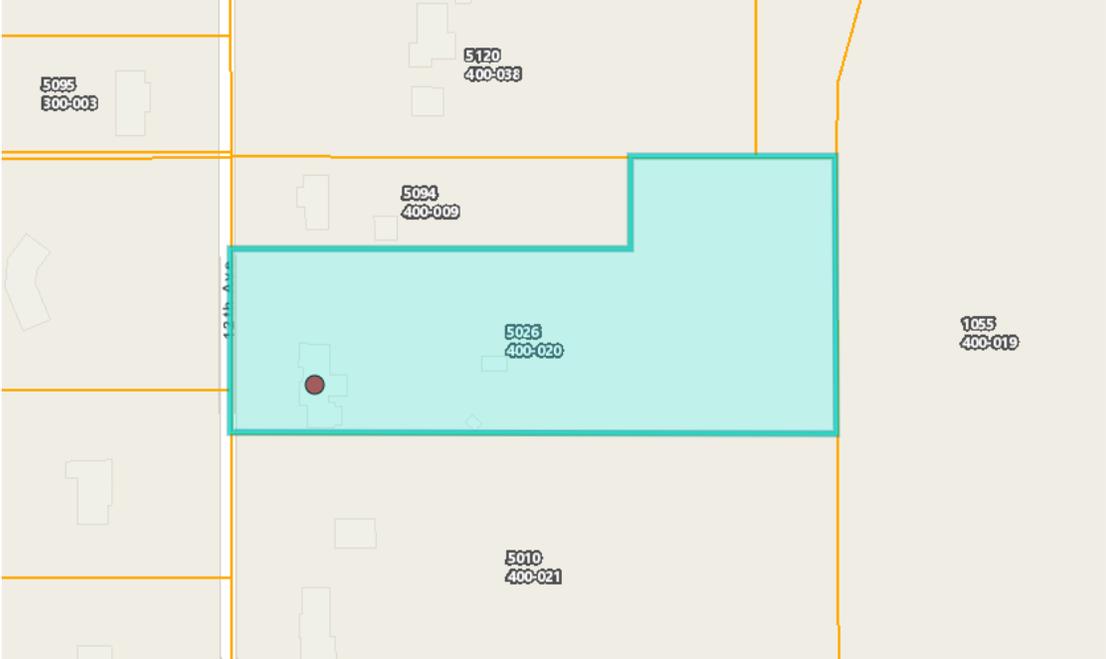


(SUP2102) **Doug Feenstra**, 5026 12<sup>th</sup> Ave., is requesting to have an agricultural operation, under Sec. 7.3(C), on a parcel of land described as P.P. # 70-14-35-400-020, located at 5026 12<sup>th</sup> Ave., in a Rural Residential (RR) district, Georgetown Township, Ottawa County, MI.

**REQUEST**

The request is for **Special Land Use approval to have a 36' x 48' (1,728 sf) barn for agricultural use on a 3.55-acre parcel**, in a Rural Residential (RR) district. Section 7.3(C) of the Zoning Ordinance requires Special Land Use approval for a customary agricultural operation in the RR district.

**MAPS OF THE SITE**



## **DISCUSSION**

The ordinance does not limit height, size, number or architectural character for AG buildings and uses. In addition, the Building Code does not require a building permit for an AG building and the Property Maintenance Code is not applicable. However, an electrical service permit is required if electricity is brought to the site. The Building Code still applies to the existing house and accessory buildings.

The only requirement is that setbacks are met, as well as the standards of Sec. 7.3(C), which lists the standards for the use and restricts the number of farm animals on parcels of five acres or less.

Note: The applicant is not requesting the raising and keeping of farm animals in this application.

This process includes site plan approval. However, in the past for uses such as farming and group daycare homes (not commercial uses), the Planning Commission has accepted aerials with all of the information necessary to determine compliance with ordinance standards either written or drawn in, such as dimension for setbacks, fencing details and square footages of buildings, rather than requiring the applicant to submit a professionally drawn site plan. As per Sec. 19.2, the Planning Commission shall be furnished with a site plan of the proposed development for Special Land Uses in all districts. Sec. 19.4 details the information that is required to be contained in a site plan unless specifically waived by the Planning Commission. The Planning Commission has the authority to either require or to waive the elements not provided on the survey or drawing that was submitted for the agricultural operation.



