ACME TOWNSHIP ZONING ORDINANCE AMENDMENT 018
AS RECOMMENDED TO THE BOARD OF TRUSTEES
BY THE PLANNING COMMISSION ON 03/26/2012

3.2 DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Agricultural Tourism, "ag-tourism" and/or "agri-tourism": means the practice of visiting an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

6.11 A-1: AGRICULTURAL DISTRICT:

6.11.1 INTENT AND PURPOSE:

This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.

6.11.2 USES PERMITTED BY RIGHT:

q. Agricultural Tourism: Subject to the following parking requirements; parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
   1. Seasonal U-Pick fruits and vegetables operations
   2. Seasonal outdoors mazes of agricultural origin such as straw bales or corn
   3. Agricultural Festivals
   4. Agricultural or agriculturally-related uses permitted by right in the a-1 zoning district may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
      a. Value-added agricultural products of activities such as education tours or processing facilities, etc.
      b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
      c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
      d. Petting farms, animal display, and pony rides.
      e. Wagon, sleigh, and hayrides.

f. Nature trails.
g. Open air or covered picnic area with restrooms.
h. Educational classes, lectures, seminars.
i. Historical agricultural exhibits.
j. Kitchen facilities, processing/cooking items for sale.
k. Gift shops for the sale of agricultural products and agriculturally related products.
l. Gift shops for the sales of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

6.11.3 USES PERMITTED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1.

x. The following agricultural tourism uses are permitted by special use permit:
   1. Small-scale entertainment (e.g., fun houses, haunted houses, or similar) and small mechanical rides
   2. Organized meeting space for use by weddings, birthday parties, corporate picnics, and other similar events.

GRAND TRAVERSE COUNTY PLANNING COMMISSION
MASTER PLAN/ZONING REVIEW

TOWNSHIP:	Acme Charter Township	**MASTER PLAN:** □	
AMENDMENT #:	018	**ZONING ORDINANCE:** ■	
DATE RECEIVED:	4-9-12	**TEXT:** ■	**MAP:** □
PUBLIC HEARING:	3-26-12	**MAP ATTACHED:** □	
PRELIMINARY REVIEW: □		**PUBLIC HEARING MINUTES:** ■	

CHANGE: Amend the township zoning ordinance list of allowable uses by right and by special use for the A-1 Agricultural district, primarily to add agritourism related uses.

TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:
Recommended approval.

COUNTY PLANNING STAFF COMMENTS:

Pursuant to Section 307 of Public Act 110 of 2006, a township shall submit for review and recommendation the proposed zoning ordinance or zoning ordinance amendment to the county. The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county planning commission has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

The proposed Acme Township Zoning Ordinance amendment is to address agricultural tourism or "agri-tourism" by creating new definitions of agricultural tourism and providing for such use as a use permitted by right and permitted by special use permit in the Township's A-1 Agricultural District. Staff recommends approval of the zoning ordinance text amendment.

COUNTY PLANNING COMMISSION ACTION:
The County Planning Commission, at their April 17, 2012 meeting, concurred with Amendment #018 as presented.

COMMENTS FROM CPC ACTION:

RETURNED TO TOWNSHIP (DATE/RECOMMENDATION): 4-20-12 Via email

REQUEST TO AMEND ORDINANCE AND TO ALLOW SPECIAL USE PERMIT

The applicants are requesting limited use of a restored Centennial barn for barn functions and weddings. The applicants are requesting permission to use this barn on a limited basis, twelve times per year. In making this request, the applicants understand that additional restrictions, inspections, etc. would be a prerequisite to the granting of a special use permit.
This is not a request to rezone the property in question.

THE APPLICANTS

The Garveys have tried to be a positive influence in the Acme community. They have been major financial supporters of the Yuba Natural Area and to the Acme Shoreline Preservation Effort. In addition, Bob has been active on both the Farmland and Shoreline Committees.

THE AGRICULTURAL LAND IN QUESTION

The agricultural land in question is a forty-acre site that was previously owned by the Gore family. When they initially purchased the site it was vacant land and without any farm related structures. The land had not been farmed for many years. The Garveys were told by a neighbor that the last farming that occurred there was potato farming many years ago.

While the property is located within an area designated as a prime agricultural soils district, because of its topography the land is unsuitable for commercial cherry or grape production. In addition approximately twenty percent of the acreage is located east of the Yuba Creek and is comprised of wetlands.

Craig Cunningham from Cunningham Viticultural Services was hired to access the property for it's suitability for grape production. Temperature sensors revealed that even the higher ground was unsuitable for grape production. The lower ground, which comprises the vast majority of the acreage, is well beyond the temperature requirements for either grapes or cherries. A site visit will immediately confirm the fact that the neighboring cherry farm stops planting trees at an elevation higher than the Garvey property. This is primarily a temperature issue as the cold air sinks to the lower portions of the property.

Current agricultural uses include horses, chickens and lavender. Approximately fifteen hundred lavender plants were planted last spring and summer. These plants were planted in partnership with Alex and Paul Pinneau proprietors of the Evergreen Farm Market on US 31. A significant percentage of the lavender plants did not survive the winter, again presumably because of the problem with the low lying land attracting the colder air.

This spring we also planted approximately two acres of pumpkins again in partnership with the Penneau's.

Numerous structures have been constructed on the forty acre site. The first structure was a one

room log cabin which serves as a guest facility (Bob has nine brothers and sisters, Kathleen has eight brothers and sisters with a hoard of nieces, nephews and great nieces and nephews). A cedar horse barn was next constructed along with a pasture for the horses. A trout pond was excavated at the east end of the property. A cedar storage facility was then constructed. Two years ago, a chicken coop was constructed. Most recently the barn in question was relocated to the property.

THE BARN

The barn in question was originally located at the corner of M72 & Lautner Road.. A photograph of the barn as it existed is attached and marked **Exhibit A**. This barn was constructed in the late 19th Century by the Lautner family. At the time that the barn was moved to the Garvey property it was owned by Mr. & Mrs. Andy Andres.

As you might know, this barn was slated for demolition as it is located on the property owned by the Village at Grand Traverse.

The original intent was to move the barn intact to the Garvey property which is less than one mile away from the barns original site. Unfortunately, the utility companies that would have to raise power lines were going to charge $60,0000.00 to move those lines to accommodate the transportation of the building down Lautner Road. The $60,000.00 cost in addition to the cost of moving the barn made the move prohibitive.

Plan B involved the removal of the barn siding, roof sheathing and flooring with the intent of reusing as much of the old material as we could. Unfortunately as the siding , sheathing and flooring was removed it was determined that the vast majority of the materials were unsable. The barn had to be rebuilt with new siding, roof sheathing and flooring.

Exhibit B shows the structural members of the Andres Barn relocated on the Garvey property. The majority of these were hand hewen in the late 1800's with hewing axes.

Exhibit C contains two photographs of the barn as it looks after rehabilitation.

The Garvey barn was featured last year in The Michigan Barn Preservation Network Magazine. That organization exists to promote the rehabilitation and preservation of Michigan Barns which have been disappearing at an alarming rate.

WHY THE REQUEST TO USE THIS FACILITY FOR BARN WEDDINGS?

We invite planning commissioners to visit this property. No permission is required. You will see what we have created and why brides want to have weddings there.

Other than caring for the horses, all maintenance of the property is performed by Bob Garvey who is 62 years of age. The Garvey's have two daughters. While to this point they have been able to afford to create a unique farm experience on this forty acre piece of land the future is questionable in light of the taxes and maintenance costs if Mr. Garvey were not physically able to continue to

maintain the property. The income from the limited use requested would allow the family to continue to operate this land as it is currently operated as it would cover taxes and maintenance.

THE ORDINANCE

We understand that uses permitted by Right under 6.11.2 include cemeteries, public areas and public parks.

Uses permitted by Special Use Permit under 6.11.3 include campground, livestock auction yards, game or hunting preserves operated for profit, sawmills, airports, food processing plants, sewage treatment facilities, bed and breakfast establishments, and wineries.

We have learned that a Special Use Permit can be requested only for those uses listed. Additional uses must be incorporated into the ordinance before a special use permit can be requested. The nature of our request is not to rezone the property. The request is to amend the ordinance to include "barn functions" . We will then ask for a Special Use Permit to allow the use , with conditions that the township deems necessary.

Obviously, the use requested is far less intrusive than any of those uses currently allowed under 6.11.3 such as hunting preserve, sawmill, sweage treatment plant or airport . Additionally, we feel that the requested use meets the goals of the 6.11.1 which defines "agricultural district intent and purpose." That section of the ordinance states the following:

> This district is intended to preserve, enhance, and stabilize areas within the township which are presently used predominantly for farming purposes...it is further the purpose of this district to promote the protection of existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural district areas may be subject to noise...which might normally disrupt a residential environment.

Section 9.8.2 states that "in promoting the general purposes of this ordinance, the specific objectives of this section are: the preservation of the maximum amount of the limited supply of unique agricultural land in the township..."

Unlike the Village at Grand Traverse, located less than a mile from the proposed site, we are not asking for agricultural land to be re-zoned. We strongly believe that the use we are requesting is reasonable and will allow this land to be kept in its current state for generations to come.

WEDDING BARNS

It is no secret that small farms are disappearing at an increasing rate. If they are not turned into sub-divisions they are being absorbed by industrial agriculture. Perhaps that is why many brides are forgoing more traditional venues and seeking out a rural experience for their most special day.

We have attached a letter from Kourtney Farro. This letter may shed some light on why brides

seek out wedding barns and why Kourtney chose our barn for her special day. **EXHIBIT D** Her 1,500 acre family farm has three barms located on it but none of them is suitable for a wedding. The Garvey barn has new electrical service and is structurally sound and safe for the puplic to enjoy its ambiance.

It goes without saying that barns are located on farms. Farms are located in agricultural districts. If a community refuses to allow weddings or other "barn functions" in appropriate structures in their agricultural districts, they are effectively precluding the use.

A couple is not going to seek out a barn located in a shopping mall for their special day. That would defeat the whole purpose of the wedding barn experience.

To prove our point that the property and facility in question are unique, one has to look no further than the fact that both the Grand Traverse Resort and Dan Kelly support our project. Dan Kelly has catered two functions at the barn already and despite the fact that he has his own facility, he supports our effort presumably because he knows that brides who want a wedding barn are going to go elsewhere and he will potentially lose a catering job. He has a beautiful facility but it is not a barn.

The Grand Traverse Resort has beautiful facilities for weddings and other functions and yet they actively support our request. **(See Exhibit E) Again, they realize that brides that seek out wedding barns are looking for a non traditional venue in an agricultural setting.**

There are a number of barn facilities in Michigan that advertise on the web for weddings and other barn functions. These include the Post Family Farm in Hudsonville, Michigan; Farmview Resort in Free Soil, Michigan; the Sugar Bush Farm in Ypsilanti, Michigan; the Thumb Octagon Barn in Gage Town, Michigan; The Good Tymes Barn in Melvin, Michigan; The Blue Dress Barn in Benton Harbor, Michigan; The Ciccone Barn in Suttons Bay, Michigan; The Bailey Farm in Suttons Bay, Michigan ; Field of Flowers Barn in Lake Leelanau, Michigan and Crooked Creek Ranch in Leelanau County. Each of these facilities is located in agricultural areas.

If the proposed use is denied brides will go elsewhere for their weddings and local caterers, florists, rental companies etc. will be disadvantaged.

Attached and marked **Exhibit F** is page 6 from the Michigan Department of Agriculture, Generally Accepted Agricultural and Management Practices commonly known as GAAMPs. As you can see, the list includes "on farm weddings". That was the 2010 GAAMP. In 2011 the GAAMP was again revised. They replaced the term "barn weddings" with "social events". We sent an email to Mr. Kurt Schindler who we understand is responsible for the language in the GAAMPs as to why they changed from "barn weddings" to "social events". In a May 11, 2011 email Mr. Schindler indicates "the intent was to use a more generic term that includes much more than just weddings."**(see Exhibit G)**

AGRITOURISM

In the spring of 2011 an article in the Michigan Barn Network Magazine defined agritourism as "the intersection of agriculture and tourism where the public pays for visits and products as well as experiences." It goes onto say that "primarily this business is about creating memories and stirring emotions for a growing population of all ages who are generations away from the agricultural experience." **(see Exhibit H) Koutney Farro's letter is a perfect example of this sentiment.**

The Record Eagle recently ran an article entitled "Barns: Heart of Agritourism" The article begins by noting "preserving historic barns does more than maintain the beauty of the states rural landscape-it has economic benefits as well." It goes on to note that "barn preservation adds to the economy because it often creates new businesses, agritourism destinations and jobs". In the fourth paragraph the point is made that "since most historic barns require a lot of expensive upkeep, the network (barn preservation network) encourages entrepreneurial spirit so owners think of new uses for their buildings and ways their barn could generate revenue to cover maintenance cost." **(see Exhibit I) This is exactly what the applicants are trying to accomplish by seeking permission for this limited use..**

More recently, Debra Wyatt Fellows, Editor of Traverse Magazine made the following point regarding the relationship of agriculture and tourism: "The largest engines of our economy, agriculture and tourism, have an obvious relationship to the land, water and landscape. But it goes beyond the obvious. Studies show that the very people most likely to keep our small businesses afloat and ultimately thriving - the people who will choose independent, entrpreneurial shopping experiences over big box shopping-are the same people attracted to scenic landscapes, open space, outdoor recreation, clean and plentiful natural resources and intact communities. Destroy those things and we have destroyed the natural, profitable market for our business community."

We believe that our request is reasonable and totally consistent with the goals of our communities Master Plan and Farmland Preservation Ordinance. People who seek a restored barn for a barn function want a rural experience. It goes without saying that barn functions are held in barns. Barns are located on farms. Farms are located in agricultural districts. If you restrict barn functions to areas zoned "commercial" you have in a sense precluded the use.

We did not set out to build a "wedding barn." We restored a barn that was slated for destruction and placed it in a setting that people found attractive. Last year the first function held in that barn was an Acme Farmland Preservation event attended by the majority of the farmers in our area. Since then Ryan Dobry has reserved the barn for a fundraiser for insulin dependent diabetics in the area who cannot afford their supplies. Leah Bagdon has contacted us regarding a fundraiser to support the Goodwill of Traverse City in their quest to build a veteran's facility for homeless veterans in Northern Michigan. Other fundraising and private events have been held there bringing the community together in an agricultural setting .

We have not sought out prospects for weddings. People who have learned of the existence of the facility and have seen it have asked to use it. We believe that the proposed use will result in a preservation of the land and the setting in perpetuity. Local caterers will benefit as will the local people who work for these caterers and all of the other incidental products and services associated with weddings and barn functions.

The Acme Farmland Preservation Ordinance under "purpose of the program" states:

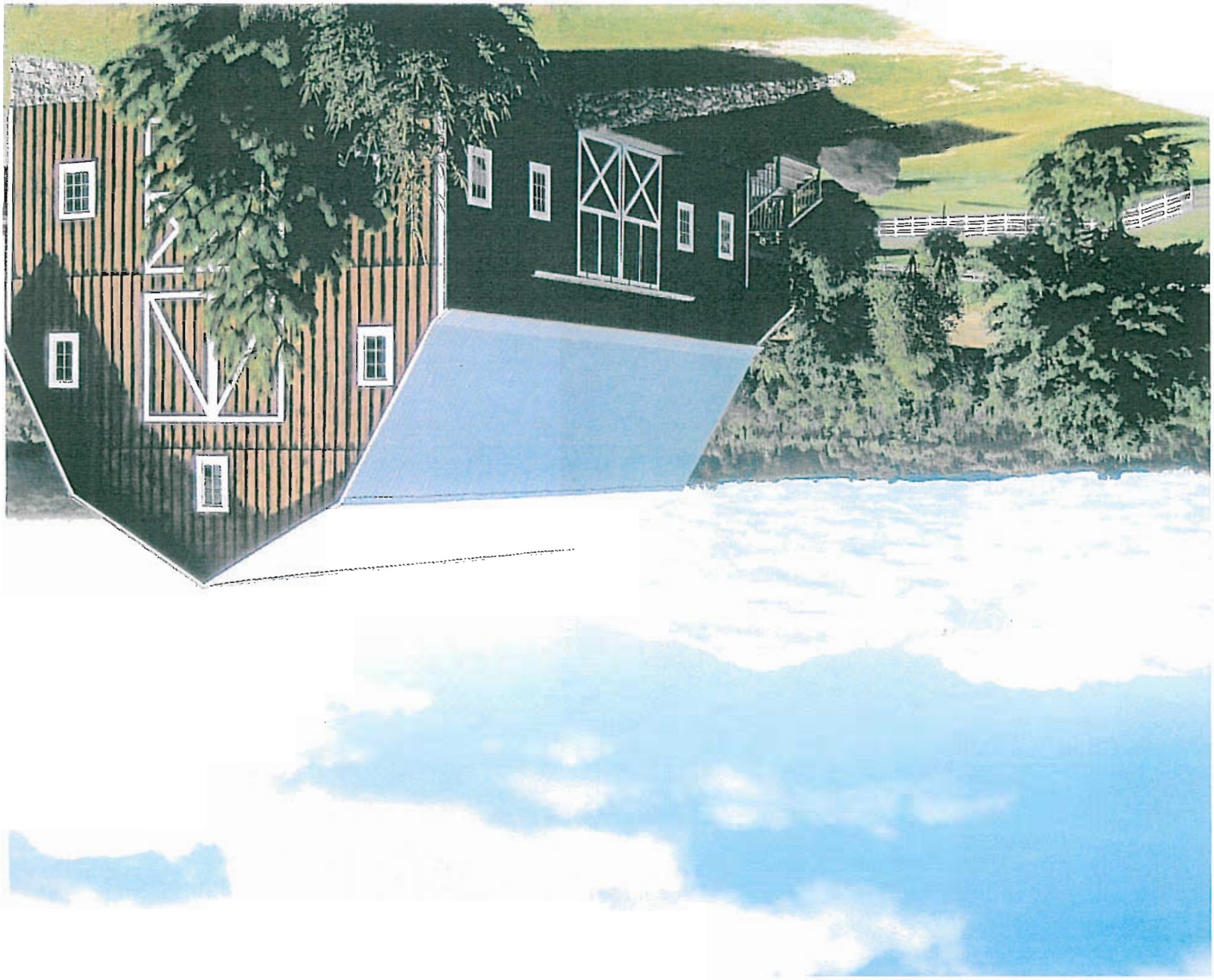
> It is the primary purpose of the Acme Township Farmland and Open Space Preservation Program to implement a permanent option to protect farmland: to maintain a long term positive business environment for agriculture: to preserve the rural character and scenic attributes: enhance tourism and other important environmental benefits and to maintain the quality of life of Acme Township.

We believe that our request is not only consistent with but in fact embodies the goals of this ordinance. We respectfully request that the planning commission recommend an amendment to the ordinance to include "barn functions" so that we can apply for a special use permit for the limited use requested.

Respectfully submitted,

Bob & Kathleen Garvey

6377 Deepwater Point
Williamsburg, MI 49690



Acme Township
6042 Acme Road
Williamsburg, MI 49690

To Whom It May Concern:

On August 20th, the day that I have dreamt about while growing up will become a reality. I will marry a great man with our friends and family present, in a room filled with flowers, candles, and white linens. This very special day will take place in a barn. However, this is not just any barn. The barn is set among nature's beauty in northern Michigan. The crisp red and white lines of the barn is a stunning sight as you drive back and see it when you crest over the hill. Inside, the barn is filled with original charm and beautiful flooring. The fact that this barn is located in a serene, natural setting is one factor that separates this barn from others I have visited. I knew this was the perfect place for my wedding after I met the family who has poured their heart and soul into restoring this barn to the beautiful state it's in. Having grown up on my families farm that has been operating since 1928, I have a great appreciation for the dedication and hard work that comes with farm living. This farm background greatly influenced my desire to have my wedding in a beautiful barn. However, still being a working farm, the barns on our property are in no condition to host such an event. After months of looking and finally finding the perfect place, I approached Mr. Garvey and asked if he would consider hosting my wedding in his barn. After approval from the township, arrangements have been made and in just a few short weeks the story of how my life began as husband and wife will be written.

I'd like to thank you for allowing the Garvey family to provide me with the setting of my fairytale day.

Sincerely,

Kourtney Farro

Dear Acme Township,

As the Special Events Manager at Grand Traverse Resort and Spa in Acme, MI I have recently had numerous requests about Barn Wedding Receptions.

Barn Wedding Receptions are becoming a huge trend in the wedding business. The interest has gained quite a bit of momentum in the Northern Michigan area, as Ciccone Vineyard, Field of Flowers and Crooked Creek Ranch, all in Leelanau County, offer this type of unique setting.

Grand Traverse Resort and Spa would love the opportunity to utilize the Garvey Barn on Lautner road because of the uniqueness and beauty of a farm setting. Brides now a day are looking for a visually stunning atmosphere to host their events in. This rural ban hosts all of the appeal that any Bride would like to capture.

We at the Resort approached the Garvey's as we became aware of their barn in the winter of 2011. The close proximity to the resort makes this an ideal situation as it reduces the need to travel longer distances to reach other venues in Leelanau County.

Barn locations and Farm Settings are trending hugely in the world of weddings for 2011, 2012 and 2013.

Grand Traverse Resort and Spa would strongly encourage the Township to look favorable upon allowing this use as there is a need for this type of event facility.

I have unfortunately had to send Brides elsewhere this year due to the lack of having a barn location in close proximity.

I feel very confident that the use of the Garvey Barn would benefit Acme Township.

Thank you,

Rachelle Grockau
Special Events Manager
Grand Traverse Resort and Spa

Other activities that may be conducted at on-farm markets but regulated by other governmental bodies include:

Activity	Activity regulated by:		
	Federal	State	Local
Bakery		MDA if selling only	Health Dept. if on-site food consumption
Bonfires			Safety
Camping			Safety
Carnival Rides			Safety
Cheese Production		MDA	Health Dept. if on-site food consumption
Cider Mill (non-alcoholic)		MDA if selling only	Health Dept. if on-site food consumption
Concerts			Traffic, noise
Cooking Demos			Health Dept. if on-site food consumption
Farm Bed & Breakfasts (B & Bs)			Health Dept. for on-site food consumption and hotel (depending on size)
Festivals			Safety, Health Dept. for on-site food consumption
Food Retreats			Health Dept. for on-site food consumption
Haunted Barns/Trails			Safety
Hunting Preserves		DNR/MDA	
Meat Processing	USDA	MDA	Health Dept.
Mud Runs			Safety
On-farm Dairy		MDA	Health Dept. if on-site food consumption
On-farm Distilleries	ATTB	MDA/MLC	
On-farm Weddings			Health Dept. for on-site food consumption
Play-scapes			Safety
Processing	USDA/FDA	MDA	
Winery	ATTB	MDA/MLC	

Farmers who plan to conduct these activities are responsible for obtaining and maintaining regulatory approval from appropriate government agencies.

