

120.110 "A" Agricultural District.

A. Description of District:

This district is composed of certain land in outlying areas presently of rural character. Such land is zoned for agricultural use with the intent that agriculture will be the principal land use within the foreseeable future. The regulations for this district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature. To these ends, development is limited to uses which are compatible with agricultural operations and would not be detrimental to rural character.

B. Permitted Uses:

1. Any farm or agricultural activities including greenhouses, stock nurseries, and the raising of livestock, subject to the State of Michigan GAAMP's (Generally Accepted Agricultural Management Practices).
2. The sale of farm or dairy produce, which has been raised on the farm from which it is to be sold.
3. Composting, Agricultural (On-Site Source and On-Site Use).
4. Agricultural service business in conformance with Section 120.380.
5. Rural service enterprise in conformance with Section 120.380.
6. Single-family dwellings, and the accessory structures and uses normally auxiliary thereto; except that nothing in this section shall prohibit the conversion or alteration of any single-family structure, in existence at the time of passage of this Ordinance, into not more than two separate dwelling units, provided that such dwelling units shall conform with the following provisions:

- a. That there shall be no change or alteration of the exterior of the dwelling to change its appearance from that of a single dwelling unit.
 - b. Any single-family dwelling converted under the provisions of this section shall be required to have within the enclosed walls of the original structure a total of not less than 1440 square feet of habitable floor area for two dwelling units.
 - c. There shall be a minimum habitable floor area of 720 square feet for each separate dwelling unit within any single-family structure which has been converted to house two families.
 - d. The provisions of this section shall apply only to the conversion of single-family dwellings and shall not be construed to permit the construction of two-family dwellings.
7. Home occupations when in accordance with Section 120.340.
 8. Signs when in accordance with the provisions of Section 120.320.
 9. Accessory uses or buildings, when in accordance with the provisions of Section 120.410.
 10. Essential services.
 11. State licensed residential facility, which provides resident services for six (6) or less persons under 24-hour supervision or care.
 12. A family day care home licensed or registered pursuant to Act No. 116 of the Public Acts of 1973, as amended, where (1) it is conducted in the bona fide private residence of the operator of the family day care home; and (2) it is conducted in accord with the requirements of Act No. 116 of the Public Acts of 1973, as amended, and the rules promulgated pursuant to said Act.
 13. Private Solar Energy Systems when in accordance with Section 120.470.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Churches (2, 5b), cemeteries (2, 3, 5a) excluding crematories, and public and private schools (2, 5b).
2. Charitable and philanthropic institutions (1, 4, 5c).
3. Private clubs, fraternities, lodges, excepting those the chief activity of which is a service customarily carried on as a business (1, 4, 5b), subject to the following conditions and limitations:
 - a. No goods may be sold on the premises except for incidental transfers between members.
 - b. No activities may be conducted upon the premises which would constitute a nuisance to adjoining residences by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of a heavy volume of vehicular traffic to the premises. Noise, smoke, odor, electrical disturbances or night lighting shall not be discernible beyond the boundaries of the property upon which the private club is located.
 - c. Adequate off-street parking must be provided to insure sufficient parking space to meet the reasonably foreseeable demands upon the private club facilities.
 - d. All buildings constructed as part of the private club facilities must be of a design which will be compatible with the buildings in the adjoining neighborhood.
4. Public utility buildings and structures necessary for the service of the community (1, 4, 5a, 9), except that:
 - a. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - b. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities or activities which generate electronic interference are prohibited.

5. Riding stables (2, 4, 5f) under the following conditions:
 - a. The minimum lot, parcel or building site area for any one riding stable shall comprise at least forty (40) acres.
 - b. The use shall have frontage on an existing or officially proposed public road.
 - c. The use shall have off-street parking facilities to satisfy peak parking needs.
 - d. Buildings shall have a front line setback of 100 feet and a side and rear line setback of 300 feet where the lot, parcel or building site on which the building is located is adjacent to any residential property.
 - e. A minimum of at least one and one-half acres for each horse.
6. Mining, excavation and/or removal, by transporting same off the premises, of earth or any earth minerals (including gravel) exceeding 250 cubic yards in amount, when such removal is not incident to the construction of buildings or structures on said premises and temporary on-site processing of such earth or earth minerals. The following provisions are applicable to such a use:
 - a. Submission of Operational and Reclamation Plans:
 - (1) When making application for a Special Exception Use Permit, the applicant must submit a detailed plan of operation and a plan for reclamation of the premises for which the permit is sought. The plan of operation must disclose compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