Reminder: The applicant’s note on the site plan that says, “Extremely old barn in disrepair that will be demolished after completion of the new proposed barn” cannot be a consideration as part of this Special Land Use review because the applicant is allowed to have agricultural buildings in addition to any existing accessory buildings. Sec. 3.4(I) exempts the number of buildings accessory to the use of farming, as it states, “No more than one (1) freestanding accessory building may be permitted on any lot of parcel on which is located a single or two family dwelling unless otherwise permitted in this Section **(excluding buildings accessory to agricultural operations in the AG and RR districts).**”

## **SUMMARY**

1. Since the Planning Commission is only reviewing setbacks and conformance with the standards in Sec. 7.3(C), it does not appear necessary to require the applicant to furnish a professionally drawn site plan with all the listed requirements. **The Planning Commission will determine if this is acceptable or if more details should be shown or provided.**
2. **All setbacks are met.** The dimensions are as follows:
  - a. **Front.** From the front property line to the proposed AG building is over 300 feet which meets the minimum of 40 feet.
  - b. **Sides.** From the AG building to the south side property line is over 50 feet and to the north side property line is over 50 feet, both meet the minimum of 50 feet required in Sec. 7.3(C)(2).
  - c. **Rear.** From the AG building to the rear property line is over 50 feet and meets the minimum of 50 feet required.



3. The AG building is proposed to be 36' x 48'.
4. The applicant has signed the AG Affidavit attesting to the fact that the AG building will be used exclusively for the agricultural operation. The document was notarized by Township staff and was submitted with the Special Land Use application.
5. A Building Zoning Compliance application must be submitted for the construction of the AG building. Once applicable zoning requirements are met, a Zoning Compliance Certificate will be issued; no building permit is required, as per the Building Code. If electricity is being brought to the barn, an electrical service permit must be obtained.

**6. As per Sec. 26.3, all access driveways and parking areas shall be hard surfaced. Compliance with this standard is required prior to a Zoning Compliance Certificate is issued.**

**7. No animals were requested and are not a part of this approval.**

**8. Since neither the Building Code nor Property Maintenance Codes can be enforced on AG buildings, the Township has no jurisdiction over the condition of AG buildings. However, the PC can consider a condition of approval that all buildings must be maintained in a safe condition.**

**9. The following is a review of the standards listed in Sec. 7.3(C):**

(C) Customary Agricultural Operations including general farming, truck farming, fruit orchards, nurseries, greenhouses and usual buildings subject to the following restrictions:

- (1) No storage of manure or odor or dust producing materials or use shall be permitted within fifty (50) feet of any adjoining lot line. **Met.**
- (2) No farm buildings shall be located closer than fifty (50) feet to any lot line, with the exception of roadside stands. **Met.**
- (3) Farm animals are permitted as follows:
  - a. raising and keeping of livestock and poultry including horses, cattle, sheep, chickens, and similar animals (but excluding hogs), provided that the minimum area upon which one (1) animal may be kept shall be three (3) acres, and one (1) additional animal may be kept for each additional acre over three (3) acres.
  - b. on parcels of land in excess of five (5) acres, the Planning Commission may waive the limitation on the number of animals, provided it is determined that due to the size of the parcel, natural features, or other similar conditions there will be no negative impact upon the neighboring property owners. (revised 3/28/16) **No animals are requested and none are part of this approval.**

**10. Sec. 20.3 General Standards.**

- (1) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. **Appears to be met.**
- (2) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools. **Appears to be met.**
- (3) Not create excessive additional requirements at public cost for public facilities and services. **Appears to be met.**
- (4) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. **Appears to be met.**

## **OPTIONS FOR MOTIONS**

*If the Planning Commission determines that the standards of the ordinance have been met and the site plan as submitted is acceptable, the following motion is offered.*

### **Special Land Use Permit and Site Plan**

**Motion:** To adopt the staff report as finding of fact and to approve Special Use Permit (SUP2102) Doug Feenstra, 5026 12<sup>th</sup> Ave., to have an agricultural operation (36' x 48' barn only for the AG use), under Sec. 7.3(C), on a parcel of land described as P.P. # 70-14-35-400-020, located at 5026 12<sup>th</sup> Ave., in a Rural Residential (RR) district, Georgetown Township, Ottawa County, MI; based on the findings that all applicable standards of the ordinance have been met including the general Special Land Use standards in Sec. 20.3 and the standards in Sec. 7.3(C); and to \_\_\_\_\_ (accept or not accept) the site plan as provided;

and with the following conditions of approval:

1. The property and building shall be maintained in a safe manner.
2. A Zoning Compliance Certificate is required for the construction of an agricultural building and no building permit is required, as per the Building Code. If electricity is being brought to the barn, an electrical service permit must be obtained.
3. A completed and notarized affidavit of AG Use shall be submitted along with the Building Zoning Compliance application.
4. No storage of manure or odor or dust producing materials or use shall be permitted within fifty (50) feet of any adjoining lot line.
5. No farm animals are requested and no farm animals are approved as part of this application.