

CHAPTER V
"A" - AGRICULTURAL ZONE

(Ord. No. 1-88; 1/3/89)
(Ord. No. 02-02; 06/14/02)
(Ord. No. 02-06; 09/05/02)
(Ord. No. 03-05; 09/15/03)

(Ord. No. 06-06; 07/17/06)
(Ord. No. 09-01; 3/31/09)
(Ord. No. 09-03; 11/3/09)

SECTION 5.01 STATEMENT OF PURPOSE.

It is recognized that the public health and welfare of the citizens of Alpine Charter Township, Kent County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. The regulations of the Agricultural Zone are intended to ensure that land areas within Alpine Township which 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.

In establishing Agricultural zones, it is acknowledged that agriculture is a specialized form of industry characterized by the production, through biological and botanical processes, of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

Other specific purposes for which this district is established include:

- (a) 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.
- (b) To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
- (c) 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 dis-investment in agriculture.
- (d) To protect farmland from speculative increases in land values.
- (e) To prevent loss of farmland.
- (f) To prevent conflicts between agricultural activities and residences.
- (g) To prevent encroachment of urban and suburban services into agricultural areas.

- (h) To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
- (i) To reduce the amount of land consumed in rural areas for nonagricultural use.
- (j) To prevent intrusion of uses into farm areas which are incompatible with general farming activities.
- (k) To permit services and uses which are necessary to support farming activities.
- (l) 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.

SECTION 5.02 USE REGULATIONS. Land in this "A" Zone may be used only for the following:

- (a) Farms.
- (b) Commercial agriculture uses including "u-pick" operations with sufficient off-street parking provided.
- (c) Dairy farm.
- (d) Tree and sod farms or other similar uses but not including retail sales on the premises.
- (e) Farm dwelling units.
- (f) Non-farm dwelling units.
- (g) Storing, packaging and processing of farm produce, provided such activities are done on a farm consisting of a lot of at least forty (40) acres and that such storage, packaging or processing includes farm products grown on that lot. Building or structures in which such uses occur on a lot without any other building or structure, shall be considered the principal building on the lot for purposes of this Ordinance. Canning and freezing activities are prohibited. (Ord. 09-03; 11/3/09)
- (h) Roadside stands and farm markets engaged in the sale of agricultural products which are primarily grown on the lot on which the roadside stand or farm market is located. Such use must be incidental to the primary use of farming on the lot, and such buildings or structures may be the principal building on the lot. The

sale of products may include the sale of agricultural products grown off the parcel on which the roadside stand or farm market is located. (Ord. 09-03; 11/3/09)

- (1) Roadside stands and farm markets may also sell the following items: arts and crafts or similar items; processed food items or similar items not produced on the premises; baked goods, non-alcoholic beverages, light meals such as soups, sandwiches and desserts including those to be consumed on the premises. The sale of all such items must be subordinate to the sale of the agricultural products as provided herein.
 - (2) One parking space for every 300 square feet of useable floor area with minimum of five parking spaces shall be provided. Such parking need not be paved.
 - (3) Buildings used for roadside stands or farm markets shall be set back a minimum of 40 feet from the front lot line.
 - (4) Buildings in which patrons are permitted to enter must be reviewed by the Zoning Administrator prior to establishing such use. An accurate drawing illustrating the location of the building, parking area, access drive and other physical features of the use shall be submitted by the property owner or business operator to the Zoning Administrator who shall review the drawing and require site modifications necessary to facilitate public safety. The Zoning Administrator's review will be based on the standards contained in Section 18.06 herein. A \$50.00 fee will be charged for the Zoning Administrator's review
 - (5) Those portions of farm market or roadside stand buildings where patrons are allowed shall be subject to review and approval by the Alpine Township Building Official. **(Item (h) 1-5 - Ord. No. 06-06; 07/17/06)**
- (i) Private stables.
 - (j) Home occupations per Section 2.40 herein. (Ord. No. 90-9; 6/18/90)
 - (k) Accessory buildings, structures and uses customarily incidental to the principal use and regulated by Section 2.01 herein. (Ord. 09-03; 11/3/09)
 - (l) 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 must be at least 100 feet from all side and rear property lines and must be at least seventy-five (75) feet from the street right-of-way on which the property fronts. Farm labor housing must also be at least one hundred fifty (150) feet from any single-family residence located on a separate parcel of property owned by another individual or entity. Farm labor housing existing as of January 3, 1989 that does not meet these setback requirements may be expanded or enlarged provided such expansion or enlargement does not reduce the existing distance of such farm labor housing from said property lines and single-family dwellings.
 - (5) Farm labor housing may be permitted as a principal use on a parcel which contains a minimum of two acres and which complies with all other requirements of this section. This parcel shall be adjacent to 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 5.04 herein unless the parcel is converted to a nonfarm dwelling unit use in which case it shall be counted as a split.
- (m) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein. (Ord. 96-03; 5/2/96)
 - (n) Commercial wholesale greenhouses provided the following conditions are met. (Ord. No. 97-05; 8/29/97)
 - (1) Buildings shall comply with the following minimum setbacks:
 - Front:**60 feet**
 - Rear:**100 feet**
 - Side:**50 feet**

Existing buildings which do not meet this requirement shall be permitted to expand, notwithstanding Section 3.04(a), provided the expansion complies with the required setbacks.