- (a) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property including all structures within 250 feet of the property line.
- (b) The number of acres and the location of the same proposed to be a part of the mining operation, including all areas required for setbacks and berms. A phasing plan showing the total number of acres and those to be operated upon within the following 12-month period after commencement of operations.
- (c) The type of mining or processing proposed to be conducted and the nature or type of equipment to be used and the number of each type of equipment which is to be used.
- (d) The location of the processing equipment and the distance of any proposed excavation or mining from the boundaries of the site.
- (e) The type of soil around the perimeter of the site as shown by soil boring tests in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, disclosing conditions satisfactory for lateral support of adjacent premises; or in lieu thereof, the written consent of the owners of adjoining premises to mining operations closer than specified in the within Ordinance to the boundaries of the site.
- (f) Cross-section drawings showing depth of excavation in the area of operation for a 12-month period.

(g) A map or plan disclosing the approximate condition and topography of the land following completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

b. Duration:

A Special Exception Use Permit granted under this provision shall be for one (1) year in duration and the same is renewable upon reapplication and compliance with the applicable special exception use provisions of the Township's Zoning Ordinance.

c. Depth of Excavation:

When considering an application for a Special Exception Use Permit, the Planning Commission shall give particular consideration to the depth of excavation and the feasibility of reclaiming the area if deep or dangerous excavations are contemplated. In this regard, the Planning Commission may condition the Special Exception Use Permit by placing limits upon the depth of excavation so that after reclamation the topography of the area in question will be harmonious with that of surrounding properties.

d. Conditions and Limitations:

The proposed use shall be subject to the following further conditions and limitations:

(1) Location:

- (a) All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- (b) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation business shall be permitted closer than 150 feet to interior boundary lines of the property; provided, however, that such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support as above set forth is at all times maintained.
- (c) No such operations shall be permitted within 150 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

- (d) When considering an application for a Special Exception Use Permit, the Planning Commission shall give particular attention to on-site processing proposed. No "permanent" on-site processing (i.e., facilities that are not readily transportable at all times) may be conducted at the site. The temporary processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall not be located closer than 500 feet from any residential zoning district ("R-1" through "R-6" Districts) or any abutting residential dwelling. This temporary processing plant, where practicable, shall be located at a lower level than the surrounding terrain to lessen visual and noise impact. The height of the berms may be increased to up to ten (10) feet to assist in minimizing such negative impacts on adjoining properties. The foregoing shall not apply to the digging or excavating apparatus nor the stockpiling or loading and transportation equipment. The Planning Commission may further condition, limit or prohibit the on-site processing so as to limit interference and make the proposed use compatible with adjacent land uses.
- (e) No such operations shall be located within 100 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other State Commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

(2) Sight Barriers and Fencing:

(a) In order to minimize any adverse effects of the proposed use on neighboring properties and the general public, the Planning Commission may require that sight barriers [be] provided along all or any portions of the boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers must be approved by the Planning Commission and shall consist of one or more of the following:

- i. Earth berms constructed to a height of six feet above the mean elevation of the center line of the adjacent public highway or six feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees or shrubs. The Planning Commission may require that such berms include mature landscaping, with a total height of the berm and landscaping no less than ten feet, where visual or noise impacts are of greatest severity.
- ii. Plantings of evergreen trees or shrubbery in three staggered rows parallel to the boundaries of the property, which shall be at least two-year transplants at the time of planting and which grow to not less than six feet in height at maturity and sufficiently spaced to provide effective sight barriers when six feet in height. Trees which die must be replaced.

- iii. Upon approval of the Planning Commission, such other forms of sight barriers as would adequately screen the site.
 - (b) All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeters thereof and maintained to prevent injury to children and others, and such areas shall be eliminated as expeditiously as possible.
- (3) Nuisance Abatement:
 - (a) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a manner as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment. The applicant shall provide a noise study, identifying base readings prior to operation and proposed noise levels from such operation.
 - (b) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance. The applicant shall provide an air quality study, identifying the type and intensity of particulate matter proposed to be released into the air during mining operations.

