk and kept in force so long as the operation is in use. The policy shall provide that the Township Clerk be notified if the policy is terminated.
15. The applicant shall provide a performance bond in the name of the Township Board to provide for compliance with these conditions.

l. Retail Establishments

m. Auto Service and Repair

n. Light Manufacturing (Indoors)

o. Oil Field Support Services

p. Sales and Service of Agricultural Equipment

q. Assisted Living Establishments.
Added by Amendment #03-01 adopted 5-12-03

r. Mini-Warehouse and Self Storage Facility.
Added by Amendment #04-05 adopted 05-10-04

s. Outdoor Storage as regulated by Section 4.22
Added by Amendment #04-05 adopted 05-10-04

t. Commercial WECS as regulated by Article IV, Section 4.25
Added by amendment #06-07 adopted 12/11/06

u. Class I Disposal Wells and Related Facilities: Waste and Industrial Waste Disposal Wells and related facilities require review and approval under this subsection, including any Brine Disposal Facility proposed to be transformed into a Waste and/or Industrial Waste Disposal Well. This use is also subject to the following specific requirements: **Added by amendment # 11-01 adopted 5/9/11**

1. The Application for Special Use Permit shall include a complete description
of all waste and/or industrial waste, including all chemical constituents and total volumes, intended for disposal at the facility. The Applicant shall copy
the Township on all data required to be delivered to the Michigan Department

of Natural Resources and Environment and/or the United States Environmental Protection Agency for the use. If the Special Use Permit is approved, the Applicant shall inform the Township, in writing, of any modification of the waste stream and/or any new waste or industrial waste that the Applicant proposes for disposal. Any such modification or new waste proposed for disposal shall require approval for modification of the Special Use Permit and be subject to all requirements of this Zoning Ordinance. If approved, the Applicant shall provide a yearly report to the Township which includes analysis of the waste stream for all chemical constituents and total volumes. The Applicant shall also allow the Township to conduct random samples of the waste stream upon a forty eight (48)hour notice to the Applicant at the Township's expense. **Amended by amendment # 11-01 adopted 5/9/11**

2. The Application for Special Use Permit shall include an independent, valid and reliable groundwater analysis from at least three (3) test wells properly placed—downgradient from the proposed disposal well. If approved, the Applicant shall sample these test wells for chemical constituents as required by the Township and deliver the results of these independent, valid and reliable analyses to the Township quarterly from the date of the any approved Special Use Permit. If the results of the initial groundwater analysis or the required groundwater monitoring indicate any contamination, as defined by Part 201 of the Natural Resources and Environmental Protection Act (MCL 324.20101 *et seq*), then the Applicant shall provide proof that the contamination is being investigated and remediated in accordance with state and federal regulations and/or was not caused by its activities. The Township retains the authority to revoke the Special Use Permit if the Applicant fails to provide such proof. The Applicant shall also allow the Township to conduct random samples from all test wells upon a 48 hour notice to the Applicant at the Township's expense.

3. The Application for Special Use Permit shall include an independent, valid and reliable soil analysis from five areas within the containment area surrounding the proposed disposal well. If approved, the Applicant shall provide 5 independent, valid and reliable soil analyses from within the containment area for chemical constituents as required by the Township quarterly from the date of any approved Special User Permit. If the results of the initial soil samples or the required soil monitoring indicate any contamination, as defined by Part 201 of the Natural Resources and Environmental Protection Act (MCL 324.20101 *et seq*), then the Applicant shall provide proof that the contamination is being investigated and remediated in accordance with state and federal regulations. The Township retains the authority to revoke the Special Use Permit if the Applicant fails to provide such proof. The Applicant shall also allow the Township to conduct random soil samples upon a 48 hour notice to the Applicant at the Township's expense.

4. The Applicant shall provide the results of all testing and lab procedures to the Township upon the Township's request.

5. The Application for Special Use Permit shall include proof of liability insurance with a pollution rider deemed adequate by the Township.

6. If the Special Use Permit is approved, the Applicant shall furnish a performance bond or cash to the Township Clerk in an amount sufficient to insure proper closure and restoration of the well and site.