- (2) One off street parking space shall be provided for each employee. Such parking space need not be paved, but shall at a minimum consist of gravel, crushed stone or similar material.
- (3) A driveway permit shall be provided by the Kent County Road Commission prior to approval of a building permit.
- (4) Building plans for those portions of the building to be used for offices, break rooms or bathrooms or other similar areas not used for growing

plants shall be prepared in accordance with the Alpine Township Building Code and approved by the Township Building Inspector.

That portion of the building used for growing plants shall be exempt from the Alpine Township Building Code except for the following:

- a) Building plans shall be submitted to the Building Inspector which illustrate all exit doors. The number and location of the exit doors shall be determined by the Alpine Township Building Code.
 - b) Wherever offices, bathrooms, break rooms or other non-plant growing areas share a common wall with areas used for growing plants, the common wall shall be constructed as a fire rated wall in accordance with the Alpine Township Building Code.
- (5) A list of estimated amounts and the location of any chemicals or other hazardous materials which are to be stored on site shall be provided to the Township Fire Chief in accordance with State and Federal regulations regardless of the quantities of the chemicals or materials.
- (6) A site plan may be required by the Township Engineer in order to verify that storm water management measures will not adversely affect nearby properties or create erosion problems. Any plan which is reviewed by the Township Engineer shall be subject to the Alpine Township Escrow Policy.
- (7) Commercial greenhouses shall not be subject to review by the Planning Commission or Site Plan Review Committee. A site plan of the proposed use which illustrates the information required in Section 5.02(n)(1) - (6) shall be provided to the Township Planning Director or Zoning Administrator, who must approve the plan before a building permit is issued. Additional information may be required by the Planning Director or Zoning Administrator to clarify the request for the greenhouse.
- (o) Composting (Ord. No. 02-02; 06/14/02)
 - (p) Child and adult daycare facilities that care for no more than six (6). (Ord. No. 03-05; 07/31/03)
 - (q) Uses which utilize farm land, farm buildings, or farm equipment for rural recreation / amusement enterprises in conjunction with a primary, active farm operation. Such uses include, but are not limited to: crop mazes, hay rides, horse rides, petting farms, bike and foot trails, and similar uses as determined by the Zoning Administrator but excluding commercial off road vehicle trails.
- (1) Rural recreation/ amusement enterprises must provide sufficient off street parking spaces to avoid parking of patron vehicles on adjacent streets. Such parking need not be paved.

- (2) Such uses must be reviewed by the Zoning Administrator prior to commencement of the activity. An accurate drawing illustrating the location of any buildings, parking area, access drives and location and layout of the proposed activity shall be submitted by the property owner or operator to the Zoning Administrator who shall review the drawing and require site modifications necessary to facilitate public safety. The Zoning Administrator's review will be based on the standards contained in Section 18.06 herein.

The Zoning Administrator may consult with the Township Fire Chief and Building Official before approval of the activity.

- (3) Those portions of farm market or roadside stand buildings where patrons are allowed shall be subject to review and approval by the Alpine Township Building Official. (**Item (q) 1-3** – Ord. No. 06-06; 07/17/06)
- (r) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 5.03 HEIGHT REGULATION. No building shall exceed thirty-five (35) feet in height.

SECTION 5.04 AREA AND DENSITY REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following requirements are provided and maintained:

- (a) **FRONT YARD** - There shall be a front setback of not less than sixty (60) feet, said distance to be determined according to the procedure set forth in Section 2.13.
- (b) **SIDE YARD** - For all buildings, there shall be a minimum side yard of fifteen (15) feet from each side lot line. Buildings on corner lots shall maintain a setback of sixty (60) feet from the property lines along each street.
- (c) **REAR YARD** - There shall be a rear yard of not less than one hundred (100) feet.
- (d) **LOT AREA** -
- (1) For all dwelling units in the Agricultural Zone, the lot area shall be a minimum of two (2) acres. (Ord. No. 92-4; 8/20/92)
- (2) The minimum lot area required herein shall not include public road right-of-ways or streets and private easements used for access to a public street from a different parcel of property.

