

## **ARTICLE 7.0**

### **USE STANDARDS – RURAL USES**

#### **Section 7.01 Intent.**

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

#### **Section 7.02 Farm-Based Tourism or Entertainment Activities.**

Farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. Any sales and entertainment facilities shall have direct access to one (1) or more paved or gravel public through roads. Primary access via a local subdivision street or private road shall not satisfy this requirement.
2. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 17.0 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, necessary sanitary facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities, any proposed exterior lighting for the event or activity, and transition plantings or screening devices.
3. Screening shall be provided per Section 16.10D (Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. Crop growing areas of a depth of not less than 200 feet may be permitted to satisfy this requirement.
4. No part of an event or activity shall intrude into any road right-of-way.

5. Noise levels shall not exceed 65 decibels at any lot boundary or right-of-way.
6. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.

### **Section 7.03 Farm Markets and Agricultural Services.**

Farm markets, agricultural service establishments, farm implement sales or repair, bulk feed and fertilizer supply outlets, and similar uses shall be subject to the following:

1. Such uses shall conform to all parking, loading, screening, and other site development standards that apply to retail stores, and shall be subject to site plan approval per Article 17.0 (Site Plan Review).
2. A minimum of fifty percent (50%) of the produce or products offered for sale in a permitted farm market shall be grown or produced on land in Michigan, or made from produce grown or material produced on land in Michigan.
3. Any outdoor storage areas shall be adequately screened and covered in compliance with Section 11.04 (Outdoor Storage, General).
4. All signs shall comply with the requirements of Article 13.0 (Signs) for a non-residential use in the zoning district, even if a residence is also located on the same parcel.
5. Any farm implement repair or service facility may also repair and service other motor vehicles on an occasional basis, provided that such activities remain incidental and secondary to the principal use of the premises.

### **Section 7.04 Farm Products Direct Marketing Businesses.**

Farm products direct marketing businesses listed in Article 6.0 (Land Use Table) as an accessory use shall only be permitted in the zoning district accessory to an active farm operation. Such businesses shall include "you-pick" commercial agricultural operations, direct sales to area businesses, restaurants, and retail stores, Internet-based sales of farm products, and similar businesses.

### **Section 7.05 Greenhouse.**

This Section shall not apply to a residential greenhouse structure accessory to a single-family dwelling. Such residential greenhouses shall conform to all requirements of Section 3.07 (Accessory Structures). The following shall apply to all other greenhouses:

1. Retail sales of greenhouse products shall be permitted as an accessory use, subject to site plan approval per Article 17.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
3. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in Section 5.208 (Corner Clearance Areas).

4. The storage of loose materials shall be contained to prevent it from blowing onto adjacent properties and from access by small animals.
5. Where greenhouses are listed in Article 6.0 (Land Use Table) as a permitted accessory use, such uses shall be accessory to an active farm operation.

**Section 7.06 Keeping of Livestock and Bees, Non-Farm.**

The standards of this Section shall not apply to apiaries or keeping of animals that are part of an active farm operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture. Non-farm beekeeping or raising and keeping of a limited number of poultry, rabbits or livestock shall be subject to the following:

Gross Lot Area	Maximum Number Allowed by Lot Area						
	Bee Colony or Hive	Rabbit	Chicken (hen), Duck, Quail or Similar Poultry	Chicken (rooster), Guinea Fowl or Geese	Goat	Sheep, Emu, Ostrich, Alpaca or Llama	Cow or Similar Large Non-Equine Livestock
Less than 1.0 acre	2.0	10.0	None	None	None	None	None
1.0 to 1.99 acres	4.0	10.0	10.0	None	None	None	None
2.0 to 4.99 acres	8.0	25.0	25.0	None	None	None	None
5.0 to 9.99 acres	12.0	25.0	40.0	None	4.0	2.0	1.0
10.0 acres or Greater	All activities shall be kept consistent with the applicable requirements of this Ordinance and the Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.						

1. Non-farm raising and keeping of such animals shall be clearly incidental to the principal use of the property for a single-family dwelling, and shall be prohibited within any subdivision plat or site condominium development.
2. The non-farm raising and keeping of cows, goats, llamas, alpacas, emu, ostrich, and similar livestock shall require a minimum road frontage and minimum lot width of 250 feet.
3. Structures for keeping livestock, poultry, rabbits or bees shall be set back a minimum of 30.0 feet from all lot boundaries, and 50.0 feet from any dwelling. All outdoor pens, corrals, pastures, and paddocks on lots of less than ten (10) acres shall be located outside of the required yard setback areas for the zoning district.
4. All facilities shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.
5. Zoning permit approval shall be required per Section 2.03 (Zoning Permits).

*(Amended by Ordinance 79H Effective August 05, 2022)*

### **Section 7.07 Kennel.**

The standards of this Section shall apply to the keeping, housing or raising of six (6) or more dogs over six (6) months old for breeding, showing, boarding, training, competition, or as pets. Kennels shall be licensed as required by Bay County or other outside agency with jurisdiction, and shall be subject to the following additional standards:

1. The minimum lot size shall be two (2) acres for the first four (4) dogs, plus one (1) additional acre for each ten (10) additional animals.
2. Structures, outdoor pens, and exercise areas for such animals shall be set back a minimum of 100 feet from any dwelling or building used by the public, and shall be located outside of the required yard setback areas for the zoning district.
3. The Planning Commission shall establish a limit on the maximum number of dogs that may be kept, housed or raised at one time as part of any kennel approval.
4. All facilities shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.
5. The kennel shall be established and maintained in accordance with applicable sanitation regulations. The applicant shall submit a waste management plan for review as part of any special use permit application.
6. All dogs shall be enclosed within a building at night.
7. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