From: Bob Garvey (bobgarvey@ameritech.net)
To: dberube22003@yahoo.com;
Date: Wed, May 11, 2011 9:57:48 AM
Cc:
Subject: Fwd: Question re GAAMPS

Please copy and put on my desk. Thanks

Sent from my iPhone

Begin forwarded message:

> **From:** "Schindler, Kurt" <schindl9@anr.msu.edu>
> **Date:** May 11, 2011 9:47:01 AM EDT
> **To:** Robert Garvey <bobgarvey@ameritech.net>
> **Subject: RE: Question re GAAMPS**
>
> Dear Robert Garvey;
>
> "Barn Weddings" would fall under "social events", as listed in the table on page 5 of the 2011 version of the Farm Market GAAMP. The purpose of the table is to indicate that local regulation would still apply to such an event. Intent was to use a more generic term that includes much more than just weddings.
>
> -----kurt
>
> Kurt H. Schindler, AICP
> Michigan State University Extension
> schindl9@anr.msu.edu
>
> 231 779 9480 x2
> Schindler's Land Use Page: www.msue.msu.edu/lu
>
> -----Original Message-----
> From: Robert Garvey [mailto:bobgarvey@ameritech.net]
> Sent: Tuesday, May 10, 2011 2:08 PM
> To: Schindler, Kurt
> Subject: Question re GAAMPS
>
> Hi Kurt,
> Jim Sluyter gave me your name .
> I wondered why the term "barn weddings" made it's way as a mention into the GAAMPS for 2010 along with a long list of uses that the twp could consider.
> [page 6]
> In 2011 proposed GAAMPS the term "barn weddings" was not listed. [at least on the copy i saw]
> Was this done with any particular purpose or was it an oversight ?
> thank you , bob garvey

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-----kurt

Kurt H. Schindler, AICP
Michigan State University Extension
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CONFERENCE 2011 REPORT

AGRITOURISM – Your Next Cash Crop?

Jan Jantzen (Emporia, Kansas) presented a pre-conference workshop, Thursday, March 10 which brought 25 participants from 22 Michigan communities together to learn, exchange, and network with one-another. Jantzen, who has direct experience in business and guiding others, shared his wisdom and recommendations through examples, stories and wit.

Often described as value-added products and experiences, Jan made the case for agritourism being a primary focus of business and activity. "Agritourism is the intersection of agriculture and tourism where the public pays for visits and products as well as experiences," Jan notes that this can include shopping, dining, lodging and working. "Have you heard of stay-cations? I'll call agricultural tourism as a hay-cation!" Primarily this business is about creating memories and stirring emotions for a growing population of all ages who are generations away from the agricultural experience. We are increasingly seeing visitors from the city and even from other countries seeking out hands-on – even working vacations – in America's rural countryside.

Michigan Panel members described their business and future goals. Ed Carpenter, Peacock Tree Farms (Lainsburg, www.peacockroadtreefarm.com) has a Christmas tree farm with seasonal focus (apples and pumpkins) as well as school visits and a gift shop. Melissa Jaskiewicz's Mej's Mystical Meadows Farm (North Branch, www.mejsfarm.webs.com) goal is to demonstrate that farming on a very small farm can be rewarding and fun. Visitors experience farm chores and learn about animals, soap and cheese making, and much more. Bill Miller of Papa's Pumpkin Patch (Mt. Pleasant, www.papasfamilyfarm.com) offers seasonal activities including a very popular corn maze, a toy store and lots of activities.

Attendees included individuals with current businesses, those eager to start up activity as well as representatives from communities which are doing their own planning around developing region-wide agricultural attractions for tourism. A lot of shared ideas and networking emerged. We will share an attendees contact information with one-another and are investigating other resources that could help us all bring Jan back for intensive multi-day training and further networking across this group of agri-tourism entrepreneurs. If you are interested in hearing about more activity of this group of agricultural tourism interests please email Julie Avery, identifying your work, website and contact information (averyj@msu.edu).

Photo: Julie Avery

MBPN is interested in agri-tourism because it can trigger continuing and adaptive use of traditional Michigan barns and farmsteads. Many of our small organic and subscription or community farms have adapted the traditional farmstead to their needs.

This workshop was sponsored by MSU Extension, the Greening Michigan Institute; MSU Museum's rural life and culture activities; and MBPN. Vera Wiltze, MBPN conference chair and board member attended a Kansas workshop by Jan and immediately saw the application of his principals in Michigan. MBPN organized this as its second pre-conference workshop. Pre-conference offerings will be considered for the future.

– Julie Avery, Secretary

MBPN President's Message: Notes from the Field

A huge THANK YOU to everyone involved in making the 2011 MBPN conference a great success! Thanks to the many individuals who helped in both big and small projects –all the planning, organizing and dozens of small chores that contributed to the conference experience and made the whole much more powerful than a sum of its parts. Thanks to all the presenters for sharing their wisdom and ideas. Thanks also to those who donated auction items, and purchased them in support of network activities. And, thanks to members –old and new-- who attended with their enthusiasm and good cheer to make our conference interesting, educational and great fun for everyone. Please let us know of your ideas and recommendations to make next year's conference even more successful.

MBPN President Steve Stier, circa 1954

I want to congratulate this year's awardees, each of our Barn of the Year nominees and those selected as recipients; as well as, to Bill Kimball, recipient of the President's Award for his long standing and valuable contributions to the MBPN, and barn preservation nationally.

The theme of this year's conference, "Heritage Barns for the Next Generation", focused on reaching out to a new generation of barn preservationists. It was chosen, in part, to kick off our 2011 flagship project, "Teamwork and Timbers", the goal of which is to offer young people experience in how traditional barns were built. That theme also highlights the need for our organization to reach out and engage young people, furthering the future of preservation, as well as the future of their communities. It does little good for us to preserve barns, or any traditional building, during our generation unless we can recruit and prepare the next generation of preservationists to carry on with our efforts. The network board has recognized this issue for some time, but only recently have we seen significant gains in engaging younger generations directly in this work. Our efforts to engage young folks will continue, in turn, I hope that we will continue to be successful in raising awareness and participation in the coming generations of preservation.

Steve Stier
MBPN President

PRESERVATION

Barns: Heart of agritourism

Old Mission tours among draws in state

BY LAUREN WALKER
Special to the Record-Eagle

LANSING — Preserving historic barns does more than maintain the beauty of the state's rural landscape — it has economic benefits as well, preservation experts say.

Steve Stier, president of the Michigan Barn Preservation Network, a Mount Pleasant-based advocacy group, said barn preservation adds to the economy because it often creates new businesses, agritourism destinations and jobs.

The organization promotes the rehabilitation of old farm buildings for agricultural and other uses.

Stier said that since most historic barns require a lot of expensive upkeep, the network encourages an entrepreneurial spirit so owners think of new uses for their buildings and ways their barns could generate revenue to cover maintenance costs.

"We've had barns converted to all sorts of different uses, from churches to homes to feed stores to rental buildings where people can have weddings," he said.

He said that while nontraditional uses for old barns, such as office space conversion are popular, many historic barns are still used for their original purposes on farms.

He said that with increased interest in local food sources, wineries and agricultural practices, farms no longer exist solely to produce crops or raise animals, but as an educational resource for people who don't live in rural areas.

That interest in agricultural practices has promoted a number of innovative agritourism destinations across the state, said Amy Seng, director of the Ludington Area Convention and Visitors Bureau.

For the past three years, the agricultural heritage of old barns has been showcased in the Barns & Byways Tour in the Mason County area, which usually attracts around 400 people.

"The barn owners are very open and they're very excited and passionate about showing their property and their barn. Whenever that happens, the passion alone helps the success of the event," Seng said.

A similar passion among owners in other counties has led to the success of another type of agritourism destination that celebrates rural lifestyle and historic barns — quilt barn trails.

> "In these times people want to think about things that are more simplistic and more back-to-the-earth and having the simple life. The farmsteads and barns represent that ... "
>
> Steve Stier, president of the Michigan Barn Preservation Network

A quilt barn trail is a leisurely touring excursion that self-guides visitors to barns throughout a region. A quilt barn is distinguished by a large wooden block painted to resemble a traditional quilt pattern and mounted on the side of the structure.

The first quilt barn trail was created 10 years ago in Ohio, according to Cindi Van Hurk, vice president of the Alcona County Quilt Trail, the first in Michigan.

Since then, trails in the Old Mission Peninsula, near Traverse City, and Osceola County have been established.

Evelyn Johnson, creator of the Quilt Barn Trail of Old Mission Peninsula and author of "Barns of Old Mission Peninsula," from Ladybug Publications, said there's no financial incentive for owners to participate in the program. They do so out of passion.

"Sometimes it's kind of a pain when people are driving in their yards to look at their quilt, but they love it. They're all extremely glad that they've got this and are just plain proud of it," she said.

Both Johnson and Van Hurk said there's no way to count how many visitors tour self-guided trails, so the only way they can measure the trails' success is by the number of maps printed.

Johnson recently printed 10,000 maps for the Old Mission Peninsula Trail. Van Hurk said the Alcona County Quilt Trail ordered 3,000 brochures and they plan to order another 3,000 this year.

"In these times people want to think about things that are more simplistic and more back-to-the-earth and having the simple life. The farmsteads and barns represent that, so I think more people are inclined to give that more thought," Stier said.

Lauren Walker writes for Capital News Service at Michigan State University.

Motion by Yamaguchi, support by Carstens to recommend approval of SUP Application 2011-02P to the Board of Trustees contingent upon all applicable requirements being met and receipt of local agency indications that needed permits are likely to be approved. Motion carried unanimously.

6. New Business:

a) Proposal for zoning ordinance amendment to allow special event spaces in the A-1, Agricultural district: Bob and Kathleen Garvey were present in support of their request. Kilkenny provided a summary of the question. The Garveys would like to be able to market a barn on their Lautner Road property for public functions such as weddings. This use is not currently allowed by right or special use permit in the A-1 district, so they are asking for consideration of an ordinance amendment that would add it to the list of possible uses.

Zollinger noted that tonight is for a preliminary discussion about the concept, and invited Mr. Garvey to speak. Mr. Garvey stated that when they originally moved the barn to their property they had no intention of opening it to commercial use. A neighbor had a wedding at the facility last weekend, and she approached him rather than him approaching her. The Grand Traverse Resort would also like to be able to market the facility as an option through their wedding planning service. Many brides seem to want a pastoral barn setting for their weddings. He could envision using it up to 12 times a year for such functions, perhaps less because he enjoys the quiet of the property personally. He has discussed offering 12 dates per year to the GT Resort for weddings, and some additional dates to Dan Kelly at the Williamsburg Dinner Theater/Catering by Kelly's. People who want barn weddings don't want to use his building or tent, but would perhaps use his catering service at the Garvey location. Mr. Garvey feels that such a use of the property would be consistent with farmland preservation and would allow his family to be able to pay the current taxes and to keep the property after he is gone.

Zollinger asked for clarification as to whether the Garveys are seeking to use the barn for functions other than weddings. There have been several other events including non-profit fundraisers. Mr. Garvey stated he built it originally for non-profit fundraisers and they would still like to do this in addition to weddings.

Zollinger asked if the Garveys have considered the need for restrooms and fire protection facilities that meet the standards for public assembly buildings. Mr. Garvey stated that there is no indoor plumbing in the building and it would be their preference not to add restrooms. They would prefer to rely on porta-potty use, and they do come in handicap-accessible versions.

David stated that a wedding was recently held on the property attended by 130 people. He is assuming that this came with approximately 70 cars worth of traffic, and asked how the parking was handled. Mr. Garvey stated that he modeled how it was handled based on how special events are handled at the Ciccone barn in Leelanau County. He mowed a meadow and placed traffic cones to help direct traffic. David stated that traffic would be one of his primary concerns. He hopes that we can find some way to allow this type of use to happen, but indicated that there would be some hurdles.

If the township proceeded to investigate this idea, Vreeland indicated that staff would investigate the standards for commercial construction for public assembly buildings.

Wentzloff asked how big the barn is; it is 40' x 60'. Garvey invited anyone to visit the site to look at the barn. He noted that the man picking up the porta-potties after

the wedding today indicated he received more revenue for his services than the Garveys received for the barn rental.

White noted that other events have been held at the facility, and asked if he had obtained appropriate approvals from the township. Mr. Garvey asserted that he was given permission for the events including last week's wedding. Vreeland stated that this was not the case, and that he had been directly told that such events would be in violation of the ordinance. Mr. Garvey indicated that he had e-mail correspondence from Vreeland stating that he had permission; Vreeland indicated that she is confident that the e-mail record will prove to the contrary. Mr. White stated that his is not totally opposed to the idea, but to him it appears that Mr. Garvey moved the barn to his property to purposefully hold public assembly events at the facility and is asking for a change to the zoning ordinance amendment to allow public assembly events to be held there after the fact. He stated that when the building was moved there it was moved so that the Garveys could hold both private parties and fundraiser events. Mr. Garvey acknowledged building it "to be a social place."

Vreeland looked up and provided to the commission the **e-mails** referred to previously between her and Garvey. She acknowledge that her prior statement was incorrect, and that she had agreed that she would look upon the Dobry fundraiser and the Farro wedding as personal entertainment events held by the Garveys while indicating that other such events would not be permissible at this time.

David expressed that if special events are allowed in the agricultural district the township should possibly require developed parking. Tegel feels that this proposal is an example of placemaking and is glad it was made. She assumes that since Mr. Garvey is an attorney he did not intentionally violate the ordinance. She also noted that the discussion is not just about the Garvey barn, but about any barn or potential barn in the agricultural district. Her daughter wanted to be married in a barn and they looked at many facilities in Leelanau County, so she suggested that the township should have a look at ordinances in that area. She said that when Horse Sports By The Bay began the township had no idea of the positive economic impact on the community and she hopes we can be open to similar new ideas. Feringa feels that overall the proposal to expand the ability to have special event space in the agricultural district is a good idea that can support agricultural preservation beyond just being associated with wineries. Tegel suggested that some Commissioners and/or Kilkenny look at some of the facilities on the list provided by Garvey to learn more about them.

There was some discussion about when the staff might be able to provide some additional information to the Commission, and when the Commission might have time on a future agenda when there can be significant discussion. Kilkenny agreed with Tegel that this is not just about the Garvey barn but about the whole agricultural district, so time to investigate and provide appropriate recommendations is warranted. Zollinger asked if the staff thought it could have some information ready for additional discussion on September 26, and staff responded affirmatively. Zollinger suggested that page 3 of the staff memo contains a suitable list of issues the staff should specifically research and report back about.

Wentzloff asked if Mr. Garvey intends to continue holding special events at his building pending the ongoing discussions. Mr. Garvey stated that the township has been officially aware of every event held on his property because at least one member of the township has been invited to each event. He would hope that he would not need permission to hold personal events, but he committed to not holding commercial events while discussions are pending. He stated that he and Vreeland had

held discussions to the effect that events for friends and neighbors and for events for causes or politicians he supports would be considered private entertainment. Zollinger stated that no commercial events should be held at the Garvey property. Vreeland stated that whether or not there is a charge for use of the property for a charitable event, it would be clearly a personal use if the Garveys are personally connected to the non-profit involved.

Tegel and David posed the concept that "commercial" use perhaps should be viewed in light of whether or not the primary attendees are personally connected to the property owners. Perhaps even non-profit events should be viewed as "commercial" because they are large gatherings of people that raise the same types of concerns and questions.

Motion by Tegel, support by Yamaguchi that the discussion regarding the suggested ordinance amendments be continued to a future meeting pending township staff research according to the GAAMPS for "barn functions", at the state and local level, how the zoning ordinance might be amended. Motion carried unanimously.

7. Public Comment/Any other business that may come before the Commission:

Tegel expressed appreciation for the township subscription to the *Planning Commissioners Journal."* She drew attention to an article on page 10 about affordable housing.

Gene Veliquette, Elk Lake Road in Whitewater Township, commented on the Garvey proposal. He feels the township needs more people that are proposing similar initiatives that would promote economic activity. He feels that it is unfortunate that the zoning ordinance is so detailed that it causes processes to grind so slowly. When something is so obviously desirable for the community and could create perhaps more jobs than we can imagine, it is difficult that the process is so discouraging to entrepreneurs. Mr. Veliquette believes that the township should not make people get approvals from all other agencies before they can get an SUP approval. He believes that the township requires too much from applicants before they are entitled to a public hearing, particularly for simple things.

David asked about the minutes for the last Planning Commission meeting on page 3 where it says that he made a motion to set a public hearing on the Shoreline Fruit application for August 29\. The motion was voted and approved unanimously. If this is the case, why was this hearing held tonight instead? Why was there a change after the fact? Is it legally possible to do this? Redman stated that it is as long as legal public hearing notice requirements are met it is legally permissible to change the hearing date. Vreeland stated that Shoreline Fruit requested a special meeting date as is their right to do. The township has full discretion over whether to grant or deny such a request. The township staff called each commissioner and asked if they would be available for and willing to attend tonight's meeting and received unanimous favorable responses. David suggested that in similar future circumstances it would be helpful if staff would not just ask about availability for a certain date, but would also indicate the specific proposed purpose(s) for a potential special meeting..

David also asked why the search for our newest staff member was said to be for a Planner/Zoning Administrator, but now that the new employee is on board his title is Deputy Zoning Administrator/Planner instead. Vreeland stated that the Board felt it would be prudent to append the "deputy" designation while our new hire comes up to speed on his new responsibilities and the township in general. He has been told that he will receive performance and salary reviews after his first six months and first full year of service, and that as soon as he is felt to be sufficiently basically up-to-speed the "deputy" designation will be dropped.

ACME TOWNSHIP PLANNING COMMISSION MEETING
WILLIAMSBURG BANQUET AND CONFERENCE CENTER
4230 EAST M-72, WILLIAMSBURG
7:00 p.m. Monday, October 24, 2011

Meeting called to Order with the Pledge of Allegiance at 7:03 p.m.

Members present: **J. Zollinger (Chair), B. Carstens (Vice Chair), C. David, S. Feringa, R. Hardin, V. Tegel, K. Wentzloff, D. White, P. Yamaguchi**

Members excused: **None**

Staff Present: **S. Vreeland, Township Manager/Recording Secretary**
P. Kilkenny, Deputy Zoning Administrator & Planner
J. Jocks, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Carstens, support by Yamaguchi to approve the agenda as presented. Motion carried unanimously.

1. **Continuing Education/Special Presentations:** None

2. **Consent Calendar: Motion by Yamaguchi, support by David to approve the Consent Calendar as amended to remove the Planning, Zoning and Administrative Update, Planning & Zoning News and Planning Commission minutes to New Business for discussion including:**

   a) **Receive and File:**
      1. **Draft Unapproved Minutes of:**
         a. Board **10/04/11**
      2. ~~**Planning, Zoning & Administrative Update** – S. Vreeland~~
      3. ~~**Planning & Zoning News** September 2011~~

   b) **Approval:**
      1. ~~**Minutes of the 09/26/11 Planning Commission Meeting**~~

   Motion carried unanimously.

3. **Limited Public Comment:**

4. **Correspondence:** None

5. **Reports:** None

6. **Old Business:**
   a) **Continued discussion – special events in the Agricultural District:** Kilkenny summarized the contents of his staff report. He investigated local ordinances as well as the special events section of the Winery portion of the ordinance to provide ideas as to how the ability host special events or "barn functions" in the agricultural district might be regulated if and as desired. Kilkenny's report indicated that currently private parties would be in violation of the zoning ordinance but this is in error; a private party would not be a violation but renting space commercially for parties in the agricultural district would be.

David expressed that if language such as was proposed in the memo were adopted, it would differ from what is required currently for Wineries in many ways. It does not address food preparation for special events on or off-site or bed & breakfast operations. If the special events section were to be moved from the Winery section, would there be anything left there? There would be provisions left in the Winery section specific to winery operations. He also noted that page 4 of the memo proposes that the latest a special event could be held on the weekend would be 11:00 p.m. Is this late enough?

Hardin suggested that page 4, number 7, where there is a requirement that food for an event be prepared off site, should be looked at. A recent event was held at the Garvey barn that was catered by Catering by Kelly's. They used a grill to finish preparing food on-site. It may be appropriate to allow on-site food preparation in temporary foot preparation facilities. Perhaps this should be addressed in the Winery section as well if the special event section there is left intact.

Yamaguchi also felt that the hours of operation suggested were too limited and that weekend events should not have to end at 11:00 p.m.

Tegel asked if the Winery section of the ordinance, particularly the special events portion, has been used. One project has been approved under this ordinance but it has not yet been fully constructed and operational. She also asked if staff looked at the special events provisions from other townships in the area, such as near Suttons Bay where there are wineries that hold special events. Kilkenny did look at other ordinances and found that what we have on the books and what is proposed is comparable to what those other locations have. Tegel feels overall that the proposed ordinance may represent over-regulation that would require more staffing to handle. She expressed concern about item e on page 6, feeling that the term "negatively impacting" is a term that is too broad and overly subject to interpretation. It needs to be better defined.

Feringa also feels that the ordinance may be overly restrictive. He supports the use of barns in this way as a property right and agrees with many of the concepts already expressed.

In response to Tegel's concerns about the term "negatively impacting", Hardin expressed that if there are parties held in barns in the agricultural district, there may be noise or other disturbances to neighbors. Carstens believes that much of the regulation in the existing ordinance was proposed for just this reason. He would like to hear more from other farmers about whether they have concerns before moving too far forward. The agricultural district is primarily for agricultural production and we should be careful that everything that happens promotes and does not interfere with agricultural activities.

White asked Mr. Garvey what his intention was when he moved the barn to his property. Mr. Garvey replied that his intention was to hold parties and fundraiser functions. He stated that not everyone wants to live life the same way, and they may not understand why people like to do what they do, but what they do is not necessarily detrimental to neighbors. His example was the horse sports park. White is concerned that Mr. Garvey moved the barn thinking that he would later get the zoning changed to suit a commercial use so he could make money, but Mr. Garvey asserted strongly that this was not the case. He stated that he had long wanted a barn, and had originally tried to talk his neighbor Mr. Ziebart into letting him move a barn from a neighboring property, but failed. He wanted to move the barn he obtained

intact, but it proved too expensive. It had to be disassembled, and afterwards much of the original materials could not be reinstalled. After the barn was moved so he could have private parties, he said he was approached by many brides wanting to be married there and began thinking it could be a good way to make some money to help support the upkeep of the land. The matter was discussed by the farming community at some Farmland Preservation meetings until the advisory was reminded by the Supervisor that this issue was not within the scope assigned to them by the Township Board.

Zollinger expressed questions about several things in the proposed ordinance language. How would an appropriate amount of liability insurance be established? Is the term "non-profit" really what is intended as used? What guidance can we find about an appropriate maximum number of people to be hosted? How would sound impacts be measured appropriately? Who would maintain and review the special events log?

Kilkenny noted that if people feel that the first option in his memo is too extensive or restrictive, he did propose a second option in the memo that would provide for a less intensive, more case-by-case process. Carstens prefers a general ordinance rather than a requirement for people to come back to the township for each and every event.

Zollinger feels that a public hearing should be set, in part to gather input from the farming and general communities.