- (c) Hours and/or days of operation may be restricted by the Planning Commission as is deemed necessary to minimize the adverse effects of the use upon neighboring properties and the general public. Such hours shall be posted at the site and management shall direct users to not arrive at the site prior to the commencement of such hours.
 - (d) Lighting shall be permitted for safety or security purposes provided that it in no way creates a nuisance onto adjoining properties.
- (4) Reclamation of Mined Areas:
- (a) A complete reclamation plan shall be submitted, indicating both the proposed use and final condition of the site following the termination of all mining activity. If the mining operation is done in phases, reclamation plans for each phase shall be provided. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
 - (b) The following standards shall control reclamation and rehabilitation:

- i. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:
 - ◆ That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,
 - ◆ That the surface of such area which is not permanently submerged is graded or backfilled as necessary to provide a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- ii. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal.

- iii. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are desired. Where used, top soil shall be applied to a minimum depth of 2 inches sufficient to support vegetation.
- iv. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- v. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

- (c) Financial guarantees shall be furnished the Township insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than 1 vertical to 4 horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township or such other official as may be designated by the Township Board. Such financial guarantee may be in any one of the following forms: Cash, certified check, irrevocable bank letter of credit, or corporate surety bond of a licensed insurance company. In no event shall such financial guarantee be less than \$5,000 in amount.

(5) Hearing:

- (a) After receiving an application for the grant of a permit for an earth removal, quarrying, gravel processing, mining and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application, preceded by not less than 15 days' notice of the time, place and purpose of such hearing to each owner of property adjoining the proposed site as shown on the last tax roll of the Township, as corrected by known transfers since the preparation of the same, by First Class Mail, and such other notice as may be deemed appropriate by said Board.

- (b) Following such hearing, said Board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criterion set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:
 - i. The most advantageous use of the land, resources and property.
 - ii. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - iii. Conservation of property values, as well as natural resources, and the general and appropriate trend and character of development in the subject area.
 - iv. The protection and preservation of the general health, safety and welfare of the Township.

- v. The quality (scarcity or value) and quantity of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
- vi. Whether a Special Exception Use Permit for mining, excavation and/or removal for the site had been issued to the applicant previously and, if so, the applicant's history of compliance with the conditions and limitations of same.
- vii. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area.

(6) Liability Insurance:

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists in the amount of not less than \$300,000.00 for each person or property injured or damaged and not less than \$1,000,000.00 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. Such policy shall be filed with the Township Clerk.

(7) Variances:

The Zoning Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where peculiar circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be affected.

7. Dog kennels (4, 5e).
8. Public utility buildings, including gas and electric substations (1, 4, 5a, 9).
9. Private kennel club with buildings and facilities for meetings, obedience training classes, sale of miscellaneous equipment related to dogs and dog training, dog shows, and which facilities may be rented to others, subject to the following conditions and limitations:
 - a. Alcoholic beverages may not be sold or used on the premises.

- b. No activities may be conducted, other than those listed above, upon the premises which could constitute a nuisance to adjoining residences by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of a heavy volume of vehicular traffic to the premises. Noise, smoke, odor, electrical disturbances or night lighting shall not be discernible beyond the boundaries of the property upon which the kennel club is located.
 - c. Adequate off-street parking must be provided to ensure sufficient parking space to meet the reasonably foreseeable demands upon the kennel club facilities.
 - d. All buildings constructed as part of the kennel club facilities must be of a design which will be compatible with the buildings in the adjoining neighborhood.
10. An accessory building(s) may be constructed without the establishment of a principal building on a lot, parcel or building site subject to the following conditions and limitations: (See Sec. 120.120.C.11).
11. Duplexes under the following conditions:
- a. The dwelling shall not be located closer than 1000 feet from another such dwelling or group care home. The distance between such dwelling or group care home and another such dwelling or group care home shall be measured along the center line of the street or streets upon which they are located between projected straight lines at right angles to said center line from the nearest parts of each building to the other building.
 - b. The exterior of the dwelling shall have the appearance of a single-family dwelling.
 - c. There shall be a minimum of 720 square feet per dwelling unit.
12. Open space preservation development as set forth in Section 120.149 of this Ordinance and further subject to Section 120.420.

13. Shooting ranges (club) (2,11,12)

D. Lot, Parcel or Building Site, Yard and Area Requirement:

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 249, eff 01/29/2019]

[Ord. No. 258, eff 02/25/2021]