### **Section 7.08 Landscape Operations and Snowplow Businesses.**

Landscape maintenance and installation operations, snowplowing and removal businesses, and similar uses shall be subject to the following:

1. Establishment, expansion or alteration of such businesses shall be subject to site plan approval per Article 17.0 (Site Plan Review).
2. Outside storage, outside display areas, and parking of vehicles and equipment shall conform to the applicable standards of this Ordinance for the zoning district.
3. The Planning Commission may require screening of storage building(s), permitted outside storage areas, and business vehicle parking area(s) occupied or intended to be used by the business from road rights-of-way and abutting parcels per Section 16.10D (Methods of Screening).
4. On-site fuel storage and handling shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code.

5. In the AG (General Agriculture) District, such uses shall be accessory to a principal farm operation or single-family dwelling on the same parcel, and shall be subject to the following additional requirements:
  - a. A maximum of one (1) vehicle associated with such uses in the AG (Agricultural) District shall be permitted to be parked outside of a building.
  - b. The character or appearance of the dwelling shall not change. The total floor area of the dwelling used for the business shall not exceed twenty percent (20%) of the dwelling's total floor area. Employees of the business not residing on the parcel shall work primarily off-site. The business shall not generate vehicular traffic above that normally associated with similar agricultural operations in the Rural Districts.
  - c. Such businesses may occupy all or part of any accessory buildings on the parcel that conform to the minimum required yard setbacks for the zoning district, subject to Planning Commission approval.
  - d. The Planning Commission may limit hours of operation for the business to minimize impacts on adjacent residents and uses.

### **Section 7.09 Nursery.**

Nursery operations, as defined in Section 25.03 (Definitions), shall be subject to the following:

1. Retail sales of unprocessed/prepared nursery products raised on the premises shall be permitted as an accessory use on the site, subject to site plan approval per Article 17.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Dump trucks and trailers, bulldozers, backhoes, and similar types of heavy equipment shall be limited to seasonal or intermittent use for harvesting of trees, with no permanent or long-term on-site storage of such vehicles and equipment.

A nursery operation exceeding these limitations shall be subject to special use approval per Article 18.0 (Special Land Uses).

### **Section 7.10 Roadside Stands.**

Roadside stands, as defined in Section 25.03 (Definitions), shall be subject to the following:

1. The gross floor area of the temporary structure shall be not less than 50 square feet but not more than 250 square feet. The temporary structure shall be set back a minimum of 25 feet from all road rights-of-way, and shall not exceed a height of one (1) story.
2. Suitable containers for rubbish shall be placed on the premises for public use.
3. Off-street parking shall be located outside of road rights-of-way, but may be provided within the required front yard setback area. Such parking shall be constructed in accordance with Article 14.0 (Off-Street Parking and Loading), except asphalt or concrete paving shall not be required.

4. Signs used in connection with the use shall be temporary, and shall comply with the requirements of Article 13.0 (Signs). Off-site signage shall be prohibited.
5. Roadside stand structures and signage shall be removed by November 15 of each calendar year.

A roadside stand exceeding these limitations shall be subject to approval as a farm market per Article 6.0 (Land Use Table) and Section 7.03 (Farm Markets and Agricultural Services).

### **Section 7.11 Stables and Related Equestrian Facilities.**

All stables and facilities for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

1. Such facilities shall require a minimum road frontage and minimum lot width of 250 feet, and a minimum lot area of five (5) acres for the first two (2) animals. One (1) additional acre shall be required for each additional animal for lots of less than ten (10) acres.
2. Such facilities on lots ten (10) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
3. Structures for keeping such animals shall be set back a minimum of 60 feet from all lot boundaries, and 100 feet from any dwelling.
4. All facilities shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.
5. Outdoor areas for pasturing, exercising or riding such animals may extend to the front, rear or side lot boundaries.
6. There shall be no commercial activity, other than incidental sales not unusual for permitted RURAL USES or RESIDENTIAL USES.
7. Establishment or enlargement of private riding arenas and boarding stables, as defined in Section 25.03 (Definitions), shall be subject to approval of a certificate of zoning compliance per Section 1.07 (Certificates of Zoning Compliance).
8. Establishment or enlargement of public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals available or intended for use by the public or for hire on a per diem, hourly or weekly basis shall be subject to site plan approval per Article 17.0 (Site Plan Review), and the following additional requirements:
  - a. Public or commercial riding stables and academies shall have a minimum lot area of 20.0 acres.
  - b. The applicant shall provide a written statement of the number of horses and ponies which will be accommodated, the nature and duration of any equestrian events which will be held, the planned or agreed use of any

other properties for riding or pasturing, and any agreements or arrangements with any equestrian clubs, groups or organizations.

- c. Parking for patrons and employees shall be provided in compliance with Article 14.0 (Off-Street Parking and Loading).

## **Section 7.12 Veterinary Clinics and Hospitals.**

Veterinary clinics and hospitals shall comply with the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 17.0 (Site Plan Review).
2. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area shall be permitted, subject to the following:
  - a. Exercise areas on lots of less than ten (10) acres shall not be located in any required yard setback areas.
  - b. Such areas shall be screened in accordance with Section 16.10D (Methods of Screening). The Planning Commission may also require fencing to enclose and secure such areas.
3. The facility shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.
4. Keeping of animals for overnight care shall be limited to the interior of the principal building. Treatment of non-domesticated animals shall be permitted.