Ken Engle, 6754 Yuba Road has looked over the proposal. The most significant difference he sees, and what makes him feel it should be separated from the Winery ordinances, is that wineries are established specifically to be commercial operations. The Commission should define whether these sorts of events will be confined to barns. At his Winery he could erect a new event space that would not be a barn. He things a lot of good work on a new ordinance has been done so far. On page 5, Section vii discusses ways to get bonus space that is specific to wineries. If one is using a barn for functions one would be using the original structure. He feels that the intent of the ordinance is not to allow commercial use of the barn for special events, and that therefore one would not encourage expansion of a barn to be used. On page 5, item 9.11, this is language he helped to right but creating a calendar of events a year in advance is difficult and he feels this requirement should be eliminated. Mr. Engle feels that the special events section should be removed from the winery section of the ordinance.

David supported much of what Mr. Engle said, but he felt that the winery ordinance should be left intact and an entirely new ordinance for barn events created. There was consensus that the provisions need more work on the staff level before proceeding to a public hearing.

Kilkenny reported that he did not conceive of limiting such events to barns. He conceived of allowing any agricultural property to have special events. Hardin wanted to clarify that we are only talking about regulating events where the property owner charges money for use of the property, and not about events such as a family reunion. He does not believe that an ordinance that requires a permit for each event would be a good idea because it would be too cumbersome for a landowner. "One-off" events should not require an SUP.

b) Discuss potential ordinance amendment – allowable zoning districts for public

a) **Continued discussion – special events in the Agricultural District**: Due to the lateness of the hour, Bob Garvey, who brought up this topic, offered that it could be covered at a subsequent meeting. Kilkenny asked if the updated information provided seems to be going in the direction the Commission is expecting. It does need further review and there will likely be substantial discussion. Carstens was intrigued by the suggestion of a separate special events ordinance. Zollinger encouraged commissioners to provide e-mail feedback to Kilkenny so an effective revised draft can be prepared for the next meeting. Mr. Garvey indicated that his initial proposal was for the specific use of "barn weddings" to be added to the list of allowable uses, but the question has evolved into a more complicated "special events" question.

10. Public Comment/Any other business that may come before the Commission:

Kathleen Guy, 7894 Peaceful Valley, Co-Chair of the Shoreline Preservation Advisory, expressed enthusiasm about the grants the township has received for shoreline district placemaking planning.

Mrs. Hanna asked if the County is planning to alter Lautner Road in relation to Phase I of the VGT. If so, perhaps they would build sidewalks or non-motorized trails as part of the road improvements. She also mentioned that in her community where she is a Planning Commissioner, they use the concept of "meetings in a box." A Planning Commissioner brings everything needed to a meeting of neighbors in their neighborhood and finds out what people need and want for their community. Mrs. Hanna also reiterated her opposition to the township spending any money on engineering studies for a municipal harbor or on acquisition of a harbor. She feels that this is socialism and that these operations belong in the private sector. She also noted liability issues such as those being faced by Clinch Park Marina in Traverse City right now.

Mr. Engle spoke about the agricultural special events ordinance. He is conscious of the difference between situations where a special event is ancillary or accessory to the primary use of a property, and situations where a special event is the primary use of a property. The latter category seems to be applicable to Mr. Garvey's property. For wineries the special events were an ancillary event that helped to make the overall business model viable. He has also observed that the issue is becoming more complex as time goes by, and supports the use of barns for events in the agricultural district.

Jim Hanna, 3000 Mt. Vernon Rd, Midland, feels that the Planning Commission did not hold Meijer to a firm enough standard for storm water management and has not received a concrete enough plan.

Mrs. Salathiel is concerned about the amount of impervious surface in the VGT project, and is also concerned about appropriate non-motorized access. Protection of the creek and concern for aesthetics are important – would we want a photo of the project to be used as a postcard for our downtown community? She strongly supports the placemaking initiative and feels that there are very many groups in the community that would be glad to be involved. She expressed appreciation for the hard work the Commission is doing.

Mr. Bourdages also thanked the Commission for its hard and sometimes thankless work. He thanked Kilkenny for his work to date on the proposed agricultural events ordinance, and made mention of Solon Township's ordinance as an up-and-coming model of how these issues are being handled by municipalities and as interest in agritourism increases. He is glad to continue to help in any way possible.

Mr. Garvey feels the Solon Township ordinance is an interesting example. He feels that we are "missing the boat" in terms of the shoreline project and need to keep momentum going.

regulation that should be considered as well, and the conversation indicates that perhaps some Commissioners are unclear on what they are.

Motion by Carstens, support by David to continue the public hearing at a subsequent meeting. Motion carried unanimously.

7. New Business: None

8. Old Business:

a) Continued discussion – special events in the Agricultural District: Kilkenny summarized the discussion on this topic to date. Also provided is a comparable Solon Township, Leelanau County ordinance.

David referred to page 8 of the packet materials, where the idea of allowing additional event building size if additional open agricultural space is provided. To him the issue is allowing pre-existing agriculturally-used buildings to be repurposed, but that the township should not encourage new buildings to be built specifically for "barn weddings."

White asked David what he considers a "barn," to which David replied a building that has been used to house livestock or agricultural equipment in the past. White observed he could erect a pole barn for this purpose. White also believes that requiring fire suppression provisions suitable for public gatherings would be a good idea. There was discussion about construction and fire codes being based on factors including buildings size, building occupancy, and type of use occurring in the facility. On page 7 of the proposed document one item on the checklist for approval is demonstrated compliance with applicable fire codes.

Feringa asked a question about the licensing option discussed, and whether it would be instead of or in addition to the proposed ordinance. Kilkenny stated that the licensing option would be for one-time or infrequent events such as car shows. The proposed ordinance would be for ongoing, frequently recurring events. Feringa is concerned that the proposed ordinance is highly complicated for just arriving at the ability to have supplemental uses in a structure in the agricultural district for an expanded range of uses. He referred to the regulations the Tribe has in place for reviewing such events on Tribal land, and the various factors for the review process. The approval process could be too time consuming to be practical. Kilkenny stated that the proposed ordinance would be a special use permit that would run in perpetuity with the property and allow ongoing events without individual approval of each event.

Yamaguchi would appreciate a simpler approach to accessory uses of buildings on agricultural properties that would still provide for appropriate review.

Hardin referred to the Solon Township Ordinance, page 66, item c. He feels that this really speaks to the genesis of this issue and that something along these lines can get to the goal in an appropriate fashion. Hardin also noted that the proposed new ordinance language process is inconsistent with the provision for special events associated with wineries and wondered why. He also noted that the list of allowable uses in the agricultural district includes places of assembly and "institutional" uses.

Feringa said he would forward the Tribal ordinance to Kilkenny to review in case it is helpful. David asked if there would be any support for considering only the use of an existing agricultural building for a new purpose rather than allowing new buildings for this purpose. Jocks stated that there would be a presumption that the building had

to have been originally built for a different purpose, and he would be uncomfortable limiting the land use to a pre-existing building. Then one would have created two different categories of people: those who used to have a barn and are entitled to use it for something else, and those who didn't have a barn and can't have the land use, and he is not comfortable that this is a valid basis for allowing the use. Wentzloff observed that this would in effect create a whole new range of grandfathered land uses and a need for the township to track which properties already had barns and which don't.

Carstens' main concern is that whatever is done does not diminish the ability of active farmers to carry out the business of agriculture. If the land use can coexist without making operations difficult for farmers then it can be suitable and there should be an expedited process. Kilkenny asked if there should be a requirement that there be an active agricultural use on the property. White stated that he has talked to several of his neighboring farmers, and that they feel that they would not like having such a land use on a property neighboring theirs. It seems like opening a "Pandora's Box" of possibilities. If the land use were to be allowed they would want to have the number of allowable events per year limited to one per month.

Tegel referred to packet page 9, item 11 where there is discussion of staff review. One thing the Commission has discussed is the potential for leaving room for new and currently unimagined land uses to flourish while ensuring that the overall land uses are managed properly.

Carstens wonders to what extent the proposed land use fits the pattern of agritourism. Kilkenny repeated the question of whether the land use should be tied to active agricultural, or should anyone be able to purchase acreage in the agricultural district, erect a nice barn, and use it exclusively for weddings and similar gatherings?

Chuck Walter, 6584 Bates Road, stated he is reminded of the federal government and how it can go around in circles. He asked what the township would think if he had 5,000 people visit his property for a free cookout. He would not be willing to apply for a township permit to hold such an event. He feels that the proposed permitting process goes too far because it limits what an agricultural entrepreneur can do with his property. He believes that all farmers will utilize the buildings on their properties effectively.

Kilkenny will continue refining the draft based on discussion this evening for further discussion with the Commission.

b) SUP/Site Plan Approval Application #2009-01P - Village at Grand Traverse LLC (continued)

- **Potential deliberation process outline**
- **Beckett & Raeder Process Update**
- **UPDATED Resolved/Outstanding Review Issues Matrix**
- **Updated Traffic Impact Study and TIS Appendix**
- **OHM Review of Updated TIS**
- **General Site Plan & Environmental/Stormwater Management-Related Application Materials Submitted by Applicant on 12/09/11**
- **TART-related information UPDATE**
- **Planning Commissioner-submitted feedback and questions with partial staff/consultant responses**

Vreeland addressed the commission regarding the potential deliberation process

signage requirements

9. Meet all other conditions and requirements discussed at previous meetings.

Commission:

1. Revise M-72 sidewalk easements and landscaping plans to resolve conflicts prior to LUP issuance.

Motion by Wentzloff, support by White that the Planning Commission recommend that the Township Board approve VGT Phase I SUP Application #2009-01P as provided by the applicant, subject to all conditions, and all modifications agreed to by the applicant, as set out in the record of the meetings at which this application was considered, and all documents reflecting the same. We direct the applicant to work with staff to compile all conditions and other required documents so that staff may provide a complete application packet to the Township Board. We also direct staff to draft recommended findings consistent with the Planning Commission's decision.

Tegel asked what would happen if the applicant said they didn't agree with a condition in the record. Jocks replied that the prior clauses recognized that there were conditions that the Planning Commission made that the applicant may or may not fully agree with, and that there are modifications with which the applicant did agree, both of which are set forth in the record and part of the recommendation.

David stated that some people have been working on this issue for a long time, but the nature of the project hasn't changed. He asserts it's a big shopping center that will bring many people to town, and some people will like that more than others. It will change the community drastically. He hopes everyone has carefully considered their positions on the matter.

Motion carried by unanimous roll call vote.

Mr. Smith thanked the Planning Commission for making a recommendation to the Board. He said again that landowners and developers can work together with a municipality on financing improvements, but that it takes leadership from the municipality. He would welcome an opportunity to meet with whomever the township designates to pursue such opportunities such as building a new township hall or fire station. He would be happy to work with the township at least on land for those two purposes.

Mr. Schooler thanked Vreeland and Jocks for their assistance throughout the process, and the Commission for its time.

Motion by Zollinger, support by Wentzloff to change the order of the agenda to discuss the agricultural district ordinance prior to the public land uses ordinance. Motion carried unanimously.

b) Continued discussion – special events in the Agricultural District: Zollinger recommended setting a public hearing so that the Commission can obtain additional public input on this issue as it continues to consider the matter. Kilkenny noted that the new draft is quite different from the prior drafts and asked for some discussion this evening to see if it is on the right track prior to setting the public hearing.

Tegel likes the idea of defining the term "agritourism" and including agritourism as a use in the A-1 district, but isn't sure about requiring an SUP. She likes the ideas in the memo about creating a separate special events ordinance covering one-time events throughout the township as opposed to repetitive use of a property in a commercial manner for similar activities. The special events ordinance would be

developed separately from the agritourism ordinance. David asked where the difference between ongoing and one-time events might lie. Kilkenny replied that there may be a difference of intensity because it is so frequent. David agreed, but noted that either way there would be requirements to satisfy relative to public health, safety and welfare. He would like to avoid creating overregulation. He finds the SUP process to be challenging and a high-hurdle to jump.

Carstens asked if someone receiving an SUP for agritourism would have to seek additional approvals for each event held on their property; they would not. Jocks clarified that the one-time use situation such as car shows is better adopted as a police power ordinance by the Board. The Planning Commission would not be involved in the review and adoption of such an ordinance. Carstens asked when would be the appropriate time to discuss possible conditions to specify in an agritourism ordinance such as a requirement for an annual review. Jocks suggested that it is best to hold a public hearing when a proposed ordinance is as close to its possible final form as can be. Kilkenny noted that the ordinance allows the township to place reasonable conditions on any SUP. It was clarified that Carstens wants to have provisions in the ordinance that will ensure that conducting agritourism events will not have a negative impact on active agricultural operations for all SUPs granted of this type, rather than being concerned with special conditions unique to a particular property.

Hardin liked the provisions in the Solon Township ordinance that was provided for comparison regarding organized meeting space for weddings, and parties, leaving the "corporate events" portion to be dealt with by a separate police power ordinance. This would bring the whole question closer to the original question posted by Mr. Garvey. Hardin also brought back up a suggestion made about a year ago that the intent and purpose statement for the A-1 district be revised and the order of the listed uses changed to strengthen the commitment to agriculture over residential land uses in this district. He wondered if we could accomplish those things as part of this amendment.

White does not favor the proposed type of land use in the agricultural district, and stated that many other people he talks to do not as well. Perhaps Mr. Garvey's property should be given a different zoning designation to allow the use he is seeking without opening the entire A-1 district to this type of use. He is also concerned over what type of structure such uses could occur in. Could anyone erect a pole building for a barn and start having large parties on a regular basis? David mentioned a concept mentioned at earlier meetings about requiring any building used for this purpose to also be in use related to active farming. David recognizes the scenic quality of the agricultural district, but at the same time if everyone who had a barn started having such parties it could be overwhelming. His daughter was married in his barn, and many people asked if their daughters could be married there too, and he absolutely refused because there are farming activities happening on a real working farm at all times. He does not believe this is the case on the Garvey property. He just does not see this type of land use as agritourism, as a commercial activity that is closely related to the business and activity of farming like u-pick cherries or pumpkin rolling. He sees it as a plain commercial operation like any other banquet facility.

Hardin asked if this type of activity would be allowed on a property participating in the farmland preservation program. Jocks stated that he would have to look at the easement language for the property. The easements do prohibit commercial development, and only allow new buildings for active agricultural purposes. Would this use be sufficiently agricultural in nature? Farmers have a choice whether to participate in the PDR program or not as well. Carstens also noted that the scoring for the parcels offered to the PDR program favors parcels that are adjacent to other

protected lands. Carstens believes it may be important to continued agriculture to have areas that buffer land being farmed from developed areas. Jocks noted that enhanced setback requirements could be used to create buffer areas between crop areas and other land uses in the district to protect both parties.

Jocks noted that Kilkenny's current proposal is to add agritourism to the list of special land uses in the A-1 district subject to the normal requirements for any SUP. Tonight's discussion may be leading towards a desire for some sort of enhanced requirements for setbacks from farming neighbors in addition to the standard SUP requirements. It was noted that enhanced setbacks don't address traffic concerns. David noted that the township currently allows many activities in the A-1 district that are not agricultural in nature, such as residences and churches. Feringa would like to hear more from the public about what they think, having heard from Mr. Garvey and from various Commissioners already.

Kilkenny asked for discussion about the proposed definition of "agritourism." Tegel likes it except she would like to eliminate "corporate events." Vreeland asked the Commission what the practical differences are between weddings, fundraisers and corporate events, and the Commission generally felt they were all parties that could be of varying size with no real differences. It was discussed that the word "corporate" could be removed, leaving the word "events." Required enhanced setbacks for buffering of 200' between structures used for agritourism and the nearest side or rear lot line were discussed.

Bob Garvey, the citizen who first raised the question, noted that all farm activities are commercial activities. He mentioned that the state has a proposed model agricultural district ordinance. His land is zoned agricultural whether he is a farmer or not, and he is subject to the different rules for his district than people who live in a residential district. His particular property has a hay field on one neighboring site and fallow farmland on another. His property has been found unsuitable for growing cherries or grapes. He has been growing lavender, and has erected a barn that people are attracted to for gatherings. Mr. Garvey mentioned that if a farmer is spraying an adjacent property the Right to Farm act would protect them. White noted that while the Right to Farm Act may protect a farmer from successful prosecution if he is following generally accepted agricultural management practices for his type of operation, it doesn't protect him from having the lawsuit brought even if it won't be successful and having to spend significant time and money to defend himself.

White mentioned that many of his neighbors like Mr. Garvey's facility, but wouldn't want him to do that on his land. Carstens reiterated the desire to expand good options for farmland owners along with the need to protect neighboring farmlands from problematic side effects. There was also discussion about the need to remember that this discussion and ordinance are not about Mr. Garvey's specific property or use but about agritourism uses in general throughout the A-1 district.

Motion by Carstens, support by Tegel to set a public hearing for the proposed agritourism amendment to the zoning ordinance, said amendment to include a provision requiring a 100' setback for any structures used for agritourism purposes from any lot line.

Tegel asked for confirmation that the definition of agritourism had the word "corporate" removed.

Motion carried unanimously.

2. Planning & Zoning News January 2012
3. Planning Commissioners Journal Winter 2012
4. **Planning & Zoning and Administrative Update February 2012**

b) Approval:

1. **Minutes of the 01/30/12 Planning Commission Meeting**

Motion carried unanimously.

3. Limited Public Comment:

Charlene Abernethy, 4313 Westridge Dr., supports the proposed zoning ordinance amendment regarding agritourism.

Laura Westerman, 3854 Haven Hill Ln. thanked the Commission for its hard work regarding the Meijer store application.

Rachelle Babcock, 4261 Bartlett Road, supports the proposed zoning ordinance amendment regarding agritourism. As the culture changes, so must agriculture.

Steve Duell, Garfield Township, owns a horse facility on Silver Lake Road and supports the agritourism amendment. He had a situation where his township was attempting to change their zoning classification because their horse-related facility was not considered an agricultural business. He ended up testifying at state hearings where horses were finally recognized as an agricultural operation rather than a commercial operation. Had his taxes been raised from an agricultural basis to a commercial basis, his farm would have gone out of business. He asserted that the agricultural workforce in Michigan is aging, but by permitting agritourism the younger people can re-invigorate the industry with new ideas for new farm operations.

4. Correspondence:

a) 02-20-12 Placemaking Committee and RFP Update
b) 02-01-12 Village of Elk Rapids Notice to Plan
c) Correspondence supporting the proposed agritourism ordinance amendment:

1, **Paul & Amanda Brink, 02/17/12 e-mail**
2. **Gene Veliquette, Elk Lake Road in Whitewater Township, 02/17/12 copy of undated Garvey Letter with Mr. Veliquette's signature**
3. **02/20/12 copy of e-mail from Bob Garvey signed by Ryan Dobry Hunt and James M. Hunt**
4. **Undated letter from Bob & Kathy Garvey**
5. **02/17/12 letter from Pat Salathiel**
6. **02/20/12 letter from Jean & Bob Aukerman**
7. **02/16/12 e-mail from Christine Varner & Peter Romeo**

5. Reports: None

6. Public Hearings:

a) **Agri-Tourism in the Agricultural District**: Kilkenny summarized the history of the Commission discussions to this point, which was also set out in his staff report. Zoning ordinances from other townships in the region including Solon and Bingham Townships have been reviewed to see how they approach agricultural and agritourism regulation. Also provided was a Michigan Department of Agriculture agritourism model ordinance. The current draft proposed ordinance amendment consists of a broad definition for "agritourism" and the inclusion of agritourism as an allowable use with special use permit in the agricultural district. The Commission has raised questions about whether agritourism could conflict with participation in the

township's purchase of development rights (PDR) program, so Kilkenny provided a copy of a relevant portion of the township's standard PDR easement.

As to the PDR easements, Farmland Preservation Specialist Brian Bourdages from the GT Regional Land Conservancy, who works with the township in support of our PDR program noted that there is boilerplate language but that each easement is customized to each particular parcel of protected land. The key question is whether the proposed agritourism use has a connection to the permitted agricultural use of the land. Conservation easements are fairly uniform in prohibiting commercial activities that bear no reasonable relationship to the agricultural activity on the land. The township's standard conservation easement document contains flexibility provisions because there may be types of viable agriculture here in the future that have yet to be thought of today. Years ago nobody knew we would have vineyards and be growing grapes. The definition of agricultural uses in the easement template is consistent with the state definition and specifically allows for associated labor camps.

White asked Bourdages what he would consider "agricultural uses." Bourdages replied that he's not a farmer, and his area of expertise is specifically conservation easements. White asked if a slaughterhouse would be consistent with a conservation easement; under the township's easement template "storage, retail or wholesale marketing or processing of agricultural products" is permitted under certain conditions, including that at least 50% of the product processed be from that particular farm operation in 3 of the immediate past 5 years and that it be part of a "farmstead complex." White asked if tractor sales, or a complex such as Frog Pond Village would be acceptable. He is trying to identify the line between "agritourism" and general commercial operations. Jocks noted that just because something would be allowed under agritourism by the Zoning Ordinance does not mean that it would be acceptable for the PDR program. For instance, if a farmer ceased agricultural operations and opened a wedding facility, the township could say that this is not permitted under a conservation easement on the property even if it is allowed under the zoning ordinance. What is allowable under the proposed ordinance and what is allowable under the PDR program may or may not intersect, but they are separate and unique.

Bourdages was asked to attend this evening to answer an earlier question about whether a property engaged in agritourism could still be eligible for the PDR program. Each PDR deal and easement is unique. Agritourism is not necessarily incompatible with the PDR program as long as it is clearly related to a larger farm operation. Carstens asked a question to clarify that a farm family could place part of their land holdings under conservation easement but not all of it, and could engage in agritourism on the portion of the land not under the easement.

Public Hearing opened at 8:32 p.m.

Denny Hoxsie, 6578 M-72 East, asked what would be considered an "agritourism event." This term has not been precisely defined, but his reading of the proposed ordinance indicates that an SUP is required. How would he know what type of event would require an SUP if the term is not defined? Kilkenny noted that family events would not require an SUP, but if you are marketing your space for agritourism events such as hosting school field trips, weddings or other events that make your farm a destination you would require an SUP. Mr. Hoxsie asked if an SUP would be required for hayrides, and would it be required annually? Kilkenny stated that an SUP would be required, but once granted would apply to the land continually in perpetuity. Mr. Hoxsie was concerned that the way the ordinance was written each specific event would be a separate request. Kilkenny responded that an SUP request

for an agritourism use including repeated or ongoing things such as hayrides or weddings could be requested. Kilkenny cited the proposed definition of "agritourism:" such as but not limited to: on farm weddings, events, fundraisers, catered food events, harvest festivals, art and craft fairs, car shows, agriculture education events, etc."

Mr. Hoxsie asked what the length of the process to obtain an SUP would be; Kilkenny estimated an average of three months. This would be a one-time process. Feringa suggested that there should also be a good list of uses by right that don't require an SUP process. Mr. Hoxsie stated that if the proposed amendment makes agritourism difficult, it may be of little use.

Chuck Walter, 6584 Bates Road, stated that he has neighbors who have agritourism events, and he has never heard of any complaints related to such uses. To the contrary, many people are happy that those neighbors can use their property in this way. Mr. Walter does not favor an ordinance that directs or limits what can be done on a farm for profit.

