

ARTICLE VII

FARMLAND DISTRICT (FM)

Sec. 7.01 PURPOSE:

It is recognized that the public health and welfare of the citizens of Bloomer Township, Montcalm County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within Bloomer 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.

- A. The FM-Farmland District acknowledges 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).
- B. Other specific purposes for which this district is established include:
 - (1) To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention 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.
 - (2) 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.
 - (3) To prevent the conversion of agricultural land to scattered nonfarm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
- C. The agricultural district boundaries are based on an analysis of soils that identified those especially well suited for farming as classified by the U.S. Soil Conservation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to nonfarm development, the average parcel size of existing farms, and the minimum acreage needed for most farm operations.

Sec. 7.02 Definitions:

A. AGRICULTURAL LABOR HOUSING

A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for 5 or more migratory workers engaged in agricultural activities including related food processing, as licensed under the provisions of PA 289 of 1965, as amended.

B. AGRICULTURAL SERVICE ESTABLISHMENT

Agricultural service establishments engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to 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); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; veterinary services; and facilities used in the research and testing of farm products and techniques.

C. COMMERCIAL AGRICULTURE

The use of land and/or structures for the growing and/or production of farm products for income.

D. CONFINED FEEDLOT

An enclosure or tract of land wherein any type of food, or the byproducts thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats or swine are kept, for the purposes of fattening such livestock for shipment to marketer where swine are kept under any conditions.

E. COTTAGE INDUSTRY

Excluding a home occupation and a business conducting primarily retail sales, any activity that (a) is conducted on the premises or one in which the premises serves as a base of operation from which to conduct the activity off-site, and (b) is clearly secondary to a residential use and carried out for economic gain. Cottage Industries are regulated by Section 20.14.

F. DWELLING UNIT, NONFARM

A dwelling unit located within the AG-Agricultural District which is not a farm dwelling unit and which is designed for occupancy by a single family.

G. FARM

Except as provided below, a farm is real property used for commercial agriculture comprising at least forty (40) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures and machinery.

- (1) A tract may be considered a farm if it is between 5 and 40 acres, provided it is devoted primarily to an agricultural use, and has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- (2) A smaller tract may be considered a farm if designated by the Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of \$2000.00 or more.

H. FARM ANIMALS

Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

I. FARM BUILDING

Any building or accessory structure other than a farm or a nonfarm dwelling unit, which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and or milk house.

J. FARM OPERATION

A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

K. FARM PRODUCTS

Those plants and animals useful to man and includes but is not limited to: forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

Sec. 7.03 Uses Permitted by Right:

The following uses and structures are permitted in the FM-Farmland District:

- A. Commercial agriculture
- B. Conservation area for fauna, flora
- C. Dairy Farm
- D. Dwelling unit, farm
- E. Dwelling unit, nonfarm
- F. Farm
- G. Farm buildings
- H. Farm drainage and irrigation systems
- I. Forest preserve
- J. Game refuge
- K. Grazing and forage
- L. Historic sites and structures
- M. Reserved for Future Use
- N. Nursery
- O. Raising of farm animals, and production of farm products
- P. Tree, sod farms
- Q. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way.

Sec. 7.04 Permitted Accessory Uses:

The following are permitted accessory uses:

- A. Uses customarily accessory to farm operations.
- B. Uses customarily accessory to nonfarm dwellings.

Sec. 7.05 Uses Permitted by Special Use Permit:

The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article XX.

- A. Agricultural service establishments
- B. Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.
- C. Agricultural labor housing, provided the setbacks of Section 7.06 and the provisions of Public Act 289 of 1965, as amended, and the Administrative Rules promulgated thereunder are met.
- D. Confined feedlots.
- E. Roadside stands selling agricultural products and setback from the right-of-way at least 50 feet and with off-street parking for at least 5 cars for each 50 square feet of structure.

Sec. 7.06 Site Development Standards:

The following standards apply to all uses and structures in the Ag-Agricultural District.