- (3) Any parcel existing as of January 3, 1989, which becomes nonconforming in area as a result of the lot size requirements of this section may be used for a permitted use provided all other requirements of this section are met. Further, any farm regardless of size existing as of January 3, 1989, may be split in accordance with the provisions of this section, even if such splits reduce the original farm below 40 acres. Once all the permitted splits are taken, the remaining parcel may be used only for a farm dwelling unit and farming activities.
- (e) LOT WIDTH - Every lot containing a dwelling unit shall have a minimum lot width throughout the entire parcel of three hundred thirty (330) feet, provided that any lot existing as of May 23, 1977 may have a minimum lot width throughout the entire parcel of not less than one hundred twenty-five (125) feet. The required lot width shall abut a public road or street.
- For corner lots, the required minimum lot width shall be provided along one street only. (Ord. No. 92-4; 8/20/92)
- (f) SEPTIC SYSTEM - Each lot shall contain one (1) replacement septic drainfield area approved by the Kent County Health Department prior to a building permit being issued. This area 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 septic drainfield area.
- (g) DRIVEWAYS -
- (1) The driveway serving a lot shall be at least one hundred (100) feet from driveways on the same side of the road.
- (2) Driveways serving a lot shall be at least eighty (80) feet from the intersection of two or more roads.
- (h) LOT SPLITS FOR NONFARM DWELLINGS - (Ord. No. 92-4; 8/20/92)
(Ord. No. 02-02; 06/14/02)
- (1) The maximum number of lots, that may be created or split for new dwelling units in addition to creating a lot for an existing dwelling unit shall

be based on the gross area of the lot of record which is to be subdivided, as listed in the following table:

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

	Number of Lots Permitted for New Dwelling Units
10 acres or less	0
Greater than 10 acres to 20 acres	1
Greater than 20 acres to 40 acres	2
Greater than 40 acres to 80 acres	3
Greater than 80 acres	4

- (2) In addition to the splits allowed by the "Permitted Lot Split Table," every farm which contains a single family dwelling existing before January 3, 1989 shall be allowed to split a lot from the main farm acreage and create a new lot for an existing single family dwelling. A maximum of three (3) pre-existing single family dwellings may be split from the main farm acreage, over and above the number of splits allowed in 5.04 (h) (1). (Ord. No. 02-02; 06/14/02)

This new lot shall comply with the lot size requirements contained herein for dwellings. Any additional such splits are not permitted. (Ord. No. 92-4; 8/20/92)

- (3) The above regulations shall not cause the lot of record to be split in such a manner which would violate the lot split provisions contained in the Subdivision Control Act of 1967, being Act 288 of the Public Acts of Michigan of 1967 as amended. Any provision of this Ordinance notwithstanding, Alpine Township is not responsible for any violations of this Ordinance or the Subdivision Control Ordinance.
- (i) LOT WITHOUT PUBLIC ROAD FRONTAGE - A lot may be created which does not abut a public street. Such a lot shall not contain a building or dwelling unit except for farm buildings as defined herein. (Ord. No. 92-4; 8/20/92)

SECTION 5.05 MONITORING LOT SPLITS. Alpine Charter 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 "A" District. (Ord. No. 92-4; 8/20/92)
- (c) As allotments are used up, the official map and register shall be updated to reflect these changes.
- (d) The official map and register shall be maintained by the Township Clerk and copies made available for inspection by the public.

SECTION 5.06 MINIMUM FLOOR AREA. Single family dwelling units in the "A" Zone shall comply with the minimum floor area provisions contained in Section 7.06 herein.

SECTION 5.07 SPECIAL USES.

- (a) The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provision of Chapter XXI contained herein and the conditions noted below.
 - (1) Agricultural service establishments which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
 - a) 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);
 - b) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
 - c) Hay baling and threshing;
 - d) Crop dusting;
 - e) Fruit picking;
 - f) Harvesting and tilling;
 - g) Farm equipment sales, service, and repair;
 - h) Veterinary services;
 - i) Facilities used in the research and testing of farm products and techniques.
 - j) General repair and welding of farm implements and farm machinery.