Dave Hoxsie, 6259 M-72 East stated that he has a hay ride business and he often books hayride through the Resort only days in advance. Would he require an SUP for that? Jocks stated that in general terms, and making no guarantees about his particular property, if someone has been conducting a land use before there is a regulation for or against it, the use may be continued as a "grandfathered" use. If a landowner knows they want to have a certain type or types of events seasonally or annually, they could come to apply for that range of uses once and be able to do them every season or annually after the use is approved.

Jocks noted that the Commission has discussed a variety of ways to address this issue. If they choose to substantially change the text of the proposed zoning ordinance, a new public hearing would have to be held on the revised language. Bob Garvey, Deepwater Point Road, asked why this would have to be. He suggested that some of the uses being discussed should be by right, but that others such as barn weddings should be subject to SUP. The ordinance amendment adding agritourism as a use by SUP could continue as constructed tonight, and a separate ordinance adding other uses to the list of uses by right could be commenced separately. Mr. Garvey also stated that he thinks he could pursue having barn weddings on his property purely under state GAAMPS despite township zoning regulations, but he is not seeking to push that point of view this evening.

Ken Engle, 6754 Yuba Road, said he had questions and concerns about the whole process. Perhaps it would just be easier to allow barn weddings on one specific property in the township and be done with the subject. But, on the other hand while he needs a big barn for his farm equipment now, in the future perhaps he won't need the equipment and could use the barn for weddings. Then again, he recalls the concerns raised during creation of the winery ordinance and during the SUP hearing process for his winery about the impacts of events in an area where agricultural production is occurring, including traffic impacts. One big concern that was discussed during the winery discussion was trespass. Next to his winery property is a neighbor with a sweet cherry orchard. That neighbor would probably appreciate the special events at the winery being far enough away from his cherry trees that people aren't as tempted to come and pick fruit for free. Hours of operation guidelines in the winery ordinance were key, and the township should think hard about how late events should go because when they are over the traffic will leave. What type of lighting should there be in the parking areas, and does the proposed ordinance address this question adequately? Should parking areas be pervious or impervious

surfaces? Metro Emergency Services and the Health Department should weigh in. In summary, Mr. Engle has concerns but there are people in the room he is trying to help in light of gaps in the zoning ordinance. What is the appropriate definition of "commercial agriculture," and does the land where the agritourism event is planned truly meet that definition?

Jean Aukerman, 4155 Huntington Drive, likes the idea of agritourism from what she has read. Other communities have done this successfully, so is there anything we can learn from them to save us some time and difficulty? Kilkenny's packet includes Solon and Bingham Township ordinances. One can't adopt another's ordinance wholesale; some things don't fit. We have reviewed them as group and tried to lift out and apply the portions that fit our township.

Mr. Garvey stated that the proposed ordinance amendment started out as a request from him to use a barn on his Lautner Road property used for barn weddings. He sees no need for food inspection because no food is produced on site. He has no objection to safety inspections. He asserted that his property is a legitimate commercial farm and that he believes that his proposed use meets the definition of a "farm market." He does not know why the proposed ordinance would be opposed by farmers because it would give them more options. The proposal would give the township a chance to regulate the use and the landowner to decide if they want to operate under the proposed regulations.

White stated that he is less concerned about Mr. Garvey's particular property than what other landowners might do with the same opportunity. The Planning Commission has to consider the potential impact on all properties subject to the ordinance and consider the possible worst-case outcome of the regulation. A debate grew about a use being suitable for one agriculturally-zoned property and not another, versus this being the precise reason for regulating a use by SUP – that it's a use that might be suitable on one property in a zone but not another.

Mr. Engle noted that in one of the other township ordinances reviewed, and in the township winery ordinance there was an explicit ability for an SUP to be revoked if the land use got "out of hand." He believes that such a provision is needed for an agritourism ordinance.

Mr. Duell was reminded of a movie involving a father and daughter holding a fundraiser in a barn. If agritourism uses are required to provide elevators or other things this can take away from the agricultural environment. He can understand the potential need for a revocation clause. Mr. Duell thinks that that Mr. Garvey is requesting is a cool and unique idea for the county.

Kilkenny stated that the township has the ability to revoke any SUP for a variety of reasons, including violation of terms of an SUP or terms of the ordinance. Also, nobody is suggesting that there would automatically require that the environment be changed from rural to commercial.

Mrs. Aukerman is hearing that the request is for agritourism under an SUP where individual landowners come to the township with their unique proposal to seek permission for ongoing implementation on a case-by-case basis. Just because an SUP for barn weddings is granted to one property does not mean it has to be granted to another.

Mr. Engle feels White made a good point that Mr. Garvey's property is unique and perhaps well suited for such events. However, the zoning ordinance states that if an

applicant meets all the applicable standards for a land use, the township is required to grant the permit. If a property meets all the requirements but it's not a good idea at that location, can the township turn the application down?

Public Hearing closed at 9:12 p.m.

White feels some good questions were raised this evening. He didn't think that some things like corn mazes or harvest festivals would require an SUP, but the way the draft is currently proposed such events would require an SUP. He does not feel that this is precisely what the Commission intended. Perhaps more work needs to be done on the ordinance to specify what activities would and would not need an SUP. The activities in the state model ordinance for uses by right are not all listed in our ordinance as uses by right. Feringa feels that a strong section of uses by right should be provided if we are going to require others to be by SUP.

Carstens asked if the GAAMPS provide a list of land uses that are automatically allowed as part of an agricultural business. Vreeland replied that the GAAMPS are not laws and don't grant rights for activities in that fashion. They are sets of guidelines specific to different activites such as raising poultry or cattle. If you follow those guidelines and someone tries to sue you saying that your activity creates a nuisance, then they should lose. It is nothing more than a way to protect farmers in the course of performing their normal business activities. Also, just because you are following GAAMPS does not generally exempt you from following local zoning regulations.

Many people expressed confusion about the direction the proposed ordinance is taking. Some expressed that the direction seems to change with each meeting. Wentzloff is struggling with the difference between agriculturally-related events and non-agriculturally related events. There are many uses that if not included by right would create grandfathered non-conformances that could be difficult to track effectively.

Looking at the list of recommended uses by right beginning on page 23 of the state model ordinance, items 1, 4, 5, 6, and 8 were deemed either already in our uses by right or appropriate to add to our uses by right. It was also decided to explicitly add "agricultural festivals" to the list of use by right.

Looking at the list of recommended uses by special use permit starting on page 24 of the state model ordinance, items 1, 2 (already dealt with as "farmer's roadside market") , 3, and 4a and 4c with the addition of "other similar events" (but not 4b or 4d) were deemed either already in our uses by SUP or appropriate to add to our uses by SUP.

It was also decided to incorporate suggested state model ordinance language from the parking section, items 2 and 3 only, as modifications to the standard SUP parking requirements to allow for non-paved parking areas for agricultural applications.

Motion by Carstens, support by Wentzloff for staff to amend the proposed ordinance draft as discussed this evening and set a new public hearing on the revised draft for the March meeting.

Mr. Engle suggested that the uses by SUP require that the subject property erect fencing to prevent trespass onto neighboring properties. This could require extensive fencing. Mr. Garvey suggested that a fencing requirement should be considered on a case by case basis. There was also discussion about what should be required for

setbacks for such uses, and the requirements for special events space for wineries were cited.

Motion carried unanimously.

7. New Business: None

8. Old Business:

a) **Public Land Uses Ordinance Amendment**: Kilkenny summarized the staff memo provided. The Commission found the updated proposal generally appropriate.

Motion by Carstens, support by Wentzloff to recommend that the Board of Trustees adopt zoning ordinance Amendment #17 to include:

- **The definition for "Public Uses" to be added to Article III of the Acme Township Zoning Ordinance will be:**

  Public Uses:

  Critical: such as but not limited to; fire station, ambulance service, police station, etc. and associated facilities.

  Essential: i.e. the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare. Buildings associated with Essential Services require Special Use Permit approval, pursuant to Section 9.1.

  Supporting: such as but not limited to; township hall, library, civic center, official government office, authority office, post office, etc. and associated facilities.

- **"Public Uses: Critical" will become an allowable use by Right in the following districts: B-1P, B-1S, B-2, B-3, and B-4 and an allowable use by Special Use Permit in the following districts: R-1, R-1MH, R-2, R-3, and A-1.**

- **"Public Uses: Essential" will become an allowable use by Right in all zoning districts.**

- **"Public Uses: Supporting" will become an allowable use by Right in the following districts: B-1P, B-1S, B-2, B-3, and B-4 and an allowable use by Special Use Permit in the following districts: R-1, R-1MH, R-2, R-3, and A-1.**

- **"Essential Services," "Public Uses," "Public Service Facility and Buildings," and "Public Buildings" language will be removed from the Acme Township Zoning Ordinance in the A-1, B-1S, B-1P, B-2, B-3, and B-4 zoning districts and replaced with the aforementioned Public Uses ordinance amendment language where applicable.**

Memo

To: Acme Township Planning Commission

From: Patrick Kilkenny, Planner & Zoning Administrator

Date: 02/20/2012

Re: Public Hearing – Zoning Amendment 018 – Agri-Tourism

Planning Commission Discussions:
August 22, October 24, November 28, December 19, 2011, January 30, 2012

Project Description:

Amendment to the Acme Township Zoning Ordinance of 2008 by proposing the addition of "Agri-Tourism" to the A-1 Agricultural zoning district to Uses Permitted by Special Use Permit and the addition of a definition for "Agri-Tourism."

Attachments: Acme Township Zoning Ordinance Sections 6.11, 8.1, 9.1.

Solon Township, Michigan Ag-Tourism Zoning Provision

Bingham Township, Michigan Article 4, Agricultural District Including Ag-Business and Ag-Tourism

Michigan Agricultural Tourism Advisory Commission – Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions

Acme Township Zoning Ordinance - Agri-Tourism Legal Notice - February 4, 2012

Project Description:
The original discussion began with a requested amendment to the Acme Township Zoning Ordinance to include "barn functions" as a Use Permitted by Special Use Permit in the A-1, Agricultural zoning district. The applicant currently owns a 40 acre parcel of property on the northern most end of Lautner Road in Acme Township. The property contains a residence, barn, horse pasture, manmade trout pond, section of Yuba Creek, regulated wetland areas, chickens, and other agricultural features.

The applicant's barn has been used for events such as fundraiser parties, and most recently, a wedding. The aforementioned uses are currently in violation of the Acme Township Zoning Ordinance, as defined in the A-1 Agricultural zoning district.

The applicant's barn was moved from a property originally located at the corner of M-72 and Lautner Road. The barn was subsequently donated to the applicant and was ultimately reconstructed on the applicant's property at 4790 Lautner Road. The barn's reconstruction included many structural, cosmetic and safety updates including but not limited to; a new foundation, basement, siding, floor, roof, landscaping, décor, etc.

The barn's reconstruction has been well publicized throughout the community and requests to hold a multitude of events such as weddings, parties, and fundraisers have been sent to the property owner/applicant. Please see attached correspondence from the applicant.

Kurt Schindler, from the Michigan State University Extension, provided guidance via email to the applicant regarding "barn weddings" and informed the applicant that local regulation (zoning ordinance) would apply to "barn weddings" if allowable. As mentioned previously, the zoning ordinance does not currently allow "barn events" or any similar use in the A-1, Agricultural zoning district by right or with a special use permit.

Relevant Sections of Zoning Ordinance [see attached for full ATZO sections]**:**

6.11 A-l: AGRICULTURAL DISTRICT

6.11.1 INTENT AND PURPOSE:

This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.

8.1 SITE PLAN REVIEW REQUIREMENT

9.1 SPECIAL USES GENERAL STANDARDS

Additional materials attached for review:

Solon Township, Michigan – Ag-Tourism Zoning Provision

The Solon Township Ag-Tourism Zoning Provision was referenced by the applicant and Brian Bourdages, Farmland Protection Specialist – Grand Traverse Land Conservancy, to be reviewed by the Planning Commission as an example of how Agri-Tourism is addressed and regulated in other local communities.

The Solon Provision does not include the level of detail that the Planning Commission expressed should be required in Acme Township, however, the Provision does provide for similar "Agri-Tourism" in Solon Township. The Solon Provision echoes similar sentiment to the Acme

Township Planning Commission stating to "maintain and promote agriculture and its related activities." Similarly, the Solon Provision allows for "non-agriculturally related uses" to be permitted by Site Plan Review/Special Land Use. It should also be noted that Solon Township differs from Acme Township in many ways, such as: population density, traffic volume, agricultural area, commercial area, natural features, demographics, etc.

Bingham Township, Michigan – Article 4, Agricultural District Including Ag-Business and Ag-Tourism

The Bingham Township Article has been reviewed by Staff and includes permitted uses and provisions for Agricultural Business and Tourism. Although similar to the Solon Township Provision, the Bingham Township Article allows certain uses by right, which do not require a Land Use Permit or Site Plan Review, uses by right that do require a LUP and Site Plan Review, and others by SUP. The associated uses express exclusive requirements such as parking, hours of operation, setbacks, etc.

- For example, Wagon, Sleigh, and Hay Ride's (for profit) do not require a Land Use Permit or Site Plan Review, however, the following requirements must be met:
    - Minimum lot size shall be 40 acres and secondary to a Commercial Farm or Winery
    - A parking area to accommodate customers shall be provided off the public road right-of-way
    - Parking areas shall be setback fifty (50) feet from all property lines
    - Setbacks – The trail or route provided for such use shall be setback one hundred (100) fee from all property lines
    - Hours of Operation – 8:00 am to 10:00 pm

Michigan Agricultural Tourism Advisory Commission – Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions

The Michigan Agricultural Tourism Advisory Commission (MATAC) was created under the Michigan Department of Agriculture (MDA). The primary purpose of the commission was to study the impact of local zoning on agricultural tourism businesses. The commission addressed ways farmers can expand into agricultural tourism opportunities to help sustain the profitability of farm operations and preserve farmland and open space in the state. As a result, the commission developed the guidebook and model zoning ordinance provision to promote agricultural tourism and detail some of the issues associated with agricultural tourism.

- The guidebook specifically states that the provisions in the model ordinance are meant as guidelines for local zoning officials and that the types of uses and regulation will vary depending on the community.

Staff Discussion (continued from January 30, 2012):

This is a zoning ordinance amendment request, and as such there is no site plan for you to review and consider. A zoning designation decision should be made based on whether or not it is appropriate to the community and its master land use planning for a piece of property to potentially be available to any and all uses allowed with the proposed zoning ordinance amendment. Such decisions should not be based on presentation of a particular future use concept that may or may not come to pass. It should be made based on the township's established master plan, future land use plan, potential impacts on or availability of

infrastructure, potential impacts to the natural environment, and the land use needs of the community.

The Planning Commission determined at previous meetings that the zoning ordinance amendment request was viable and warranted further research and development by staff. The Planning Commission noted that the initial request to include "barn functions" as an allowable use in the Agricultural district did not apply to the only the applicant's property and "barn functions" but instead to the entire A-1 zoning district and various possible "events." The Commission tasked Staff with the development of language that outlines options for definitions and zoning ordinance sections associated with the potential inclusion of "Agri-Tourism" type events in the A1, Agricultural zoning district. Staff researched other local zoning ordinances as well as the Right to Farm Act and associated GAAMP requirements and suggestions. Staff also studied the language in our current zoning ordinance, specifically, the "special events" allowed in Section 9.25.6 Additional Conditional Uses (Wineries).

The Planning Commission stated at previous meetings that the A-1, Agricultural zoning district is, and should be, primarily used for agricultural production and the Township should be careful that ordinance amendments will promote, and not interfere with agricultural activities. Agricultural tourism or agri-tourism is a growing business trend throughout the local area and beyond. Careful consideration should be given to the current owners and operators within the A-1, Agricultural zoning district prior to allowing uses beyond what currently exists within the district.

The Planning Commission reviewed the Staff's example language provided in the staff report at the October 24, 2011 meeting and ultimately made the decision to task staff with the development of a draft ordinance amendment for the A-1, Agricultural zoning district. Staff addressed the Commission's comments and concerns expressed during the discussion at previous meetings and drafted language to be further reviewed by the Commission prior to inclusion in the Acme Township Zoning Ordinance.

The Planning Commission again reviewed the staff report and potential amendment language at the December 19, 2011 meeting and made the decision that the language was over regulative and restrictive. The Commission also noted that the Solon Township Ag-Tourism ordinance provides an example of a simple and effective way to regulate special land uses in the Agricultural districts by defining "Non-agriculturally related uses" as permitted uses in the zoning district but which include ancillary uses requiring a special use permit. Solon Township provides four examples of "Non-agriculturally related uses" including:

a. Small-scale entertainment (e.g., music concert, carshow, art fair).
b. Family oriented animated barns (e.g., fun houses, haunted houses, or similar).
c. Organized meeting space for use by weddings, birthday parties, and corporate events.
d. Designated, permanent parking for more than 10 vehicles.

Various members of the Planning Commission stated that an ordinance similar to the Solon Township Ag-Tourism ordinance example would be acceptable in Acme Township's A-1 Agricultural zoning district. The Solon ordinance specifically allows for various "events" in the district but regulates them by requiring a special use permit. Acme Township's special use permit process includes a "basis for determination" section which specifically states that "The

Planning Commission may recommend, and the Township Board may impose, reasonable conditions on any special use permit." The previous statement gives the Planning Commission the opportunity to approve SUP applications with conditions specific to that application. For example, if the Commission found it prudent to specify that all events with live music shall end at midnight, the condition could be placed on the SUP application.

At the January 30, 2012 meeting, the Planning Commission discussed various aspects of the proposed zoning ordinance amendment to include "Agri-Tourism" as an allowable use by Special Use Permit in the Agricultural zoning district. Some Commissioner's expressed concern that the "Agri-Tourism" use could possibly be allowed on a property participating in the Farmland Preservation Program. After discussing with Brian Borudages, Farmland Preservation Specialist - Grand Traverse Land Conservancy, it was determined that properties within the Farmland Preservation Program would most likely be allowed to apply for an "Agri-Tourism" SUP within Acme Township, per the proposed amendment language. Please see the following for related language from the Agricultural Conservation Easement for the Farmland Preservation Program:

B. Right to Agricultural Uses. The Owner retains the right to conduct agricultural uses on the Property, provided that all agricultural uses: 1) are conducted according to Generally Accepted Agricultural Management Practices (GAAMPs) standards, as defined by the Michigan Department of Agriculture, or an equivalent successor standard; 2) do not impair the Property's ability to support future agricultural uses; 3) comply with all other provisions of this Conservation Easement and all local, state or federal laws. For purposes of this Conservation Easement, "Agricultural use" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and uses. Agricultural use includes use in a federal acreage set-aside program, a federal conservation reserve program, or a wetland reserve program. Agricultural use does not include the management and harvesting of a wood lot. "agriculture" means the production of plants, animals or other organisms useful to humans on substantially undeveloped land devoted to such uses. The management and harvesting of timber is not considered to be an agricultural use, but is a permitted activity under this Conservation Easement, as described in Paragraph 5(I).

Agricultural activity specifically includes, but is not limited to, the following:

1) planting trees or other vegetation to improve agricultural use of the Property, such as wind breaks;

2) removing trees or other vegetation to improve agricultural use, such as air drainage, or to make additional land available for farming, except in areas designated as Forest Areas, which are restricted as described in Paragraph 5(I);

3) composting plants, animal manure or other natural materials generated by agricultural uses; and

4) Lying fallow or nonuse of the Property.

5) The use of a Licensed Agricultural Labor Camp or Agricultural Labor Camp including the right to build agricultural worker housing to house migrant farm laborers while they are principally employed on the Grantors' farm operation. (Buildings shall be located outside of the restricted viewshed or prime farming areas, if any, as shown in the Baseline Documentation, Exhibit "B"). Agricultural worker housing means housing owned by the farm operation that is not occupied by the Owner and is being provided rent-free to farm labor who's primary source of income is derived from that farm operation.

6) Storage of agricultural machinery, equipment and agricultural materials, including but not limited to chemicals and fertilizers. (Limitations on their location, if any, shall be shown in the Baseline Document, Exhibit "B").

7) Storage, retail or wholesale marketing or processing of agricultural products, so long as:

a) more than fifty percent (50%) of the stored, processed or merchandised products are produced on that farm operation for at least 3 of the immediately preceding 5 years; or
b) such activities do not result in impervious surface on the Property in excess of 2% of the total acreage; or
c) such activities are confined to the "Farmstead Complex" as delineated in Exhibit "B" to this agreement.

8) Other Agricultural Practices that may in the future be determined by the Township Board to be a common agricultural practice in the region after the use is recommended by the Planning Commission and at least one other state or nationally recognized agricultural organization.

Agricultural activity specifically does not include the following: golf courses, campgrounds, airfields, vehicle raceways or commercial animal raceways.

Another topic of concern and discussion at the January 30, 2012 meeting included the desire to include a 100' foot minimum setback from property lines for the "Agri-Toursim" land use. The setback discussion stemmed from the language in the Intent and Purpose of the Agricultural zoning district that the "Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses." Various Commissioners expressed further concern that the Agricultural zoning district's main focus is, and should be, farming and therefore the uses within the district should be directly related to farming and should not disrupt or impede on any farming operations.

Please see section 9.1.3 Basis for Determinations of special use permits located below:

9.1.3 BASIS FOR DETERMINATIONS:
The Township shall not approve a special use permit application unless each of the following general standards, as well as the specific requirements in this Article for that type of special use, is met:

a. General Standards:

1. Be designed, constructed, operated and maintained so as to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

2. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

3. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

4. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

5. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured. The applicant shall have the plan reviewed and approved by the Grand Traverse Metro Fire Department prior to the review by the Planning Commission.

b. Conditions: The Planning Commission may recommend, and the Township Board may impose, reasonable conditions on any special use permit. The Township Board may choose to delete any condition recommended by the

Planning Commission, and also may choose to impose a condition regardless of whether the Planning Commission recommended it. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. The breach of any condition shall be grounds for revoking the special use permit.

c. Performance Guarantee: To ensure compliance with the ordinance and any conditions imposed, the Township Board may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the special use permit. The Township shall not require the deposit of the performance guarantee until it is prepared to issue the permit. If requested by the holder of the special use permit, the Township shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses. This paragraph shall not apply to improvements for which a performance guarantee has been deposited under the Land Division Act.

Acme Township's special use permit application process also includes site plan review as per Section 8.1, Site Plan Review Reqirement of the Acme Township Zoning Ordinance. (Section 8.1, again provides an opportunity for the Planning Commission to impose reasonable on any site plan approval.) The site plan review requirements include but are not limited to:

- That the plan meets the requirements of Acme Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.
- That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- That natural resources will be preserved to a maximum feasible extent.

- That parking layout will not adversely affect the flow of traffic within the site, or t and from the adjacent streets.
- That the proposed site is in accord with the spirit and purpose of the ordinance, and not inconsistent with, or contrary to, the objectives sought to be accomplished by the ordinance and the principals of sound planning.