- A. Max. Lot Area - for nonfarm dwelling units - 2 acres (see exception below).
 - Max. Lot Area for special permit uses - 10 acres.
 - Min. Lot Area for farm dwelling unit - 40 acres (see exception in definition of farm)
- B. Minimum Lot Width- 165 ft. for nonfarm dwelling units, 600 feet for farm dwelling units.
- C. Max. Lot Coverage - 10%
- D. Minimum Setbacks
 - Front 50 ft.
 - Side 20ft.
 - Corner 50 ft.
 - Rear 50 ft.
- E. Max. Height
 - 2 1/2 Stories
 - 35 Feet (see exception)
- F. Maximum lot width to depth ratio - 1/3
- G. Minimum Building Floor Area:
 - (1) Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than nine hundred (900) square feet, exclusive of basements, garages, porches and breezeways.
- H. All nonfarm dwelling units shall meet the following additional criteria:
 - (1) One (1) nonfarm dwelling unit may be constructed for every forty (40) acres of contiguous land under one ownership. The permitted number of units may all be constructed within a single forty acre tract, or distributed in another manner, provided each lot meets the requirements of this ordinance.
 - (2) A contiguous land parcel shall be any parcel(s) of land which has/have a common boundary or are separated only by a road right-of-way and which are under one ownership at the time of adoption of this Ordinance.

Sec. 7.07 Special Qualifications and Exceptions:

- A. Each lot for a nonfarm dwelling unit shall be a separately conveyed parcel of no more than two acres in area and described by a recorded certificate of survey unless a larger parcel is required by the Montcalm County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and well water. In addition, a lot on which an existing farmstead consisting of a residential dwelling and farm buildings is located, may be split off from the main farm acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall no exceed three (3) acres in size, unless a larger area is necessary to meet required setbacks of this section.
- B. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - (a) Local secondary road: 100 feet
 - (b) County primary/state highway: 125 feet
 - (c) Minimum distance from an intersection of two or more of the above: 80 feet
- C. After the effective date of this ordinance, all nonfarm dwelling units, farm buildings, and accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another.

- D. Nonfarm dwelling units are limited to a maximum of one (1) farm animal per two (2) acres, except that a minimum of five (5) acres is required for the first farm animal.
- E. The maximum height of farm buildings shall be one-hundred (100) feet. All farm buildings over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.
- F. Line and structures within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.
- G. Prior to the issuance of a zoning permit, the zoning administrator shall certify that the locations of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet spacing requirements from existing farm buildings or nonfarm dwellings, no other location is available.
- H. Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.
- I. Access to a public road shall meet ordinance requirements.
- J. Accessory buildings, structures and uses to nonfarm dwelling units are prohibited in the area between the front lot line and the setback, although they are permitted in the side and rear of the dwelling provided they conform with setbacks. Rear setbacks may be reduced by the zoning administrator up to 20 feet from the lot line, unless it is a right of way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.

Sec. 7.08 Administration:

The Township recognizes that proper administration of the one-quarter of one-quarter section concept is important in meeting the intent of this Ordinance. The Township will apply the following procedures in administering this zoning district.

- A. Concurrent with the adoption of this Ordinance, an official map indicating existing lots and land ownership shall be established.
- B. An allotment of nonfarm dwelling units possible under this Ordinance shall be made for each parcel forty (40) acres or more in the district.
- C. As allotments are used up, the official map shall be updated to reflect these changes.
- D. The Township shall permit parcels under forty (40) acres in size to be consolidated and the allotment of nonfarm dwelling units to be amended to achieve one (1) non-farm dwelling unit per forty (40) acres.
- E. The official map shall be maintained by the Clerk and copies made available for inspection by the public.
- F. A review of this Ordinance shall be conducted by the Planning Commission every five (5) years to determine its effectiveness in preserving farmland and to consider any revisions which may be desirable.

(Sec. 7.03(M)) amended 6-16-14)