- (2) Commercial stables;
 - (3) Governmental or educational administrative service buildings per Section 2.26 herein.
 - (4) Extractive uses, such as stripping of topsoil, sand, rock, gravel, lime, or other soil or mineral resources, including gravel pits and quarries per Section 21.04 herein.
 - (5) Parks, playgrounds, nature preserves, or similar recreational facilities owned and operated by a government agency or non-profit group. (Ord. 12-89; 9/5/89)
 - (6) Antennas and towers exceeding a height of 35 feet as regulated by Section 21.07. (Ord. 96-03; 5/2/96)
 - (7) Public and Private Schools (Ord. No. 96-07; 9/7/96)
 - (8) Child and adult daycare facilities that care for between seven (7) and twelve (12). (Ord. No. 03-05; 07/31/03)
 - (9) Bed and Breakfast operations (Ord. No. 06-06; 07/17/06)
 - (10) Paint Ball games or similar activities (Ord. No. 06-06; 07/17/06)
 - (11) "Put and Take" Hunting (Ord. No. 06-06; 07/17/06)
 - (12) Wineries which involve the sale and or tasting of grapes grown or wine made on the premises (Ord. No. 06-06; 07/17/06)
 - (13) Rental of farm facilities for weddings, receptions, parties, or other similar events (Ord. No. 06-06; 07/17/06)
 - (14) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein. (Ord. No. 09-01; 3/31/09)
- (b) SITE DEVELOPMENT STANDARDS -
- (1) The minimum lot size for such uses shall be two (2) acres with a minimum lot width of 330 feet. The required lot width shall abut a public road or street.
 - (2) The creation of a parcel for a special land use shall not be considered a split under the sliding scale table contained herein unless the parcel is converted to a non-farm dwelling use in which case it shall be counted as

a split. Such splits shall also be subject to the provisions of Section 5.04(i)(3) herein.

- (c) **STANDARDS** - The Planning Commission shall determine whether or not to authorize such Special Land Use based upon the following standards and those contained in Section 21.02.:
- (1) The proposed use shall be of such location, size and character as to be in harmony with the appropriate and orderly development of agricultural districts and shall not be detrimental to the orderly development of such districts.
 - (2) The location and size of the proposed use, the nature and intensity of the use, the site layout and its relation to adjacent streets, shall be such that traffic to and from the use and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with normal traffic of the neighborhood. The Planning Commission shall consider convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed use to main traffic thoroughfares, and to streets and road intersections, and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission shall consider the provision for parking facilities.
- (d) **CONDITIONS** - Reasonable conditions may be imposed by the Planning Commission in granting a Special Land Use in conformance with Section 22.08 herein. Reasonable conditions shall include but not be limited to the following:
- (1) Such greenbelt as the Planning Commission shall deem necessary to protect the adjoining properties up to a maximum width of twenty-five (25) feet.
 - (2) Such setback from the right-of-way not less than one hundred (100) feet as the Planning Commission shall deem necessary to protect the market value of adjoining premises and for the protection of the public health, safety and general welfare.
 - (3) Such yards and open spaces as the Planning Commission deems necessary under the circumstances of the particular case to protect the health, safety, and general welfare of the public.
 - (4) Off-street parking spaces or parking area for motor vehicles in conformance with Chapter XIX, Parking and Loading spaces. Where the proposed use is not specifically mentioned in Section 19.01, the provisions for parking spaces or parking area for a use which is similar in terms of parking demand shall apply, as determined by the Zoning Administrator. (Ord. No.93-1; 1/18/93)

- (5) The location and size of signs.
- (6) That driveways, parking lots and streets be hard surfaced.
- (7) That telephone and electric service be underground.
- (8) That adequate lighting be provided.
- (9) That the premises be connected to either a public sewer and/or water supply or a lagoon-type sewage system as approved by the Kent County Health Department.
- (10) Such fence and/or other requirements it deems necessary and proper to insure security of the public and/or neighboring property and to prevent debris from littering the premises involved and/or neighboring property.
- (11) Such traffic control devices, including acceleration and deceleration lanes, as may be deemed advisable to protect the public health, safety and general welfare.
- (12) An adequate security system to control persons entering and leaving the premises.
- (13) Evidence that any required licenses have been issued by the County and/or the State of Michigan. In the event that County or State licenses are not required, the petitioner shall furnish a statement of its purposes, a plan of development, the number of persons to be served and the number of staff members.
- (14) Regulation of hours of operation.
- (15) In the event the proposed use would utilize any township or other public facility such as schools, parks, libraries or similar facilities, the applicant shall submit documents from such facility officials stating that the proposed use will not cause undue hardship to the facility or otherwise be detrimental to the established use, function and administration of such facility.

Such statement shall include the fact that satisfactory financing arrangements have been made between the applicant and the agency to cover additional costs to such agency which can reasonably be expected due to the allowance of the proposed use.

- (e) **RECORD OF CONDITIONS** - The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approved action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The approving Planning Commission shall maintain a record of conditions which are changed.

(f) PROCEDURE - As per Section 21.02 herein.