The Planning Commission indicated that the draft Special Events language in the December 19, 2011 staff report was overly restrictive in certain areas and also expressed interest in an ordinance that provided similar but less limiting language to be included in the zoning ordinance amendment. Commissioner and public comments and concerns at previous meetings included:

- Addressing food preparation on or off-site, including temporary food preparation facilities
- Would the Special Events section of the Wineries ordinance be removed and replaced with the amended ordinance?
- What should be the allowable hours of operation (if needed)?
- A definition of "negatively impacting" is needed
- Concerns for neighboring properties regarding noise and other disturbances with events?
- The Commission would like to hear from farmers regarding their potential concerns with the new ordinance language
- Concern that the A-1 district is primarily used for agricultural production and the Township should be careful that ordinance amendments will promote and not interfere with agricultural activities
- How would an appropriate amount of liability insurance be established?
- Is the term "non-profit" intended to be used in the ordinance?
- What guidance can be used to evaluate the appropriate number of people allowed to be hosted?
- How would sound impacts be measured appropriately?
- Who would maintain the events log (if needed)?

Option 1: The Planning Commission could adopt the amendment language developed at the January 30, 2012 which included a definition for "Agri-Tourism" and the addition of "Agri-Tourism" to the Uses Permitted by Special Use Permit in the A-1, Agricultural zoning district. This option would allow the Commission to regulate individual "Agri-Tourism" type events on a case by case basis. The SUP, like all other SUP's, would run perpetually with the property unless the terms of the SUP are violated, in which case, the SUP could be revoked.

> Example: A Township resident or property owner/manager in the A-1 district could come before the Planning Commission and apply for an "Agri-Tourism" SUP for events such as a wedding(s) in a barn on their property. The Commission would then have the right to provide regulation on the "Agri-Tourism" event(s) such as parking, lighting, restrooms, handicap accessibility, etc. The Commission would then have the opportunity to approve or deny the SUP after discussing the regulations with the Township resident or property owner/manager.

- Please review the proposed ordinance definition and amendment language provided below. The text is shown as if inserted into the appropriate sections of the ATZO and intended to

provide an outline for "Agri-Tourism" ordinance amendment language to potentially be included in the A-1, Agricultural zoning district.

3.2. DEFINITIONS
For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

Agri-Tourism: such as but not limited to; on farm weddings, events, fundraisers, catered food events, harvest festivals, art and craft fairs, car shows, agriculture education events, etc.

Alterations: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.

6.11 A-1: AGRICULTURAL DISTRICT:

6.11.1 INTENT AND PURPOSE:
This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.

6.11.3 USES PERMITTED BY SPECIAL USE PERMIT:
The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1.

v. Conservation Development

w. Structural Appurtenances

x. Agri-Tourism: Agri-Tourism structures and events shall be subject to a 100' foot seback from all property lines.

6.11.4 RIGHT TO FARM:
As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management

Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any provision below, the GAAMP shall control.

Potential Courses of Action:
The Planning Commission could move to adopt zoning ordinance amendment 018; the addition of Agri-Tourism as a land use allowable by Special Use Permit to Section 6.11.3 and the definition of Agri-Tourism to Section 3.2 of the Acme Township Zoning Ordinance as written in the attached legal notice.

Or

The Planning Commission could move to adopt zoning ordinance amendment 018; the addition of Agri-Tourism as a land use allowable by Special Use Permit to Section 6.11.3 and the definition of Agri-Tourism to Section 3.2 of the Acme Township Zoning Ordinance as amended through discussion at tonight's meeting.

Or

Move to deny the request for the zoning ordinance amendment, providing findings of fact from tonight's meeting.

Or

Table the discussion for a later meeting.

6.11. A-1: AGRICULTURAL DISTRICT:

6.11.1 INTENT AND PURPOSE: This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.

6.11.2 USES PERMITTED BY RIGHT:

a. Single-family detached dwellings

b. Open Space Preservation Developments containing only Single-Family Detached Dwellings: Subject to the provisions of Article XI.

c. State licensed residential facilities

d. Family child care homes

e. Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises.

f. Raising and keeping of small animals, such as poultry, rabbits and goats.

g. Raising and keeping of livestock, such as cattle, hogs, horses, ponies, sheep, and similar livestock upon a lot having an area not less than ten acres.

h. Cemeteries: public or private.

i. Tenant house as part of farm property for full-time farm employees associated with the principal use and subject to the same height and setback requirements as the principal dwelling.

j. Public areas and public parks such as recreation areas, forest preserves, game refuges, and similar public uses of low-intensity character.

k. Public and private conservation areas and structures for the conservation of water, soils, open space, forest and wildlife resources.

l. Accessory uses: Customary accessory uses and buildings incidental to the permitted principal use of the premises.

m. Farmer's Roadside Stands selling products grown by the owner of the property on which the stand is located, PROVIDED that contiguous space for the parking of customers' vehicles is furnished off the public right-of-way at a ratio of one parking space for each fifteen square feet of roadside stand floor area.

n. Home Occupations in accord with the requirements of Section 7.7.

o. Riding Horses: keeping of horses for the use of residents of the property PROVIDED the parcel of land shall contain not less than five acres

p. Manufactured homes, subject to the following requirements:

1. Each home shall bear a label required by Section 3282.362(c)(2) of the Federal Mobile Home Procedural and Enforcement Regulations.

2. Each home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with any applicable requirements of the Michigan Mobile Home Commission.

3. Within ten days following installation, all towing mechanisms shall be removed from each home. No home shall have any exposed undercarriage or chassis.

4. Each home shall have a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.

5. Each home shall have a full concrete slab within the perimeter wall. This space may be used as a crawl space for storage purposes.

6. All construction and all plumbing, electrical apparatus and insulation within and connected to each home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR Section 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

7. Exterior Finish; Light Reflection: Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, PROVIDED, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.

8. Each home shall be aesthetically compatible in design and appearance with other residences in the adjacent area, particularly with regard to foundation treatment, siding and roofing material and perimeter wall. Compatible materials such as siding, screen wall, etc. may be added to assure aesthetic compatibility with other structures.

9. The compatibility of design and appearance shall be determined by the Acme Township Zoning Administrator. The Acme Township Zoning Administrator shall base his or her decision on the character, design and appearance of residential dwellings in adjacent areas of the Township.

10. To the extent that any of these provisions conflicts with any provision of the Mobile Home Commission Act or its administrative rules as applied to a mobile home in a residential neighborhood, the Mobile Home Commission Act provision will control.

6.11.3 USES PERMITTED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1.

a. Campgrounds: Subject also to the requirements of Section 9.4

b. Institutional Uses: Subject also to the requirements of Section 9.5

c. Greenhouses and nurseries selling at retail on the premises

d. Riding Stables and livestock auction yards

e. Raising of fur bearing animals for profit

f. Game or hunting preserves operated for profit

g. Veterinary hospitals, clinics and kennels

h. Sawmills

i. Public buildings

j. Airports and Airfields

k. Planned Agricultural Units: Subject also to the requirements of Section 9.8.

l. Special Open Space Uses: Subject also to the requirements of Section 9.16.

m. Sand or Gravel Pits, Quarries: Subject also to the requirements of Section 9.17.

n. Farmer's Roadside Market: Subject also to the requirements of Section 9.18.

o. Food Processing Plants Including Cooling Stations in A-1 Districts: Subject also to the requirements of Section 9.19.

p. Sewage Treatment and Disposal Installations: Subject also to the requirements of Section 9.15.

q. Historic Parks: Subject also to the requirements of Section 9.23.

r. Bed and Breakfast Establishments: Subject also to the requirements of Section 9.24.

s. Wineries: Subject also to the requirements of Section 9.26

t. Conversion of a Single-Family Dwelling to a Duplex**:** Conversion of existing single-family dwellings where such existing single-family dwelling is of

sufficient size to meet minimum floor area requirements of a duplex, and such an expanded capacity is a clear necessity for satisfaction of this particular housing demand, and adequate off-street parking space can be provided.

u. Single Family Dwelling on Less than Five Acres**:** A lot with a minimum size of one acre containing a single family dwelling may be created subject to the following requirements:

1. The single family dwelling existed prior to the enactment of this Ordinance;

2. The single family dwelling was part of an agricultural use and subsequently, through consolidation of farms or other actions, became no longer necessary as a farm-related residence;

3. The lands that would otherwise be required to be part of the lot for the single family dwelling would be lost from production should the smaller minimum lot size not be allowed; and

4. Continue to be actively farmed along with the balance of the farm.

v. Conservation Development: Subject also to the requirements of Section 9.3.

w. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.

6.11.4 RIGHT TO FARM: As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any provision below, the GAAMP shall control.

ARTICLE VIII: SITE PLANS

8.1. SITE PLAN REVIEW REQUIREMENT:

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. Site plans for special uses shall receive a recommendation from the Township Planning Commission and a final decision by the Township Board. The Planning Commission shall make the final decision on site plans that are not related to special uses.

8.2. PROCEDURES:

8.2.1 SITE PLANS FOR SPECIAL USES:

Site plans for special uses will be processed according to this Article and any applicable procedures for special uses in Article IX.

8.2.2 SITE PLANS FOR USES OTHER THAN SPECIAL USES:

Site plans for uses other than special uses will be processed using the following procedures. The Zoning Administrator shall review the application and determine whether it contains all of the required information. If the Zoning Administrator determines the application is not complete, he or she shall notify the applicant of what additional information is required. Once the Zoning Administrator determines the application is complete, he or she shall inform the Chairperson of the Planning Commission, who shall set the date for review of the application. The Planning Commission or its Chairperson may elect to hold a public hearing on the application, but a public hearing is not required. If a public hearing is held, the Township shall give notice of the public hearing pursuant to the Michigan Zoning Enabling Act. The Chairperson may, at his or her discretion, place the application on the Planning Commission's agenda for discussion prior to the public hearing. The Planning Commission may also keep the public hearing open for any and all additional Planning Commission meetings where the application is discussed. After the public hearing, and adequate review and study of the application, the Township Planning Commission shall make a decision on the application, including its findings and any conditions. If a separate document is not prepared, the Planning Commission's meeting minutes will serve as its findings.

8.2.3 APPLICATION REQUIREMENTS:

The required contents of an application for site plan approval are:

a. A site plan drawn to scale of 1" - 50' (unless the Zoning Administrator specifies otherwise), of all property involved in the special land use, showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.

b. If requested by the Planning Commission, elevations for the proposed development.

c. All information required by any other provision of this ordinance governing the land use or structure for which site plan approval is sought.

d. The Planning Commission may require a written Impact Assessment. In the case of a site plan application related to a special use, the Township Board may also require an Impact Assessment if the Planning Commission does not. An Impact Assessment shall include the following information:

1. A written description of the environmental characteristics of the site prior to development, i.e.: topography, soils, vegetative cover, drainage, streams, creeks or ponds

2. Types of uses and other man-made facilities

3. The number of: people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic

4. Phasing of the project, including ultimate development proposals

5. Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.

6. The method to be used to serve the development with water and sanitary sewer facilities

7. Plans for storm water control and drainage, including measures to be used during construction

8. If public sewers are not available to the site the applicant shall submit a current approval from the health department or other responsible public agency indicating approval of plans for sewage treatment.

9. The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.

10. An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.

11. Name(s) and address(es) of person(s) responsible for preparation of statement

12. Plans to control soil erosion and sedimentation, including any input from the Grand Traverse County Drain Commissioner

13. Type, direction, and intensity of outside lighting

14. General description of deed restrictions, if any

8.2.4 STANDARDS FOR SITE PLAN REVIEW:

The Township shall not approve a site plan unless it meets each and every one of the following standards that are applicable to the use under consideration:

a. That the applicant may legally apply for site plan review.

b. That all required information has been provided.

c. That the proposed development conforms to all regulations of the zoning district in which it is located and all other applicable standards and requirements of this ordinance, including but not limited to all supplementary regulations.

d. That the plan meets the requirements of Acme Township for fire and police protection, water supply, sewage disposal or treatment, storm, drainage, and other public facilities and services.

e. That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

f. That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.

g. That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.

h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet, or other soils which are not suitable for development will either be undisturbed, or modified in an acceptable manner.

i. That the proposed development will not cause soil erosion or sedimentation problems.

j. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

k. That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.

l. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.

m. That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water and sewage facilities.

o. That landscaping, fences or walls may be required when appropriate to meet the objectives of this Ordinance.

p. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

r. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not be a nuisance to the subject property or neighboring properties.

s. That the proposed site is in accord with the spirit and purpose of this Ordinance, and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

8.2.5 APPROVAL AND CONDITIONS:

a. A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance and the conditions imposed under the ordinance, other township planning documents other applicable ordinances, and state and federal statutes.

b. Conditions: The Planning Commission may impose reasonable conditions on any site plan approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

c. Conditions imposed shall:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. The breach of any condition shall be grounds for revoking the site plan approval.

8.2.6 EXPIRATION, REAPPLICATION, REVOCATION, AMENDMENT AND PERFORMANCE GUARANTEES:

The provisions for expiration, reapplication, revocation, amendment and performance guarantees for a site plan approval shall be the same as the procedures for expiration, reapplication, revocation, amendment and performance guarantees for a special use. Those procedures are set forth in Section 9.1, below. However, the final decision on a major amendment to a site plan that is not related to a special use shall be made by the Planning Commission instead of the Township Board.

ARTICLE IX: SPECIAL USES

9.1. GENERAL STANDARDS:

9.1.1 RULES GOVERNING ARTICLE IX:

This Article permits detailed review of certain types of land uses that, because of their characteristics, require a discretionary decision. These land uses are listed in the remaining sections of this Article. Each of these land uses shall require a special use permit. The general standards in this Section must be met by all uses authorized by special use permit. The specific requirements set forth in the Sections of this Article following this Section relate to particular uses and must be met in addition to the general standards in this Section.

9.1.2 PERMIT PROCEDURES:

An application for a special use permit for any land use or structure permitted under this Article shall be submitted and processed under the following procedures:

a. Submission of Application: An application for a special use permit shall be submitted to the Zoning Administrator on a form established by the Township. Each application shall be accompanied by the payment of a fee or escrow deposit as established by the Township Board to cover costs of processing the application. No part of any fee is refundable, but unused funds in an escrow account are refundable.

b. Information Required: Every application shall contain the following information:

1. The form supplied by the Township Zoning Administrator filled out in full by the applicant, including a statement with supporting evidence showing that the requirements of Section 8.2.3 are met.

2. Site plan application containing the information required by Section 8.2.3.

c. Planning Commission Review and Hearing: The Zoning Administrator shall review the application and determine whether it contains all of the required information. If the Zoning Administrator determines the application is not complete, he or she shall notify the applicant of what additional information is required. Once the Zoning Administrator determines the application is complete, he or she shall inform the Chairperson of the Planning Commission, who shall set the date for a public hearing on the application, either at the next regular Planning Commission meeting or the one following that, at the discretion of the Chairperson. The Township shall give notice of the public hearing pursuant to the Michigan Zoning Enabling Act. The Chairperson may, at his or her discretion, place the application on the Planning Commission's agenda for discussion prior to the public hearing. The Planning Commission may also keep the public hearing open for any and all additional Planning Commission meetings where the application is discussed. After the public hearing, and adequate review and study of the application, the Township Planning Commission shall recommend a decision on the application, including the application for site plan approval, and forward its findings to the Township Board. If a separate document is not

prepared, the Planning Commission's meeting minutes will serve as its findings.

d. Township Board Review and Hearing: The Township Board shall review the application, including the application for site plan approval, and the Planning Commission's recommendations, and shall decide whether to approve, approve with conditions, or deny the special use permit. The Township Board may also refer the application back to the Planning Commission for further consideration. The Township Board shall incorporate its final decision on a special use permit in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. If a separate document is not prepared, the Township Board's meeting minutes (and, to the extent it concurs with the recommendations, the Planning Commission's meeting minutes) will serve as the Township Board's findings.

e. Permit Expiration: A special use permit approved under this Section shall be valid for a period of one year from the date of the approval of the application. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit. The Planning Commission may permit a 1-year extension of the approval as a modification pursuant to Section 9.1.4.b. **AMENDED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003.**

f. Revocation: Pursuant to the MZEA allowing for the placement of conditions on the approval of any special use permit, the Township Board shall have the authority to revoke any special use permit if (a) it was granted in part because of a material misrepresentation by the applicant or an agent of the applicant; or (b) the holder of the special use permit violates any term of the special use permit, including any condition, or any applicable requirement of this ordinance. In either event, the Township shall give written notice to the holder of the special use permit, by ordinary mail to the last address provided to the Township by the holder of the special use permit. If the subject of the notice is a violation of a term or condition of the special use permit or the ordinance, the Applicant shall have 30 days from the date of the notice to correct the violation, unless the time period is extended at the sole discretion of the Township Supervisor. If the violation is not corrected in time, or if the subject of the notice was a material misrepresentation by the applicant or its agent, the Township Board may revoke the special use permit with cause after a hearing. The Township Board shall establish notice requirements and such other conditions for the hearing as the Township Board deems appropriate, including but not limited to the subpoena of persons and/or documents. The holder of the special use permit shall reimburse the Township for its costs, including expert consultant and attorney fees, associated with or resulting from a revocation proceeding. This paragraph shall not prevent the Township from seeking any appropriate relief in any other venue, including but not limited to civil infraction proceedings, criminal proceedings, or proceedings in civil court.

g. Reapplication: No application for a special use permit which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions.

9.1.3 BASIS FOR DETERMINATIONS:

The Township shall not approve a special use permit application unless each of the following general standards, as well as the specific requirements in this Article for that type of special use, is met:

a. General Standards:

1. Be designed, constructed, operated and maintained so as to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

2. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

3. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

4. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

5. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured. The applicant shall have the plan reviewed and approved by the Grand Traverse Metro Fire Department prior to the review by the Planning Commission.

b. Conditions: The Planning Commission may recommend, and the Township Board may impose, reasonable conditions on any special use permit. The Township Board may choose to delete any condition recommended by the Planning Commission, and also may choose to impose a condition regardless of whether the Planning Commission recommended it. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. The breach of any condition shall be grounds for revoking the special use permit.

c. Performance Guarantee: To ensure compliance with the ordinance and any conditions imposed, the Township Board may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the special use permit. The Township shall not require the deposit of the performance guarantee until it is prepared to issue the permit. If requested by the holder of the special use permit, the Township shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses. This paragraph shall not apply to improvements for which a performance guarantee has been deposited under the Land Division Act.

9.1.4 AMENDMENTS AND MODIFICATIONS:

a. The Zoning Administrator may authorize insignificant deviations in special use permits if the resulting use will still meet all applicable standards and requirements of this ordinance. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.

b. The Planning Commission may permit minor modifications in special use permits if the resulting use will still meet all applicable standards and requirements of this ordinance. The Planning Commission may decide minor modifications without a formal application, public hearing, or payment of an additional fee. For purposes of this section, minor modifications are those the Zoning Administrator determines have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

c. All other requests for amendments to special use permits shall be processed in the same manner as new special use permit applications. The Township may impose new conditions on the approval of an amendment request if such conditions are warranted under Section 9.1.3b. The holder of the special use permit may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing special use permit.

d. The holder of a special use permit may request changes under this section by making the request in writing to the Zoning Administrator. Approval of all changes must be given in writing.

9.2. MOBILE HOME PARK DEVELOPMENTS:

SECTION 9.2 DELETED IN ENTIRETY 04/07/09 EFFECTIVE 04/19/09 AS ZONING ORDINANCE AMENDMENT 001. THIS SECTION IS RESERVED FOR FUTURE REGULATIONS SPECIFIC TO A LAND USE REQUIRING A SPECIAL USE PERMIT.

ARTICLE XXV
AG-TOURISM

The intent of this zoning provision isto promote and maintain local farming while allowing flexibility in the ever changing traditional farms' purpose. The activities that are described have become necessary for the sustainability of certain farms in Solon Township. The goals of these provisions areto maintain and promote agriculture and its related activities. Agricultural tourism can preserve open space and farmland, maintains both an agricultural heritage and rural character, and promotes community benefits. These benefits include having fresh local produce for sale, working classrooms for school children, and urban residents' education to increase positive growing businesses that contribute to the general economic conditions and cycle of the Township and area.

The purpose of these provisions are to provide a list of permitted activities conducted under an agricultural tourism operation, a list of activities that need a conditional permit to guide and regulate agricultural tourism businesses on agriculturally zoned land, and to provide for a clear understanding of the expectations for agricultural tourism business operators, local residents, along with other businesses and local officials.

SECTION 25.01 PERMITTED USES BY RIGHT

1. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.
2. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator.
3. Direct marketing of produce in a roadside stand no greater than (100) one hundred square feet in building area.
4. Seasonal U-pick fruits and vegetable operations.
5. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
6. Processing any fruits/produce.
7. Uses 3 through 7 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than fifty (50) percent of the gross receipts from the farm.
   a. Value-added agricultural products or activities such as education tours or processing facilities, etc.
   b. Bakeries selling baked goods containing produce grown primarily on site.
   c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
   d. Petting farms, animal display, and pony rides.
   e. Wagon, sleigh and hayrides.
   f. Nature trails.
   g. Open air or covered picnic area with restrooms.
   h. Educational classes, lectures, seminars.
   i. Historical agricultural exhibits.

SECTION 25.02 SPECIAL LAND USES

The following uses are permitted in this district upon Development Site Plan Review approval by the Planning Commission in accordance with Article XXIV and are subject to a Public Notice and subsequent Public Hearing. The necessary conditions for approval of any of these uses shall be a demonstrated need for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site or the surrounding properties:

1. Bed and Breakfast.
2. Direct marketing of produce, farm retail market, on-farm market or roadside stand if the sales area is greater than one hundred (100) square feet in building area.
3. Restaurant operations related to the agricultural use on the site.
4. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses requiring a special use permit.
   a. Small-scale entertainment (e.g., music concert, carshow, art fair).
   b. Family oriented animated barns (e.g., fun houses,haunted houses, or similar).
   c. Organized meeting space for use by weddings, birthday parties, and corporate events.
   d. Designated, permanent parking for more than 10 vehicles.
5. Cider mills, wineries, or distilleries selling product in a tasting room shall be derived from crops grown at least fifty percent (50%) in Leelanau County for at least three (3) of the immediately preceding five (5) years. A temporary waiver may be granted by the Zoning Administrator or if special circumstances exist, such as frost, drought, or any other unusual conditions which may be deemed appropriate for a waiver by the Zoning Administrator.
6. Commercial kitchen facilities, processing/cooking items for sale, including gift shops for the sale of agricultural products and agriculturally related products.

SECTION 25.03 PARKING

1. For agricultural tourism and seasonal agriculturally related uses, one space for each (100) one hundred square feet of retail area and one space for every five (5) patrons of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
2. For uses permitted by right under the agricultural district, parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, or other visible marking.
3. For uses permitted by special use permit, parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.
4. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
5. Parking areas shall not be located in required side and rear parking setback areas. Parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

SECTION 25.04 SIGNS

Seasonal signs may be erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public. Any sign approved shall comply with the Solon Township Sign Ordinance.

SECTION 25.05 HOURS OF OPERATION

The hours of operation will be determined on a case by case, and site by site basis.

SECTION 25.06 ADDITIONAL REQUIREMENTS

All uses within this section of the zoning ordinance are required to meet Article 24 (Site Plan Review) and any other relevant sections of the Solon Township Zoning Ordinance.

