

**CLINTON COUNTY BOARD OF COMMISSIONERS**

**ORDINANCE NO. OR-140-18**  
**AMENDMENT/SUPPLEMENT TO OR-01-05 CLINTON COUNTY**  
**ZONING ORDINANCE**

At a regular meeting of the Board of Commissioners of Clinton County, Michigan, held at the County offices located at 100 E. State Street, St. Johns, Michigan on the 29<sup>th</sup> of May, 2018, at 9:00 a.m., the following Ordinance was offered:

WHEREAS, the Michigan Zoning Enabling Act, 2006 PA 110, as amended, authorizes the Clinton County Board of Commissioners ("Board") to adopt, amend and supplement a zoning ordinance regulating the public health, safety and general welfare of persons and property; and

WHEREAS, the Clinton County Planning Commission ("Planning Commission") duly noticed and held a public hearing on May 29, 2018 to consider an amendment ("Ordinance Amendment") to the Clinton County Zoning Ordinance; and

WHEREAS, on May 10, 2018, the Planning Commission recommended adoption of the Ordinance Amendment for the reasons stated at the meeting; and

WHEREAS, the Planning Commission transmitted a summary of the comments received at the public hearing and its recommended Ordinance Amendment to the Board; and

WHEREAS, the Board has determined that the Ordinance Amendment would promote and enhance the overall welfare and quality of life in Clinton County; and

WHEREAS, the Board has determined that enacting said Ordinance Amendment is in the best interests of the public health, safety and welfare of the County's residents.

**THEREFORE**, be it resolved by the Board of Commissioners of Clinton County, Michigan,

as follows:

1. Ordinance No. OR-140-18, Amendment to Clinton County Zoning Ordinance, as amended, attached as Exhibit A, is hereby adopted.
2. The Ordinance Amendment, attached as Exhibit A, shall be filed with the County Clerk.
3. A notice of Ordinance adoption shall be published in a newspaper of general circulation in the County within fifteen (15) days after adoption.
4. Any and all ordinances that are in conflict with this Resolution are hereby repealed.

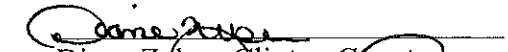
ADOPTED:


YEAS: Seven (7)

NAYS: Zero (0)

STATE OF MICHIGAN     )  
  )  
COUNTY OF CLINTON    )

I, Diane Zuker, Clerk of the County of Clinton, do hereby certify that the above and foregoing is a true and complete copy of certain proceedings taken by the Clinton County Board of Commissioners at a regular meeting held on the 29<sup>th</sup> day of May, 2018

  
\_\_\_\_\_  
Diane Zuker, Clinton County

  
\_\_\_\_\_  
Robert Showers, Chairperson  
Clinton County Board of Commissioners

**EXHIBIT A**  
**(ATTACHED TO ORDINANCE No. OR 140-18)**

**Section 905 Performance Standards for Agricultural Homestead Lot**

- A. Intent. As set forth in Section 901, the regulations and development options contained within Article 9 are intended to ensure that land areas of the County that are well suited for production of food and fiber are retained for such production. The County also recognizes the desires in the community to continue to retain and accommodate some residential growth in rural, agriculture areas. To that end, single-family residential continues to be an available use in agricultural and rural areas, but is accommodated in a form and fashion that continues to promote the primary goals of growth management and agricultural preservation.

It is also recognized that many existing single-family residential dwellings exist that have been historically associated with the agricultural production of property. The viability of these historically associated single-family residential dwellings to serve the agricultural production portion of the property has severely diminished over the years due to changes in the practice of farming and land management by those farming. It is further recognized that minimum area and frontage requirements for A-2, General Agriculture zoned parcels, as provided in Section 432 without application of Preservation Performance Standards as listed in Section 904, would be ten (10) acres and with a minimum of three-hundred and thirty (330) feet of frontage on a public road.

It is the intent of this Section to establish, through a set of specific performances standards, a reduction in the minimum parcel size for historically associated single-family residential dwelling sought to be divided from the agriculturally productive portion of property to prevent the overuse of land for loss of existing housing stock and diminishment of productive agricultural land.

- B. Site Plan Review Required. Application under this Section requires site plan review pursuant to Article 7 of this Ordinance. Said site plan review shall be conducted administratively by the Zoning Official or their assign to assess compliance with Article 7 of the Ordinance. If a single-family residence is proposed on the remainder parcel as outlined in Section 905.C.7, site plan review shall be conducted by the Planning Commission.
- C. All of the following performance standards must be met for a reduction in the minimum parcel size for a historically agricultural associated single-family dwelling to be divided from the agriculturally productive portion of the property:
1. The parent parcel, in which the proposed parcel containing the single-family dwelling is sought to be created from, cannot be less than twenty (20) acres.
  2. At the time of application, the activity on the parent parcel, in which the proposed parcel containing the single-family dwelling is sought to be divided from, must

meet the definition of “farming operation” as defined in Article 2 for at least one-half (1/2) of the acreage.

3. The proposed homestead parcel containing the single-family dwelling cannot be less than one (1) acre nor more than five (5) acres in lot area including the right-of-way, nor can the lot area of the proposed division be less than required to accommodate existing well and wastewater disposal system. It may be required for the applicant to seek comment from the Mid-Michigan District Health Department (“MMDHD”) may be consulted prior to approval of the administrative site plan.
4. The proposed parcel containing the single-family dwelling cannot have less than one-hundred and fifty (150) feet of frontage on a public road as measured at the right-of-way and must not exceed a lot width to depth ratio of four (4) to one (1).
5. The remainder of the parent parcel following division of the proposed parcel containing the single-family dwelling must meet the dimensional requirements as outlined in Section 432, herein.
6. To be eligible, the historically associated single-family dwelling shall have received a building permit for construction of the single-family structure prior to the effective date of this Ordinance (July 17th, 2005). In addition, said structure shall have been completed and received a final certificate of occupancy on or before July 17th, 2006.
7. The remainder of the parent parcel following division of the proposed homestead parcel containing the single-family dwelling shall continue to remain in agricultural production. To ensure that this performance standard shall be substantive and the County has met objectives of this Ordinance, Article and Section, the applicant shall have placed on the deed of the remainder a restriction that property cannot be subsequently divided or utilized for residential purposes for a period of ten (10) years.

Approval of one (1) single-family dwelling may be granted on the remainder parcel upon site plan application to the Planning Commission. The applicant shall demonstrate that the proposed single-family dwelling is located so as to minimally impact or disrupt the agricultural characteristics or viability of the remainder parcel (i.e. typically the home should not be proposed in the middle of an existing field). The applicant shall demonstrate this by analysis of such items as: soil types; current vegetation; drainage patterns; access; proposed structures and associated improvements and the relationship to other nearby uses and structures.

Approval and construction of a single-family dwelling on the agricultural remainder shall require the aforementioned ten (10) year deed restriction to be placed on the remainder parcel starting at the time of building permit issuance.