7. The Applicant shall erect a minimum six (6) foot high security fence with a locked gate at the site that completely encloses all activities.
"7" amended by amendment # 11-01 adopted 5/9/11

v. Agricultural Seasonal Housing or Migrant Housing, Subject to Article IV, part 4.29. **Added by amendment # 16-01 adopted 12/12/16**

w. Campgrounds subject to the requirements of Article IV, General Provisions, Section 4.29 **"w" added by amendment # 21-01 adopted 4/17/21**

x. Contractors Yard subject to the provisions of Article IV, Section 4.34
Added by amendment # 21-03 adopted 4/12/21

z. Home Based Businesses subject to the provision of Article IV, Section 4.33
Added by amendment # 21-02 adopted 4/12/21

SECTION 11.4 - LOT SIZE, WIDTH, SETBACKS AND ACCESS:

SECTION 11.4.1 - LOT SIZE: Each dwelling or other main building, together with all accessory buildings hereafter erected shall be located on a lot or parcel of land not less than ninety thousand (90,000) square feet.

SECTION 11.4.2 - LOT WIDTH: Each lot or parcel of land shall have a minimum width of one hundred (150) feet on a public or private road unless serving two (2) or less parcels.
Section 11.4.2 Amended by Amendment 97-5 Adopted 6-9-97 (Section 11.4.1 was Section 9.4.2 prior to recodification.)
a. Front: Not less than forty (40) feet from the public right-of-way or private easement except when public right-of-way or private easement is one hundred (100) feet, then the front setback shall not be less than fifteen (15) feet.
b. Side: Not less than fifteen (15) feet from the side lot lines.

c. Rear: Not less than fifteen (15) feet from the rear lot line.

d. Special Setbacks:
1. Any structure used to house farm animals shall be located not less than two hundred (200) feet from any lot line.

2. Water Setbacks: No building or structure, temporary or permanent, shall be placed or erected within sixty (60) feet of the ordinary high water mark of any stream, lake, or watercourse, provided, however, that a water pumping facility may be installed closer than the said sixty (60) feet if it does not exceed four (4) feet in height above the finished grade, and provided further that nothing herein set forth shall preclude the placement of any portable dock at the water's edge, nor the location of buildings for storage of boats, docks, and related equipment.

SECTION 11.4.4 - COMMERCIAL ACCESS: Each commercial lot shall provide proper access for the delivery of merchandise and supplies without impeding vehicular or pedestrian traffic. Adequate off-street parking shall be provided at the minimum rate of one (1) additional space for each three hundred (300) square feet of total enclosed building space.

SECTION 11.5 - GENERAL REQUIREMENTS AND PROVISIONS: In this district all uses of land in this district shall be subject to the requirements of Article VI of this Ordinance, being general provisions and requirements.

Article XI, Section 11.3 Amended by Amendment 00-02
Article XI*, Section 9.3 Amended by Amendment 97-4 Adopted 6-9-97
*(Section 11.3 was Section 9.3 prior to recodification.)
Article XI, Section 9.3 j. deleted in its entirety by Amendment 97-3, Approved
(Section 11.3.j. was Section 9.3.j. prior to recodification).
Article XI*, Section 11.3 Amended by Amendment 94-4, Adopted 11-7-94.
Article XI*, Section 11.3 Amended by Amendment 91-1 Adopted 10-8-91.
Article XI*, Section 11.3 Amended by Amendment 91-2 Adopted 10-8-91.
Article XI, Section 11.3 amended by amendment 02-05 adopted 8/8/02
Article XI, Section 11.42 a. Amended by Amendment 01-04, Adopted 9-10-01
Article XI, Section 11.4.2 a. Amended by Amendment 01-02, Adopted 8-13-01
Article XI, Section 11.4.2 a. Amended by Amendment 90-1, Adopted 6-13-90. (Section 11.4.2 was section 9.4.2 prior to recodification.)
Article XI, Section 11.4.2, part a, amended by amendment 02-06 adopted 8/8/02