ARTICLE 4

AGRICULTURAL DISTRICT
INCLUDING AG-BUSINESS AND AG-TOURISM

Replaced in its entirety by Amendment 2008-001, effective November 7, 2008

SECTION 4.1 INTENT

The intent of the Agricultural District is to encourage and maintain agriculture as part of a balanced and diversified economy, and to protect viable farmland from encroachment by other uses. It is also intended to provide a low density rural atmosphere which will accommodate the growing demand for residential development, while still protecting scenic and ecologically sensitive areas which make Bingham Township attractive both to home ownership and to the tourism so important to Leelanau County. Large minimum frontage requirements are designed: to permit larger side setbacks to protect adjacent farmland, to discourage the long narrow lots which extend wastefully into agricultural land and which are used to get around platting and lot area requirements, and to avoid frequent driveway cuts which pose safety hazards and reduce the carrying capacity of public roads. Lot sizes will be large enough to provide for individual wells and septic systems.

In 2008 Bingham Township determined that some Agricultural Business and Agricultural Tourism uses are acceptable in the Agricultural District and will help maintain Agriculture as a viable use in Bingham Township.

SECTION 4.2 USES PERMITTED BY RIGHT

Uses permitted by right require a Land Use Permit unless specified.

A. Farming, including livestock and poultry, grain, grass, mint and seed crops, vegetables, orchards, silviculture, nuts and berries, floriculture, ornamental trees, shrubs and nursery stock, including retail sales on the premises, greenhouses, sod farming, apiculture, and aquaculture. New structures or structure additions over one-hundred (100) square feet shall require a Land Use Permit.

B. One (1) Single Family Dwelling per lot.

C. Family Day Care Homes. Such facilities shall be registered with the Grand Traverse/Leelanau County Department of Human Services.

D. Wildlife Management Areas, plant and wildlife conservancies, refuges and sanctuaries. This use does not require a Land Use Permit except for new structures or structure additions over one-hundred (100) square feet.

E. Adult Foster Care Family Care Homes. Such facilities shall be licensed by the Michigan Family Independence Agency. The area required by the Grand Traverse/Leelanau County Department of Human Services for an AFC septic system is a great deal larger than for a single family dwelling of comparable size, and must be permitted before building an AFC facility.

F. Short-Term Rentals
(Added by Amendment 05-001 effective August 12, 2005)
No Land Use Permit necessary to rent on a short-term basis, however, structures and additions over one-hundred (100) square feet require a Land Use Permit.

G. Community Supported Agriculture (CSA)
1. Parking: A parking area to accommodate customers shall be provided off the public road right-of-way.
2. Pick up hours or picking times: Sunrise to sunset.
3. No land use permit is required for CSA's, except for structures or structure additions over one-hundred (100) square feet.

SECTION 4.3 PERMITTED ACCESSORY USES

The following uses are deemed accessory to the principle use of any parcel in the Agricultural District. Land Use Permits are necessary for structures or additions to structures over one-hundred (100) square feet.

A. Accessory Structures normally associated with Single Family Dwellings, such as a private garage, shed for yard tools, playhouse, boat house, woodshed, sauna, and the like.

B. A small, unlighted identification sign, four square feet maximum area. Centennial farm signs and Historical Markers are exempt from this requirement.

C. Swimming pools.

D. Parking of automobiles, boats, and other vehicles, licensed by the owner of the property or by a resident for their own use.

E. Pens and enclosures for household pets. See Section 4.4.D Keeping Dogs and Section 4.6.F. Small Animal Kennel relating to keeping dogs.

F. Accessory Uses or Structures, clearly incidental to the operation of an existing farm, including barns, silos, sheds, equipment storage and similar structures customarily incidental to the permitted principal use and structures.

G. Activities typically associated with the actions and functions of individual family members participating in organizations such as 4-H, Future Farmers of America, and the like.

H. Small Picnic Areas that are accessory to and for patrons of the primary use.

SECTION 4.4 USES PERMITTED WITH CONDITIONS - WHERE THE "USE" DOES NOT REQUIRE A LAND USE PERMIT OR SITE PLAN REVIEW.

The following "USES" are permitted provided they meet the requirements listed or referenced for the particular "USE". However, Land Use Permits are required for Structures and additions to Structures pursuant to Article 21 Administration and Enforcement.

A. Home Occupations, provided they meet the requirements of Section 12.1 Home Occupations.

B. Keeping horses, provided it is not for profit or as a business:
   1. There shall be a minimum parcel size of two (2) acres for up to two (2) horses.
   2. There shall be one (1) additional acre for each additional horse.

C. Keeping horses for profit or as a business (i.e., Boarding Stable), provided:
   1. There shall be a minimum parcel size of ten (10) acres for up to the first two (2) horses.
   2. There shall be one (1) additional acre for each additional horse.
   3. Setback for stables, barn, and manure storage: 200 feet from all property lines.

D. Keeping dogs, provided it is not for profit or as a business:
   1. Kennels and any accessory pens housing more than two (2) dogs shall not be closer to any lot line than fifty (50) feet.
   2. If a dog is tethered, the tether shall not permit him to reach within fifty (50) feet of any lot line.

E. Roadside Stands Roadside Stands are permitted in the Agricultural District to allow the active farmer to directly market their farm products.

   The following conditions shall apply:
   1. The Roadside Stand shall be located on the parcel owned or leased by the farmer.
   2. The Roadside Stand shall not be located in the road right-of-way.
   3. A minimum ten (10) foot front setback is required between Roadside Stand and the front property line.
   4. One (1) Roadside Stand shall be allowed per parcel.
   5. Additional agricultural produce may be sold at the Roadside Stand provided it is grown or produced (i.e. honey, syrup,) in Bingham Township.
   6. Sale of craft items is limited to those produced on the property.
   7. A parking area to accommodate customers shall be provided off the public road right-of-way.

8. A minimum fifty (50) foot setback is required between the Roadside Stand and any rear or side property line.
9. See Section 3.13.3 K Signs Requiring No Permit for seasonal farm produce signs. For the safety of the general public, no spinners, pennants, flags, flashing lights, reflectors, flicker tape, or other distractive devices may be used in conjunction with any sign or business. Roadside signs shall comply with MDOT and local County Road Commission regulations.
10. Roadside stands shall not be greater than one-hundred (100) square feet in area and shall be temporary structures.
11. Roadside stands shall be allowed May 1st through December 24th of the calendar year. Removal of the roadside stand is required after the stand is closed for the season.

F. Seasonal Outdoor Maze (Corn, Straw Bale, etc.):

1. Minimum parcel size shall be 40 acres and secondary to a Commercial Farm or winery.
2. A parking area to accommodate customers shall be provided off the public road right-of-way.
3. A minimum fifty (50) foot setback is required between the parking area and any rear or side property line.
4. A minimum fifty (50) foot setback is required between any part of a maze and any property line.
5. Hours of Operation: - 8:00 am to 8:00 pm

G. Petting Farms, Animal Display, Pony Rides:

1. Minimum lot size shall be 40 acres and secondary to a Commercial Farm or winery.
2. A parking area to accommodate customers shall be provided off the public road right-of-way.
3. Parking areas shall be set back fifty (50) feet from all property lines.
4. Hours of Operation: - 8:00 am to 8:00 pm
5. Setbacks – Any part of the above uses shall be setback one hundred (100) feet from all property lines.

H. Wagon, Sleigh and Hay Rides (for profit):

1. Minimum lot size shall be 40 acres and secondary to a Commercial Farm or winery.
2. A parking area to accommodate customers shall be provided off the public road right-of-way.
3. Parking areas shall be set back fifty (50) feet from all property lines.
4. Setbacks – The trail or route provided for such use shall be setback one hundred (100) feet from all property lines.
5. Hours of Operation: - 8:00 am to 10:00 pm.

I. Seasonal U-Pick Fruits and Vegetables:
   1. Minimum lot size shall be 40 acres.
   2. A parking area to accommodate customers shall be provided off the public road right-of-way.
   3. Parking areas shall be set back fifty (50) feet from all property lines.
   4. Hours of operation: Sunrise to sunset.

SECTION 4.5 USES PERMITTED WITH CONDITIONS THAT REQUIRE A LAND USE PERMIT, AND WHERE NOTED, SITE PLAN REVIEW AND PUBLIC HEARING.

The following uses are permitted if they meet the requirements listed or referenced for the particular use. A Land Use Permit is required, and where noted, Site Plan Review and a public hearing are required.

A. One (1) Duplex per lot of four (4) acres or more with a minimum front lot width of four hundred (400') feet. If the duplex is built on a zero lot line, each dwelling may have its own lot of two acres or more.

B. Mobile Homes are recognized by Bingham Township as valid single family dwellings. They are permitted, provided:
   1. The home is used as a single family dwelling.
   2. It is attached to a permanent foundation.
   3. It has District Health Department approval for well and septic systems.

C. Bed and Breakfasts, provided they meet the requirements of Section 12.4 Bed and Breakfast Inn. Abbreviated (Medium) Site Plan Review and a public hearing is required.

D. Home Businesses, provided the business meets the requirements of Section 12.2 Home Business. Abbreviated (Medium) Site Plan Review and a public hearing is required.

E. Group Day Care Homes, provided:
   1. There are no more than twelve (12) children, including those children less than seven (7) years old in the resident family.
   2. Parking is provided off the road or unimproved road right-of-way for two (2) cars for every three (3) children not in residence.
   3. Playground equipment shall be thirty (30) feet from side lot lines.
   4. The home must be licensed by the State Department of Social Services.

F. Temporary Accessory Housing, provided that the requirements of Section 3.8 Temporary Accessory Housing, are met.

G. Private Wind Turbine Generator, provided that the requirements of Section 13.3 Private Wind Turbine Generator are met.

H. Accessory Apartments, *deleted February 29, 2002.*
Accessory Apartments are no longer allowed in the Agricultural District.

SECTION 4.6 SPECIAL LAND USES

The following uses are permitted when the Bingham Township Planning Commission determines that the uses meet the standards and criteria of Article 17 Special Land Use Permits and Article 16 Site Plan Review, as well as the general criteria of this District and the individual criteria for each use.

A. Clustered Housing, provided that the requirements of Article 15, Clustered Housing Developments, are met.

B. Churches, Temples, Schools of an academic nature, provided that they meet requirements of Section 11.2 Off Road Parking and Loading, and pose no hazard to traffic, pedestrians, and residents of the area.

C. BED AND BREAKFAST INN, provided they meet the requirements of Section 12.4 Bed and Breakfast Inn. Abbreviated (Medium) Site Plan review is required.

D. Adult Foster Care Small Group Homes, provided:
1. There are no more than twelve (12) adults, including members of the resident family, receiving care.
2. Parking is provided off the road or unimproved road right-of-way for one (1) vehicle for every three (3) residents in foster care, for the use of visitors. This shall be in addition to parking for staff and/or family.
3. A loading/unloading area shall be provided.
4. The driveway should be kept plowed in winter.
5. An outdoor seating area must be provided for residents.
6. The parcel size must be large enough to accommodate the septic system and the equivalent reserve area required by the Benzie/Leelanau District Health Department.
7. Abbreviated (Medium) Site Plan review is required.

E. Public Buildings, such as post offices, libraries, or similar public office buildings, provided that the public use serves persons living in the local area. See Section 11.2 Off Road Parking and Loading. *Added by amendment BTPC5-18-94*

F. Small Animal Kennel:
(Subsection added by Amendment 05-003)
1. Minimum parcel size for a kennel - ten (10) acres.
2. Minimum setbacks for kennel and outside pens from all property lines are one hundred (100) feet.
3. The maximum number of small animals allowed is twenty (20).
4. If a dog is tethered, the tether shall not permit him to reach within one hundred (100) feet of any lot line.

5. Buffering and Landscaping – a landscape plan that shows buffering as required in Section 3.12 Landscaping, Greenbelts, Buffers, Screens and Fences shall be part of site plan.
6. Lighting – all lighting shall be subject to Section 3.14 Outdoor Lighting Standards.
7. Maintenance Plan Required – a plan outlining general maintenance including the removal of wastes, removal of trash, upkeep of property, and pen repair shall be required.
8. Kennels shall be subject to the requirements of Section 12.2 Home Business.
9. Abbreviated (Medium) Site Plan review is required.

G. Outdoor Recreational Uses and Areas per Section 3.11. *Added by amendment BTPC6-19-96*

H. Golf Courses, provided:
1. The site area shall have its main ingress and egress from a State or County road having a bituminous aggregate surfacing. Should the road not meet the above conditions, a plan shall be submitted indicating how the proprietor will meet the above conditions within a reasonable time limit. This plan and a surety bond, certified check or irrevocable bank letter of credit, in an amount sufficient to cover the cost of implementing the plan, will be considered as meeting the above conditions.
2. The site area shall be sixty (60) acres or more for a nine (9) hole course, and one hundred and twenty (120) acres or more for an eighteen (18) hole course.
3. The number of off-road parking places shall be five (5) for each golf hole plus one for every two employees. *Amended BTPC9-21-94*
4. Front, side and rear yard setback for all principal and accessory buildings, structures, and parking areas shall conform to the standards in Section 4.6 and shall not be less than forty (40) feet from any road right-of-way and not less than forty (40) feet from any adjoining property line. *Amended BTPC effective 11-1-01.*
5. The site shall be screened, except along the road right-of-way. See Section 3.12 Landscaping, Greenbelts, Buffers, Screens and Fences. This requirement may be waived if the proprietor submits written waivers from adjoining property owners.
6. A clubhouse/pro shop, containing managerial facilities, toilets, lockers and food services, may be allowed in conjunction with the Golf Course. The clubhouse is intended to serve those individuals using the golf course; it is not intended to be used as a meeting/rental hall by the general public, nor are the food services intended to serve the general public.

I. Sand and Gravel Extraction provided:
1. Every precaution is taken to guard against hazards of all kinds for the full protection of the general public.
2. No mining shall be conducted within one hundred and sixty-five (165) feet of any public road right-of-way, nor closer than one hundred (100) feet from any neighboring property line.

3. No more than five (5) acres of land may be actively mined at one time.
4. Previously mined areas shall be reshaped to usable grades, and cover restored to prevent erosion.
5. This use shall be considered a temporary use. A time schedule for completion of each phase of the mining and a plan for restoration of the site, acceptable to the Bingham Township Planning Commission, shall be required. A surety bond, irreversible bank letter of credit, or certified check sufficient to cover the cost of restoration may be required by the Planning Commission.

J. Sawmills (See definition, Article II.), provided:
1. The Sawmill shall not be located within two hundred and fifty (250) feet of any parcel line, nor public road right-of-way.
2. The Sawmill shall not be located within two hundred and fifty (250) feet of the shoreline of any lake, creek, stream, or wetland.
3. See Section 3.12.4 Screening Adjoining Properties and Storage Areas.
4. The parcel shall have a minimum area of ten (10) acres.
5. Abbreviated (Medium) Site Plan review is required.

K. Commercial Storage of Boats and Vehicles. It is our intent to provide for the seasonal storage of boats and vehicles in secluded settings where they will not become eyesores, or a nucleus for further commercial development. Such storage shall be subject to the following conditions:
1. Only currently licensed boats, cars, trucks, recreational vehicles, campers, trailers for recreational vehicles and boats, and equipment necessary to the principal use, shall occupy the storage area.
2. The parcel shall be a minimum of ten (10) acres in size for outside storage.
3. The actual outside storage area shall not be located so that it can be viewed from the surrounding land or right-of-way.
4. Nothing shall be stored in the setbacks.
5. If the storage area is protectively fenced, such fencing shall be around the storage area itself, and not along the lot perimeter.
6. No repairs and servicing shall be permitted.
7. The parcel cannot be used for other storage purposes.
8. The location of driveways entering the lot from any public road must be approved by the County Road Commission.
9. Abbreviated (Medium) Site Plan review is required.

L. Seasonal Worker Housing. In anticipation of a time when housing built for seasonal farm workers may become general rental housing, it is the intent of this section to ensure that such housing will meet the requirements necessary to keep it in conformance with the Ordinance. Seasonal Worker Housing shall meet the following requirements:
1. Such housing provides temporary living quarters for the use only of itinerant farm employees and migratory workers.

2. It meets all Federal and State requirements for transient agricultural worker housing.
3. It complies with the setback requirements of this District, except as provided in Section 15.3.5 Minimum Standards for Clustered Developments.
4. It meets the requirements of Article 15, Clustered Housing Developments.

M. Fruit and Vegetable Receiving Stations. Although Fruit and Vegetable Receiving Stations are an intensive type of agricultural activity, this use is permitted as a special use in the Agricultural District because they are an integral part of fruit and vegetable farming. Fruit and Vegetable Receiving Stations shall meet the following requirements:

1. The operation is in compliance with the regulations of the Michigan Department of Agriculture and of the Michigan Department of Natural Resources, including all licensing requirements.
2. Minimum parcel size shall be forty (40) acres.
3. The operation shall be located on a paved public road.
4. The food storage areas/structures shall occupy no more than twenty-five thousand (25,000) square feet.
5. The building(s) and processing areas shall be set back fifty (50) feet from all lot lines, and shall be landscaped or visually screened.

N. Farm Market

1. The minimum parcel size shall be ten (10) acres with no less than 460 feet of road frontage.
2. The actual area under roof used for the display and sale of farm produce shall not be greater than 1,000 square feet.
3. The minimum setback from any lot line for any structure and parking is one hundred (100) feet. Vegetative planting or agricultural use of land is encouraged between the structure and the road right-of-way.
4. There shall be one parking space provided for each one hundred (100) square feet of usable floor space and one additional space for every two employees.
5. Sales shall be limited to: farm products such as fruit, vegetables, or baked goods; plant nursery stock; or farm related products such as milk, cheese, honey, preserves or butter. Sale of other items (pop, candy, newspapers, crafts, etc.) shall not exceed 10% of all goods sold. A bakery may exist as part of a farm market.
6. Sales of plant nursery stock shall be limited to that which has been grown in Leelanau County for at least one full growing season, i.e. planted in the spring, sold no sooner than the next spring, except that bedding plants, sown on the premises, may be sold when ready for market.
7. Sales: Sales shall be derived from products grown or produced in Michigan and at least 25% percent from products grown on the premises, or on land owned by the farm market operator.

8. No more than two (2) permanent signs shall be erected on the property, no greater than twenty-five (25) square feet in area. For the safety of the general public, no spinners, pennants, flags, flashing lights, reflectors, flicker tape, or other distractive devices may be used in conjunction with any sign or business.
9. Limited Food Service Kitchens are allowed in Farm Markets if requirements of Section 4.6.O are met.

O. LIMITED FOOD PROCESSING KITCHENS

1. A minimum parcel size of ten (10) acres is required.
2. The Limited Food Processing Kitchen must be operated by the owner of the parcel.
3. The building(s) and lot area devoted to a Food Processing Kitchen shall remain part of the principal farm unit and shall not be sold as a separate entity.
4. The area devoted to a Food Processing Kitchen shall not exceed twelve hundred (1,200) square feet, unless part of an approved winery food service operation.
5. A minimum fifty (50) foot setback is required between any property line and the Limited Food Processing Kitchen, and its accessory buildings.
6. The Limited Food Processing Kitchen shall be landscaped and visually screened if required by the Planning Commission.
7. Retail sales of food products produced on the premises are accessory uses, clearly secondary to food processing, and shall occupy no more than six hundred (600) square feet of floor area.
8. Food Processing Kitchens shall not create a nuisance or annoyance to adjoining property owners by reason of noise, smoke, odor, electrical disturbance, night lighting, or traffic as determined by the Planning Commission during Site Plan Review.
9. Food Processing Kitchens shall be subject to annual inspection by the Zoning Administrator and may be terminated by the Administrator whenever same fails to comply with this Ordinance.
10. The Food Processing Kitchen is in compliance with the regulations of the Michigan Department of Agriculture and the Benzie - Leelanau District Health Department, including all licensing requirements.
11. Parking:
    a. A parking area to accommodate customers shall be provided off the public road right-of-way.
    b. A minimum fifty (50) foot setback is required between any parking area and any property line.
12. Abbreviated (Medium) Site Plan review is required.

P. Agricultural Support Business (A.S.B.)*:* The business shall be farm related and is not intended to detract from the agricultural emphasis of the farm or to become a concentration of manufacturing or industrial activity which would appropriately be located in a light manufacturing district because of size or intensity of use. A.S.B.'s shall be allowed provided the following conditions are met:

1. The A.S.B. shall be operated on a farm of ten (10) acres or more in size and shall be owner operated.
2. The Accessory Buildings used for an A.S.B. shall have no exterior evidence, other than a permitted sign, to indicate that it is being used for any purpose other than farm/agricultural purposes.
3. The building(s) and lot area devoted to an A.S.B. shall remain part of the principal farm unit and shall not be sold as a separate entity.
4. The area devoted to an A.S.B. shall not exceed two thousand four hundred (2,400) square feet.
5. No A.S.B. shall be conducted upon or from the premises which would constitute nuisance or annoyance to adjoining property owners by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.
6. All A.S.B.'s shall be subject to annual inspection by the Zoning Administrator and may be terminated by the Administrator whenever same fails to comply with this Ordinance.

Q. Wineries and Cidery's. Wineries and Cidery's are welcomed by Bingham Township as appropriate farm activities. All further references to Wineries in this Section shall include Cidery's. It is the intent of this section to promote local agriculture production by allowing construction of a winery with tasting room and retail sale of winery products in the agricultural district subject to this ordinance. It is also the intent of this section to encourage the growing of wine fruit and production of wine as an integral component of the rural and agricultural ambiance of Bingham Township, and to maintain the viability of fruit farming through value added processing and direct sales of wine and wine related beverages made from locally grown fruit.

1. Wineries are permitted, provided:
   A. The winery is licensed by the US Treasury, Bureau of Alcohol Tobacco & Firearms; and the Michigan Liquor Control Commission, and is in compliance with the regulations of the Michigan Liquor Control Commission, the Michigan Department of Agriculture, and the Michigan Department of Environmental Quality.

   B. The parcel area is at least ten (10) acres. The minimum parcel width shall be at least 350 feet.

   C. The winery parcel shall have a minimum of two planted acres of fruit maintained pursuant to generally accepted management practices.

   D. The total land area covered by buildings and structures used for wine processing, storage and sales does not exceed two percent (2%) of the contiguous lot area.

   E. The above ground portion of any individual building shall not be greater than 20,000 square feet.

F. All winery buildings shall be setback at least 50 feet from any lot line. If the winery building is open to the public, that building shall be set back at least 100 feet from any lot line. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the districts, subject to site plan review.

G. Retail sales and food service are clearly accessory to production of wine. Retail sales and food service areas shall occupy no more than twenty-five (25) percent of the floor area devoted to wine processing and storage, or no more than four thousand (4,000) square feet, whichever is less.

H. WINERY WITH FOOD SERVICE- A winery may offer food service that is directly related to the farm subject to the following conditions:

1. The area serving food shall seat no more that twenty (20) patrons at one time.
2. Sale of food shall not exceed 10% of gross sales of licensed products.
3. Food service shall be completed at 10:00 pm.
4. Carry-out and deli-type foods are prohibited.
5. Winery must be licensed to prepare and serve food by the appropriate Health Agency.

I. Only wines and wine related beverages produced by the Winery may be sold at retail at the Winery.

J. Standards for Wineries:

1. Parking shall be provided in an area behind the tasting room/food service area and shall be screened from neighboring properties.
2. All lighting shall meet the Outdoor Lighting Standards as outlined in Section 3.14 of the Bingham Township Zoning Ordinance.
3. All signs shall meet the Sign Standards as outlined in Section 3.13 Signs of the Bingham Township Zoning Ordinance.

2. Approval Process for Wineries: An Abbreviated (Medium) Site Plan Review is required, except a Detailed Site Plan Review is required if the total land area covered by buildings and structures used for wine processing, storage, sales, food service and Special Events exceeds thirty thousand (30,000) square feet.

R. <u>Special Events and Activities</u>

Activities associated with the promotion of agriculture and education may be permitted. Such activities are not by right and are secondary to the agricultural function. Typical activities are wine appreciation/education seminars, non-profit benefits, weddings, wine and catered food events, seasonal natural events (mushroom hunts), vineyard harvest

festivals, receptions, parties, picnics, barn dances, educational conferences, and agricultural research. Outside activities must be completed during daylight hours. These activities may be permitted provided:

1. Special Events and Activities are limited to wineries and Commercial Farms. The minimum parcel size for a commercial farm is forty (40) acres. The minimum parcel size for silviculture is one-hundred (100) acres with an active forest management plan.
2. Parking areas shall be off-road, forty (40) feet from all lot lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
3. The operator must have a written statement from the County Health Department indicating the maximum number of persons that can be accommodated with existing toilet facilities and additional portable toilets must be provided for any guests exceeding the aforementioned number.
4. Outside activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m. except as included in the Site Plan.
5. Any music or entertainment provided for the activity must be for background purposes and not a featured item of the activity. Sound amplifiers are permitted as determined in Site Plan review.
6. The applicant shall maintain a log of the activities occurring at the winery including dates, group identity, times and number of guests. This list must be submitted to Bingham Township annually, no later than March 1 for the previous calendar year.
7. An Abbreviated Site Plan must be approved by the Planning Commission at a Public Hearing. The following information must be provided in addition to information required for Abbreviated (Medium) Site Plan Review.
    a. Existing and proposed structures with maximum capacity of each building where guests have access as established by the Fire Marshall.
    b. Location of temporary toilet facilities, which may be required.
    c. A written description of the planned activities including:
        i. Type of gathering.
        ii. Frequency and number of activities

    proposed in a calendar year.
        iii. Maximum number of guests for any activity.

S. Site Plan Review Standards:

1. The Planning Commission shall review the site plan for conformance with the standards of the Zoning district in which located; and in addition shall establish that the following standards have been satisfied:

a. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the Planning Commission based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the Planning Commission.

b. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the Planning Commission.

c. The location and amount of time prior to an event for erection of temporary structures which are allowed and time for removal after the event.

d. The Planning Commission shall require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.

2. Any activities other than those included in the original approval must have additional review by the Planning Commission. The scope of the additional review will be determined by the Commission at a preliminary hearing.

T. Other uses not included here or elsewhere in the Ordinance must first be added as a special use appropriate to Bingham Township by amending the Ordinance, before being considered in the particular as a project subject to a special land use permit.

SECTION 4.7 SETBACKS AND SETBACK AREAS

The front setback shall be forty (40) feet. The side setbacks shall be thirty-five (35) feet. The rear setback shall be fifty feet. No dwelling, nor part thereof, including an attached garage, shall be permitted in the side setback areas; however, other accessory structures are permitted in the side and rear setback areas if they are at least ten (10) feet from the lot lines.

SECTION 4.8 LAKE ACCESS & SHORELINE USAGE

See Section 3.9 Lake Access and Shoreline Usage *Added by amendment BTPC 3-15-95*

Michigan Agricultural Tourism Advisory Commission

Agricultural Tourism Local Zoning Guidebook

and

Model Zoning Ordinance Provisions

January 2007

Prepared for Governor Jennifer M. Granholm
and the Michigan Legislature

Michigan Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions

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Supporting Partners:

Michigan Department of Agriculture
Michigan Townships Association
Michigan Farm Bureau
Land Information Access Association
Michigan Farm Marketing and Agri-Tourism Association
Michigan Land Use Institute
Michigan Municipal League
Michigan State University –
    Land Policy Program
    Planning and Zoning Center

Michigan Agricultural Tourism Advisory Commission

The Michigan Agricultural Tourism Advisory Commission was created by PA 46 of 2005, effective June 16, 2005. The nine-member commission was created under the Michigan Department of Agriculture (MDA) and appointed by MDA Director Mitch Irwin. Four of the members represent agricultural tourism enterprises, and two represent local government. The remaining commission is comprised of one member each from Travel Michigan; MDA; and a convention bureau, visitors' bureau, or chamber of commerce in a rural area.

The primary purpose of the commission was to study the impact of local zoning on agricultural tourism businesses. In many instances, local ordinances can restrict the activities taking place on the farm, the location of a farm market, or the location of crucial signage directing visitors to the businesses. These zoning restrictions may become more apparent as agricultural tourism operations expand and develop in more urbanized areas with conflicting land uses.

In addition to local zoning issues, the commission addressed ways farmers can expand into agricultural tourism opportunities to help sustain the profitability of farm operations and preserve farmland and open space in the state. A final report by the commission identified the obstacles, risks and benefits of agricultural tourism, and provided suggestions for expanding the industry in Michigan through promotional opportunities.

As a result, the commission, along with various partners, has developed this guidebook and model zoning ordinance provisions to promote agricultural tourism and detail some of the issues associated with agricultural tourism.

This booklet was created under the leadership of the Michigan Agricultural Tourism Advisory Commission, as directed by Section 4 a. (ii) of P.A. 46 of 2005. The intent of this publication is to highlight the importance of agricultural tourism businesses to the communities in which they reside, and to

help create an atmosphere in which they can thrive. Agricultural tourism operations are very diverse in nature and each township, village or city has its own unique identity. The goal is to develop some uniformity in zoning across townships while keeping local control of zoning issues intact and preserving the local flavor and agricultural heritage of rural communities.

Introduction

Michigan is home to 83 counties that are divided into 1,240 townships and 630 cities of varying size and population. Each community is governed by its own set of ordinances through the City and Village or the Township Zoning Act that gives the local authorities broad powers to enact and enforce ordinances.

Zoning is a vital part to any community and its development. Zoning regulates the use of land and the density of that land use, and aids in development site planning. Zoning can support the goals of the township or municipality along with its vision of future land use and, in turn, its identity.

Agricultural zoning is an important part of the local zoning mix as it provides the community with balance. Agricultural zoning designates a portion of the land to farming and some of its related activities. The definition of farming generally includes a parcel of land that is of minimum acreage and used for the production of plants or animals for use by humans. This allows, but is not limited to, sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, goats, sheep, swine, exotic animals like emus, llamas and rheas, and horses, with the breeding and grazing of any or all of these animals; bees and apiary products; fur animals; trees and forest products; all fruits, including tree-fruits, grapes, nuts and berries; vegetables; and nursery, floral, ornamental and greenhouse products.

In most agriculturally zoned areas, garages, machine sheds and barns are considered as-of-right use and are permitted. The activities such as planting, spraying, harvesting and storing or raising of livestock are also considered acceptable farming practices under agricultural zoning.

However, there are a number of practices that are often critical to the farm's survival that fall under conditions that are prohibited or are subject to limitations or require special permissions. These tourism activities allow the general public onto the farm through such means as roadside stands or U-pick operations. As well, local zoning rules often state that farmers need to apply for variances or special use permits to expand their business with new buildings or agricultural-related activities. This becomes time consuming, costly and often the efforts are unsuccessful. When the land is kept under agricultural zoning, such permits may not be needed as these activities are permitted under said law. As such, the definition of farming needs to be expanded to include "the direct sale of such goods to consumers on the farm's location and farm-related activities."

In doing so, this will allow farmers to offer their products directly to individuals, and provide for business growth and continued farming. Local citizens often desire the benefits of local farms in viable agricultural districts because agricultural uses often perpetuate the character of the community, retain desired open space, enhance tourism, create business for others, maintain cost-effective land uses and contain development pressures in serviceable districts. Farming maintains agricultural heritage, gives a rural (assumed desirable) character and keep supporting industries in operation. In this age of homeland security, agricultural businesses that sell directly to the consumer provide a secure venue in which to purchase safe, fresh, local foods.

Agriculture is also a significant part of the economic sphere. Not only does it create commerce on its own, but it also contributes to related businesses such as feed supplies,

equipment manufacturers and dealers, processing plants, packagers, transporters and distributors. Agricultural tourism businesses help to boost the local economy, not only with these direct relationships but also through cross promotions with restaurants, local shops and hotels.

As the overall economic landscape evolves, so does agriculture. There is a need to provide for opportunities for farming operations to evolve and enhance economic viability to meet the needs of the consumer. For agriculture to maintain its profitability, raw commodities need to be processed into value-added products. At the same time, consumers are looking for agricultural related entertainment. The trend of going to a farm and picking apples or cutting down a Christmas tree is undeniably rising and in a study from Brentwood, California (www.ci.brentwood,ca.us), agricultural tourism works best in scenic farming communities close to urban areas.

It is especially important that local zoning boards in communities with agricultural activity address the issues surrounding agricultural tourism. Those issues include the rights of the business to grow and become more profitable while supporting the overall vision of the community. In turn, it is the responsibility of members of the agricultural community to be involved in local government and planning not only as advocates but also as educators. To achieve harmony among the viability of development and the viability of local agriculture a cooperative and comprehensive local zoning ordinance is needed. Compatibility between the two is key.

Related Programs

Farmland and Open Space Preservation Program

Although the Farmland and Open Space Preservation Program does not ensure the right to agricultural tourism, it does allow a venue for protection of agricultural land in general. The Michigan Department of Agriculture administers the Farmland and Open Space Preservation Program. The Act, PA 116, under which the program was established, enables a

farm owner to enter into a development rights agreement with the State. The agreement is designed to ensure that the land remains in an agricultural use for a minimum of 10 years and ensures that the land is not developed in a non-agricultural use. In return for maintaining the land in an agricultural use, the landowner may be entitled to certain income tax benefits, and the land is not subject to special assessments for sanitary sewer, water, lights or non-farm drain projects. To be eligible for the program, the farmland must meet size and income requirements. There are five methods for preserving farmland and open space: Farmland Development Rights Agreements, Purchase of Development Rights, Agricultural Preservation Fund, Local Open Space Easement, and Designated Open Space Easement.

Michigan's Right to Farm Program

Another program that can be helpful, although it does not directly protect the right to agricultural tourism, is Michigan's Right to Farm Act. The Michigan Right to Farm Act, P.A. 93, was enacted in 1981 to provide farmers with protection from nuisance lawsuits. This state statute authorizes the Michigan Commission of Agriculture to develop and adopt Generally Accepted Agricultural and Management Practices (GAAMPs) for farms and farm operations in Michigan. These voluntary practices are based on available technology and scientific research to promote sound environmental stewardship and help maintain a farmer's right to farm. The protective measures are effective up to the point of harvest of crops or livestock ready to be processed. Once any processing is done, the right to farm act is no longer applicable.

Michigan Agriculture Environmental Assurance Program

The Michigan Agriculture Environmental Assurance Program (MAEAP) enables a producer to voluntarily engage in a comprehensive and proactive program that helps prevent or minimize agricultural pollution risks on farms of all sizes and all commodities. Producers who have completed program requirements may display a sign of their "environmental

stewardship", assuring non-farm residents and visitors to the area that farmers are working to protect the environment and have addressed soil and water resource concerns at their location. MAEAP uses a "systems" approach to help farmers select the areas of focus that are appropriate for their particular farm – Livestock, Farmstead and Cropping. MAEAP teaches producers how to recognize and prevent environmental risks and comply with state and federal environmental regulations. Those who successfully complete the educational components and work with skilled professionals for technical assistance are ready for MAEAP verification, performed by the Michigan Department of Agriculture (MDA). MDA verifies that the educational and risk assessment components are complete and that appropriate practices are in place to protect the environment. Farming practices must also be in conformance with Right to Farm Generally Accepted Agricultural and Management Practices (GAAMPs) and in compliance with state and federal environmental laws specific to the program requirements. MAEAP farms require MDA verification every three years to maintain their MAEAP status.

Right to Processing

The Michigan Agricultural Processing Act protects food processing operations from lawsuits claiming that the activities or conditions of a processor are a nuisance. The activities or conditions protected under the act are those that are normal output for the type of operation. Although there are no GAAMPs for processing at this time, they are under development.

Special Use Permit

A special use permit or conditional use permit allows another use for the area that was not originally intended in the zoning conditions without special conditions and review to assure acceptability and compatibility. A general stipulation to the special use permit is that the use enhances the area and does not degrade the value of surrounding properties.

Planned Unit Development

Planned Unit Development (PUD) zoning allows a degree of flexible development in a specifically zoned area. A variety of uses that do not fit or comply with the requirements of the usual zoning classifications may be located on a PUD zoning location. The PUD should maintain the natural land features and open space and show substantial community benefit in exchange for varying the underlying zoning.

Agricultural Tourism Defined

"*Agricultural Tourism*", "*ag-tourism*", and/or "*agri-tourism*" means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, a companion animal or livestock show, for the purpose of purchase, recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

More specifically, the farm must be actively producing agricultural products for purchase and sale. It may include any farm marketing or agricultural tourism endeavor such as farm markets, farm direct marketing, farm stays, farm visits, roadside markets or stands, U-Pick operations, rent-a-tree operations, community supported agriculture, rural tourism, farm museums, corn mazes, cider mills, pumpkin patches, petting farms, on-farm retail meat shops, on-farm retail dairies and creameries, on-farm woolen goods shops, maple syrup farms, wineries, Christmas tree farms, multi-farmers' markets, on-farm retail nurseries, on-farm gift shops, on-farm flowers, herbs and spices stores, on-farm bakeries, and on-farm restaurants or cafes.

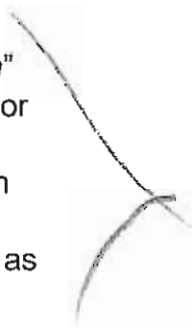
Benefits of Agricultural Tourism

As a value-added marketing opportunity, agricultural tourism is considered increasingly important to Michigan's economic health and diversification. Agriculture and tourism are recognized as Michigan's second and third leading industries. When they are combined, they enhance Michigan's farm gate value-added economy, and help create economic stability in our food and agriculture industry. Opening up farms to visitors is increasingly becoming a way for Michigan growers to create a dependable source of revenue to ride out the uncertainties of weather, disease and crop prices. By offering fresh farm commodities directly to customers the producers can trade on local flavor and freshness, which can lead to new product development and more efficient farm and marketing practices. The farm also becomes a desired destination when the sale of fresh, locally grown products is connected to a recreational or educational opportunity.

Other benefits of agricultural tourism include: keeping the family farm in the family, allowing for continued farming; keeping a farm viable, generating additional income or off-season income, capitalizing on a hobby or special interest, increasing and diversifying a market, responding to a need or opportunity in the market (specialty product), and interacting with and educating customers/visitors about farming.

Definitions

(a) "*Agricultural Tourism*", "*ag-tourism*" and/or "*agri-tourism*" means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.



(b) "*Value-added agricultural product*," means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, and educational presentation, activities and tours that relate to agriculture or agricultural products.

(c) "*Agricultural products*" includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

(d) "*Agriculturally related products*" means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan, and value-added agricultural products and on-site production .

(e) "*Non-agriculturally related products*" means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

(f) "*Agriculturally related uses*" means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

(g) "*Non-agriculturally related uses*" means activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc. and are subject to special use permit.

(h) "*Farm Market/On-farm market/Roadside stand*" means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

(i) "*U-Pick*" means a fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

(j) "*Shooting preserve*" and "*game farming*," means the intensive, small pasture production of wild animals for the purpose of hunting, on agricultural land, for a fee, over an extended period of time, in conformance with state and federal game laws.

(k) "*Winery*" means the retail and/or manufacturing premises of a small winemaker or winemaker licensee as defined by the Michigan Liquor Control Commission.

(l) "*Seasonal*" means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

(m) "*Seasonal sign*" means a sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Agricultural Tourism Businesses

Agricultural tourism businesses are often difficult to define as they vary in commodity, operational process and seasonal activities. The following are Michigan's major agricultural tourism businesses with some of the specific considerations to those businesses. This list is not the limit of types of agricultural tourism businesses in Michigan nor is it the limit of activities or needs of the business. Some agricultural tourism operations may be a combination of two or more types.

The following lists in no way detail all of the activities or offerings of any one type of agricultural tourism operation. These are meant to be a guide to the sorts of products that certain agricultural tourism operations offer.

Cider Mill

Definition: A cider mill consists of a facility where apples are processed into cider. Although the cider is the main focus of the business, there are related activities that keep the customer entertained. Pasteurization may or may not be part of the process. Apples may be from the farm or bought from area farmers.

Associated Entertainment:
Inflatable play areas
Petting farm, goat walks
Haunted houses
Corn mazes, straw mountains
Bonfires
Corporate picnics
Tours
Birthday parties
General children's playground equipment –
slides, swings, climbers

Retail:
The retail area sells in-season fruits and vegetables grown on the farm and from other local growers. Locally made maple syrup, honey, jams and jellies are also sold in farm markets. Local crafters and artisans will sell their pieces in farm markets. Bakery items are also a part of the retail business.

Food concessions:
Kitchen and dining facilities can serve food and bakery items. All food franchises and products are strictly prohibited. The kitchen shall comply with other applicable zoning ordinances and any local and state agency regulations and inspections.

Christmas Tree Farm

Definition: A Christmas tree farm is one that grows coniferous trees such as Scotch, White and Austrian Pine; Douglas, Fraser, Canaan, Concolor and Balsam Fir; Blue, Norway and White Spruce for the purpose of landscape or Christmas holiday decoration, either pre-cut or for the consumer to cut.

Associated Entertainment:
Wagon ride – either tractor or horse-drawn to Christmas tree lot
Petting farm
Bonfire
Tree drilling, baling

Retail:
Pre-cut Christmas trees
Wreaths, grave blankets and garland
Christmas ornaments and decorations
Stands

Food Concessions:
Hot chocolate, coffee, cider
Bakery items – donuts
Kitchen and dining facilities for limited service of items such as hot chocolate, cider, doughnuts and other bakery items. All food franchises and products are strictly prohibited. The kitchen must comply with other applicable zoning ordinances and any local and state agency regulations and inspections.

Dairy Farm

Definition: A working farm where dairy animals and products are produced.

Associated Entertainment:
Tours and hayrides
Petting farm and animal feeding
Picnic
Festivals
Corporate meetings

Retail:
Dairy products
Meat products
Gift shop

Food Concessions:
Ice cream shop
Snack shop

Other Considerations:
Storage

Shooting/Hunting Preserve

Definition: Shooting preserve or game farming means the intensive, small pasture production of wild animals for the purpose of hunting on agricultural land, for a fee, over an extended period of time, in conformance with state and federal game laws.

Associated Entertainment:
Competitions

Food Concessions:
Boxed lunches
Snack shop
Dining facilities

Other Considerations:
Bird cleaning facilities

Overnight camping
Bed and breakfast
Dog kennels

U-Pick

Definition: U-Pick means a fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

Associated Entertainment:
Wagon rides
Festivals and contests
Picnic areas
Children's play area

Retail:
In season produce from own farm or other Michigan farms

Food Concessions:
Snack shop

Winery

Definition: The retail and/or manufacturing premises of a small winemaker or winemaker licensee as defined by the Michigan Liquor Control Commission.

According to the Michigan Liquor Control Commission (MLCC), a winemaker "means any person licensed by the commission to manufacture and sell, at wholesale or retail, wine manufactured by that person." A small winemaker is a "winemaker manufacturing or bottling not more than 50,000 gallons in 1 calendar year." Wine is defined as "the product made by normal alcoholic fermentation of the juice of sound ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21 percent of the alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks." A MLCC Rule that impacts winery zoning - even though the winemaker license gives the business permission to sell wine, it is subject to the following restriction: R 436.1003 *Building and health laws, rules, and ordinances.*

Rule 3: A licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee.

Associated Entertainment:
Special events involving wine, food, arts and cultural entertainment
Vineyard and winery tours

Retail:
Tasting room for sampling of wine or other beverage made by the winery
Bottles of wine
Wine related items – glasses, corkscrews, and coolers
Business related items –t-shirts, bags, caps, wine books
Arts and crafts

Food Concessions:
Full service restaurants – as allowable under MLCC regulations
Breads, cheese, bakery

Other Considerations:
Overnight Accommodations – bed and breakfast

Agricultural Tourism Local Zoning Examples

There are many proactive communities around the nation that have adopted zoning regulations that promote agricultural tourism. Below are a few examples:

1. *Snohomish County, Washington*
   www1.co.snohomish.wa.us/County_Services/Focus_on_Farming/

2. *Woodford County, Kentucky*
   www.woodfordcountyplanningandzoning.com/Zoning/ZoningOrdinances.htm

3. *State of Hawaii*
   www.capitol.hawaii.gov/sessioncurrent/bills/HB2145_cd1_.htm

4. *Gray, Maine*
   www.graymaine.org/Public_Documents/GrayME_RegCodes/GrayME_ZoneOrds/article5

5. *Lake County, California*
   www.lake.ca.us/countygovernment/communitydevelopment/zoningord/article5.pdf

Michigan Agricultural Tourism Advisory Commission

Model Zoning Ordinance Provisions

Introduction

These model zoning ordinance provisions, along with the information provided at the front of this guidebook, were created under the leadership of the Michigan Agricultural Tourism Advisory Commission, as directed by Section 4 a. (ii) of P.A. 46 of 2005. The intent of this publication is to highlight the importance of agricultural tourism businesses to the communities in which they reside, and to help create an atmosphere in which they can thrive. Agricultural tourism operations are very diverse in nature and each township, village or city has its own unique identity. The goal is to develop some uniformity in zoning across townships while keeping local control of zoning issues intact and preserving the local flavor and agricultural heritage of rural communities.

Agricultural tourism can easily be incorporated into local zoning ordinances by adding some or all of the following recommended language within an existing zoning code. These provisions are meant to be guidelines for local zoning officials to pick and choose as needed in each respective community, with an effort toward establishing some consistency in zoning regulations among local governments across the state.

In general, definitions related to agricultural tourism would be added to the general definitions sections of the zoning code. Uses permitted by right would be added to the use by right section of the community agricultural zoning district. This district will often times be called "Agricultural District" or in some cases "Rural Residential". Special uses can be added to the special use or conditional use section of the agricultural district. Parking regulations and sign regulations associated with agricultural tourism operations may be placed in the parking requirements and signage requirements section of the zoning code.

The recommended language that follows is meant to be broad and all encompassing of possible agricultural tourism uses.

The type and number of uses listed in a particular community's use by right and use by special use permit section will vary depending on the size of the community, the type of agriculture present in the community and the degree to which the community wishes to encourage agricultural tourism.

Intent, Goals and Purpose

The intent of these zoning provisions is:

- To promote and maintain local farming. The activities that are described have become necessary for the sustainability of farms.

The goals of these provisions are:

- To maintain and promote agriculture and its related activities, such as agricultural tourism.
- To preserve open space and farmland
- To maintain both an agricultural heritage and a rural character.
- To increase community benefits by having fresh, local produce for sale and working classrooms for school children's and urban residents' education
- To increase positive growing businesses that contributes to the general economic conditions and cycle of the area and State.

The purposes of these provisions are:

- To provide standard definitions related to agricultural tourism operations.
- To provide a list of permitted activities under an agricultural tourism operation.
- To provide a list of activities that needs a special permit to guide and regulate agricultural tourism businesses on agriculturally zoned land.

- To provide for a clear understanding of the expectations for agricultural tourism businesses for operators, local residents, other businesses and local officials.

Recommended Definitions

(a) "*Agricultural Tourism*", "*ag-tourism*" and/or "*agri-tourism*" means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

(b) "*Value-added agricultural product*," means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

(c) "*Agricultural products*" includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

(d) "*Agriculturally related products*" means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and

other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.

(e) "*Non-agriculturally related products*" means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

(f) "*Agriculturally related uses*" means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

(g) "*Non-agriculturally related uses*" means activities that are part of an agri tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.

(h) "*Farm Market/On-farm market/roadside stand*" means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

(i) "*Seasonal*" means a recurrent period characterized by certain occurrences, festivities, or crops; *harvest, when crops are ready;* not all year round.

(j) "*Seasonal sign*" means a sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Uses Permitted By Right

1. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or

preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.

2. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
3. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years.
4. Direct marketing of produce in a farm market, on-farm market or roadside stand no greater than "X" square feet in building area.
5. Seasonal U-pick fruits and vegetables operations.
6. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
7. Food sales/processing, processing any fruits/produce.
8. Uses 3 through 7 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
    a. Value-added agricultural products or activities such as education tours or processing facilities, etc.
    b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
    c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).

d. Petting farms, animal display, and pony rides.

e. Wagon, sleigh and hayrides.

f. Nature trails.

g. Open air or covered picnic area with restrooms.

h. Educational classes, lectures, seminars.

i. Historical agricultural exhibits.

j. Kitchen facilities, processing/cooking items for sale.

k. Gift shops for the sale of agricultural products and agriculturally related products.

l. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

Uses Permitted By Special Use Permit

1. Bed and Breakfast.
2. Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than "X" square feet in building area.
3. Restaurant operations related to the agricultural use on the site.
4. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.
    a. Small-scale entertainment (e.g., music concert, car show, art fair).
    b. Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
    c. Organized meeting space for use by weddings, birthday parties, and corporate picnics.
    d. Designated, permanent parking for more than 20 vehicles.

Parking

Agricultural Tourism and Seasonal Agricultural Uses

1. For agricultural tourism and seasonal agriculturally related uses one space for each "X" square feet of retail area and one space for every "X" square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
2. For uses permitted by right under the agricultural district, parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
3. For uses permitted by special use permit parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.
4. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
5. Unpaved parking areas shall not be located in required side and rear parking setback areas. Paved parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

Signs

Agricultural Tourism and Seasonal Agricultural Uses

Seasonal signs may be erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Michigan Department of Agriculture
P.O. Box 30017
Lansing, MI 48909
(517) 373-9790

www.michigan.gov/agtourism

TOWNSHIP OF ACME - NOTICE OF HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP PLANNING COMMISSION will hold a public hearing at its regular meeting on Monday, February 20, 2012 at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690, to consider proposed Amendment ZO-018 to the Acme Township Zoning Ordinance, ZO-018. This amendment would add a new definition for "Agri-Tourism" to Section 3.2 Definitions. "Agri-Tourism" would be added as 6.11.3(x) to the list of allowable land uses by Special Use Permit in the A-1 Agricultural Zoning District - Section 6.11. Please see the proposed "Agri-Tourism" definition and additional requirements below.

3.2 DEFINITIONS:
For the purpose of this Ordinance, certain terms of words used herein shall be interpreted or defined as follows:

"Agri-Tourism: such as but not limited to; on farm weddings, events, fundraisers, catered food events, harvest festivals, art and craft fairs, car shows, agriculture education events, etc."

6.11.3 USES PERMITTED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1.

"x. Agri-Tourism: Agri-Tourism structures and events shall be subject to a 100' foot setback from all property lines."

COPIES OF PROPOSED AMENDMENT ZO-018 ARE AVAILABLE FOR INSPECTION AT THE ACME TOWNSHIP HALL.

All interested persons are invited to attend and be heard at public hearings before the Planning Commission. After each public hearing, the Planning Commission may or may not deliberate and take action. Special Use Permit applications, proposed Zoning Ordinance Amendments and the entire Zoning Ordinance are available for inspection at the Acme Township Hall from 8:00 a.m. to 5:00 p.m. Monday through Friday. Proposed Zoning Ordinance Amendments and the entire Zoning Ordinance are also available for inspection via the Township's website, www.acmetownship.org.

Written comments may be directed to:
Patrick Kilkenny, Planner & Zoning Administrator, pkilkenny@acmetownship.org
6042 Acme Road
Williamsburg, MI 49690
(231) 938-1350

b) Approval:

1. Minutes of the 02/20/12 Planning Commission Meeting

Motion carried unanimously.

3. Limited Public Comment: None

4. Correspondence:

a) 03/02/12 Milton Township Notice of Intent to Plan: received and filed.

5. Reports: None

6. Public Hearings:

a) Agri-Tourism in the Agricultural District: Vreeland summarized the contents of the staff memo and how they were developed largely through discussion at the last Planning Commission meeting. Zollinger asked about the proposed 6.11.3.x.1, which would allow "restaurant operations related to the agricultural use on the site." So how would one interpret this? Would a certain amount of the food served at the restaurant have to come from that particular farm operation? Would a destination sit-down restaurant be ruled out, or would the ability to have a farm-to-fork destination restaurant be a desirable thing?

White offered the idea of opening a restaurant that is based around offering up as the specialty the thing(s) that the farmer grows. He has a greater problem with allowing the items under 6.11.3.x.2, which are not agriculturally-related. He has trouble seeing those as agritourism uses.

Wentzloff suggested the idea of requiring a certain amount of the food at an agri-tourist restaurant being regionally sourced. Carstens suggested the idea that on most farms there are portions of the land that aren't used for a crop but that have value as undeveloped land to support the ecosystem or wildlife habitat. He feels there should be a "credit" for preserving natural open spaces. Even if a property isn't growing what the property owner is selling, he feels it adds value if it helps the landowner preserve the land in natural open space as part of the township's green infrastructure. In particular, even though Mr. Garvey may not be producing significant crops on his land, he is providing open space that is valuable in lieu of development, he does not believe that Mr. Garvey should have to produce a crop to give the community something that adds value to it.

Hardin is trying to understand how the ordinance should reasonably be written to ensure that restaurants don't start popping up everywhere or anywhere in the agricultural district. Perhaps saying that there has to be agricultural use on the site is sufficient. White expressed similar concerns about opening the door too wide.

Public Hearing opened at 8:30 p.m.

Bob Garvey, 6377 Deepwater Point Road, recognized the concerns and suggested that ordinance language be created to require "significant" amounts of the food served be produced on the farm where the restaurant is located.

Mr. Walter stated that if he wants to open an Angus steakhouse on his property he doesn't want the township telling him whether or not he can and how.

Mr. Engle noted the Moomers operation on N. Long Lake Road. There are cows on the site, but there are laws that prevent their milk from being used in the ice cream

made and consumed there.

Dave Hoxsie asked whether Denny Hoxsie would be able to serve hamburgers made from Mr. Walters' beef at the farm market after hayrides. This is probably OK at the current time. Zollinger and Wentzloff noted that the discussion is about how this and future Planning Commissions will read and interpret this language when they are considering an SUP application for a restaurant land use in the agricultural district.

Carstens suggested establishing a minimum acreage ownership requirement associated with agritourism uses, whether in agricultural use or kept as part of green infrastructure. This might facilitate these uses occurring as part of existing farming operations, rather than having new restaurants spring up here and there on five acre parcels. He also believes that SUPs of this nature granted should have to be renewed annually so that the township can determine whether operations are interfering with agricultural production and preservation. Hardin cited the intent and purpose statement of the agricultural district as sufficient defense. Feringa expressed that these issues should be worked out during the special use permit process, the purpose of which is the protection of surrounding properties from undue negative impacts.

White called attention to item 6.11.2.q.4.j, which would allow "kitchen facilities, processing/cooking items for sale." Would this allow Mr. Walter to have a hamburger stand serving patrons at his farm? The Commission generally felt that this term is intended to mean space used for small-scale value-added processing of agricultural products rather than for restaurants.

Public Hearing closed at 8:44 p.m.

Mr. Engle noted that even though a winery is not currently in operation in the township, the winery ordinance has been amended and is likely to be amended again. Hardin noted that the new farm brewery being developed in Garfield Township required an ordinance that provided for its type of use. More research can be done on this issue and if suitable language is developed it can be added back in.

White expressed ongoing concern about allowing 6.11.3.x.2 because they are not agriculturally related uses. Redman read the definition of "non-agriculturally-related allowable uses" from the state model agricultural ordinance. She thought it might be worthwhile adding the definition to the definition section of the zoning ordinance as part of the ordinance amendment. She also stated that the language of this section under item 6.11.3.x.2 should say <u>shall</u> require a special use permit rather than <u>may</u> require a special use permit.

White is concerned that by allowing meeting space for weddings and other such events the township will end up with one or more operations in the agricultural district like Frog Pond Village in Interlochen. Redman stated that by adding the definition as she suggests, or by inserting it right into this section, would be helpful to clarifying the intent. She and Vreeland also noted that the use of "non-agriculturally related uses" in this section in terms of weddings and organized meetings specifically conflicts with the definition of the term. The definition states that a use would not be tied to a farm building, and the concept of "barn weddings" would directly conflict with this definition by being tied to a barn.

Extended debate followed about the way various of the suggested terms could or should be interpreted and whether or not restaurant and/or special event uses should be broadly allowed in the agricultural district, and if so how to word the ordinance amendment most effectively to permit the proposed uses under proposed section

6.11.3.x.2 in a way that is consistent with agricultural activity and preservation.

Motion by Feringa, support by Carstens to recommend approval of the agritourism zoning ordinance amendment to Board as amended

- **to reword proposed paragraph 6.11.2.4 to substitute the words "Agricultural or agriculturally-related uses permitted by right in the A-1 zoning district …" for "Uses listed above in the A-1 zoning district…";**
- **to add the definition of the term "agricultural tourism" found in the state model agricultural ordinance to the definitions section of the zoning ordinance;**
- **to reword proposed paragraph 6.11.3.x to read in entirety "The following agricultural tourism uses are permitted by special use permit:"**
- **To remove proposed use 6.11.3.x.1 (restaurant operations related t the agricultural use on the site);**
- **Make proposed item 6.11.3.x.1 "Small-scale entertainment (e.g., fun houses, haunted houses, or similar) and small mechanical rides."**
- **Make proposed item 6.11.3.x.2 "Organized meeting space for use by weddings, birthday parties, corporate picnics, and other similar events."**

Motion carried unanimously.

7. New Business: None

8. Old Business:

a) **Project list update**: The project list was reviewed. Zollinger suggested color-coding completed items in green, consolidating several items and a few minor adjustments to priority rankings.

Vreeland informed the Commission that over the past two weeks she has had many meetings with people interesting in occupying existing empty commercial spaces, expanding existing commercial spaces, or replacing existing commercial spaces. The Planning Commission can currently expect to have two public hearings on their next agenda; one for a rezoning and one for a potential new charitable retail store.

9. Items Removed from Consent Calendar: None

10. Public Comment/Any other business that may come before the Commission:

Feringa went to the recent Partnering for Parks meeting. There is a guidebook that can be downloaded for free. Carstens added that the county and the school system are considering forming a joint park authority.

Meeting adjourned at 10:09 p.m.

Memo

To: Acme Township Planning Commission

From: Patrick Kilkenny, Planner & Zoning Administrator

Date: 03/26/2012

Re: Public Hearing – Zoning Amendment 018 – Agricultural Tourism

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Project Description:

Amendment to the Acme Township Zoning Ordinance of 2008 by proposing the addition of "Agricultural Tourism" to the A-1 Agricultural zoning district to Section 6.11.2: Uses Permitted by Right and 6.11.3: Uses Permitted by Special Use Permit.

Attachments: Michigan Agricultural Tourism Advisory Commission –Model Zoning Ordinance Provisions

Acme Township Zoning Ordinance – Agricultural Tourism Legal Notice; March 7, 2012

Project Description:

The original discussion began with a requested amendment to the Acme Township Zoning Ordinance to include "barn functions" as a Use Permitted by Special Use Permit in the A-1, Agricultural zoning district.

- Kurt Schindler, Michigan State University Extension specializing in the Michigan Right to Farm Act, provided guidance regarding GAAMPS and "barn weddings" and explained that local regulation (zoning ordinance) would apply to "barn weddings" if allowable. The zoning ordinance does not currently allow "barn events" or any similar use in the A-1, Agricultural zoning district by right or with a special use permit.

The original requested amendment to add "barn functions" to the Acme Township Zoning Ordinance was discussed and decided to be too specific of a use for the A-1 zoning district. The Planning Commission stated that barn type functions could be incorporated into a broader discussion of Agricultural Tourism in the A-1 zoning district. Discussions at previous Planning Commission meetings have provided a range of opinions and formats to move forward with a zoning ordinance amendment to include Agricultural Tourism as an allowable use. This memo is intended to provide a brief history of the Agricultural Tourism discussions and options for moving forward.

Relevant Sections of Zoning Ordinance:

6.11 A-l: AGRICULTURAL DISTRICT

6.11.1 INTENT AND PURPOSE:

This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.

8.1 SITE PLAN REVIEW REQUIREMENT

9.1 SPECIAL USES GENERAL STANDARDS

Additional materials attached for review:

Michigan Agricultural Tourism Advisory Commission – Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions

The Michigan Agricultural Tourism Advisory Commission (MATAC) was created under the Michigan Department of Agriculture (MDA). The primary purpose of the commission was to study the impact of local zoning on agricultural tourism businesses. The commission addressed ways farmers can expand into agricultural tourism opportunities to help sustain the profitability of farm operations and preserve farmland and open space in the state. As a result, the commission developed the guidebook and model zoning ordinance provision to promote agricultural tourism and detail some of the issues associated with agricultural tourism.

- The guidebook specifically states that the provisions in the model ordinance are meant as guidelines for local zoning officials and that the types of uses and regulation will vary depending on the community.

Staff Discussion (continued from February 20, 2012):

This is a zoning ordinance amendment request, and as such there is no site plan for you to review and consider. A zoning designation decision should be made based on whether or not it is appropriate to the community and its master land use planning for a piece of property to potentially be available to any and all uses allowed with the proposed zoning ordinance amendment. Such decisions should not be based on presentation of a particular future use concept that may or may not come to pass. It should be made based on the township's established master plan, future land use plan, potential impacts on or availability of infrastructure, potential impacts to the natural environment, and the land use needs of the community.

The Planning Commission determined at previous meetings that the zoning ordinance amendment request was viable and warranted further research and development by staff. The

Planning Commission noted that the initial request to include "barn functions" as an allowable use in the Agricultural district did not apply to the only the applicant's property and "barn functions" but instead to the entire A-1 zoning district and various possible "events." The Commission tasked Staff with the development of language that outlines options for definitions and zoning ordinance sections associated with the potential inclusion of "Agricultural Tourism" type events in the A1, Agricultural zoning district. Staff researched other local zoning ordinances as well as the Right to Farm Act and associated GAAMP requirements and suggestions. Staff also studied the language in our current zoning ordinance, specifically, the "special events" allowed in Section 9.25.6 Additional Conditional Uses (Wineries).

The Planning Commission stated at previous meetings that the A-1, Agricultural zoning district is, and should be, primarily used for agricultural production and the Township should be careful that ordinance amendments will promote, and not interfere with agricultural activities. Agricultural Tourism is a growing business trend throughout the local area and beyond. Careful consideration should be given to the current owners and operators within the A-1, Agricultural zoning district prior to allowing uses beyond what currently exists within the district.

A topic of concern and discussion at the January 30, 2012 meeting included the desire to include a 100' foot minimum setback from property lines for the "Agricultural Tourism" land use. The setback discussion stemmed from the language in the Intent and Purpose of the Agricultural zoning district that the "Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses." Various Commissioners expressed further concern that the Agricultural zoning district's main focus is, and should be farming, and therefore the uses within the district should be directly related to farming and should not disrupt or impede on any farming operations.

The Planning Commission discussed the parameters laid out in the Michigan Agricultural Tourism Advisory Commission - Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions (attached). After review and thorough discussion of the Model Zoning Ordinance Provisions, the Commission decided to incorporate portions, directly and amended, of the Model Ordinance into the Acme Township Zoning Ordinance Sections 6.11.2 Uses Permitted by Right and 6.11.3 Uses Permitted by Special Use Permit. Many Commissioners expressed concern that if certain uses were not included by right, the potential for numerous "grandfathered non-conformances" would exist throughout the A-1 zoning district and would ultimately be very difficult to regulate and track.

- Please review the proposed ordinance amendment language provided below. The text is shown as if inserted into the appropriate sections of the ATZO.

6.11 A-1: AGRICULTURAL DISTRICT:

6.11.1 INTENT AND PURPOSE:

This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.

6.11.2 USES PERMITTED BY RIGHT:

q. Agricultural Tourism: Subject to the following parking requirements; parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
   1. Seasonal U-Pick fruits and vegetables operations
   2. Seasonal outdoors mazes of agricultural origin such as straw bales or corn
   3. Agricultural Festivals
   4. Uses listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
      a. Value-added agricultural products of activities such as education tours or processing facilities, etc.
      b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
      c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
      d. Petting farms, animal display, and pony rides.
      e. Wagon, sleigh, and hayrides.
      f. Nature trails.
      g. Open air or covered picnic area with restrooms.
      h. Educational classes, lectures, seminars.
      i. Historical agricultural exhibits.
      j. Kitchen facilities, processing/cooking items for sale.
      k. Gift shops for the sale of agricultural products and agriculturally related products.
      l. Gift shops for the sales of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

6.11.3 USES PERMITTED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1.

x. Agricultural Tourism: Subject to the following parking requirements; may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.

1. Restaurant operations related to the agricultural use on the site.
2. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.
    a. Small-scale entertainment (e.g., fun houses, haunted houses, or similar) and small mechanical rides
    b. Organized meeting space for use by weddings, birthday parties, corporate picnics, and other similar events.

Please note in the above proposed Section 6.11.2(q)(4):
"Uses listed above may include any or all of the following ancillary agriculturally related uses an some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the far."

- It is Staff's opinion that though discussion at the February 20, 2012 meeting, the intent of the Planning Commission was to allow "ancillary" types of uses on all properties with working farming operations in the A-1 zoning district.

- Item 4 currently reads that only Items 1 (Seasonal U-Picks), 2 (Seasonal Outdoor Mazes), and 3 (Agricultural Festivals) are allowed to include the "ancillary agriculturally related uses."

- Staff recommends that the Planning Commission amend Item 6.11.2(q)(4) to include "all farming operations in the A-1 Zoning District" (or similar phrasing) in addition to, or instead of, the 3 items currently referenced.

Staff Recommended Minor Amendment to 6.11.2(q)(4):
"~~Uses listed above~~ All farming operations in the A-1 zoning district may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm."

Potential Courses of Action:

Staff Recommendation:
The Planning Commission motions to adopt zoning ordinance amendment 018 using the language in the legal notice dated March 9, 2012 and the staff recommended minor amendment to Section 6.11.2(q)(4).

Or

The Planning Commission could move to adopt zoning ordinance amendment 018 as written in the attached legal notice.

Or

Move to deny the request for the zoning ordinance amendment, providing findings of fact for the denial from tonight's meeting.

Or

Table the discussion for a later meeting.

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 03/08/12 10:30 by dling

Acct #: 6 Ad #: 289556 Status: N

ACME TOWNSHIP Start: 03/09/2012 Stop: 03/09/2012
DOROTHY DUNVILLE Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 9.44 Words: 621
Total STDAD 28.32
WILLIAMSBURG MI 49690 Rate: LEGAL Cost: 172.25
Class: 147 LEGALS

Contact: Descript: LEGAL NOTICE TOWNSHIP OF
Phone: (231)938-1350 Given by: EMAIL PATRICK KILKENNY
Fax#: (231)938-1510 Created: dling 03/08/12 09:14
Email: svreeland@acmetownship.org ddunville@acmetownship.orgLast Changed: dlin
Agency:

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
RE	A		97 W	03/09/12	1	03/09/12	SMTWTFS
IN	AIN		97 W	03/09/12	1	03/09/12	SMTWTFS

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We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT Printed at 03/08/12 10:30 by dling

Acct #: 6 Ad #: 289556 Status: N

LEGAL NOTICE
TOWNSHIP OF ACME - NOTICE OF HEARING

PLEASE TAKE NOTICE that the ACME TOWNSHIP PLANNING COMMISSION will hold a public hearing at its regular meeting on Monday, March 26, 2012 at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690, to consider proposed Amendment ZO-018 to the Acme Township Zoning Ordinance, ZO-018. This amendment would add to the list of allowable land uses by Right in Section 6.11.2(q) and to the list of allowable land uses by Special Use Permit in Section 6.11.3(x) in Section 6.11 A-1: Agricultural District. Please see below for amendment details.

6.11.2 USES PERMITTED BY RIGHT:

q. Agricultural Tourism: Subject to the following parking requirements; parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.

1. Seasonal U-Pick fruits and vegetables operations
2. Seasonal outdoors mazes of agricultural origin such as straw bales or corn
3. Agricultural Festivals
4. Uses listed above may include any or all of the following ancillary agriculturally related uses an some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.

a. Value-added agricultural products of activities such as education tours or processing facilities, etc.
b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
d. Petting farms, animal display, and pony rides.
e. Wagon, sleigh, and hayrides.
f. Nature trails.
g. Open air or covered picnic area with restrooms.
h. Educational classes, lectures, seminars.
i. Historical agricultural exhibits.
j. Kitchen facilities, processing/cooking items for sale.
k. Gift shops for the sale of agricultural products and agriculturally related products.
l. Gift shops for the sales of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

6.11.3 USES PERMITEED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1

x. Agricultural Tourism: Subject to the following parking requirements; may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.

1. Restaurant operations related to the agricultural use on the site.
2. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.

a. Small-scale entertainment (e.g., fun houses, haunted houses, or similar) and small mechanical rides
b. Organized meeting space for use by weddings, birthday parties, corporate picnics, and other similar events.

COPIES OF PROPOSED AMENDMENT ZO-018 ARE AVAILABLE FOR INSPECTION AT THE ACME TOWNSHIP HALL.

All interested persons are invited to attend and be heard at public hearings before the Planning Commission. After each public hearing, the Planning Commission may or may not deliberate and take action. Special Use Permit applications, proposed Zoning Ordinance Amendments and the entire Zoning Ordinance are available for inspection at the Acme Township Hall from 8:00 a.m. to 5:00 p.m. Monday through Friday. Proposed Zoning Ordinance Amendments and the entire Zoning Ordinance are also available for inspection via the Township's website, www.acmetownship.org.

Written comments may be directed to:
Sharon Vreeland, Township Manager & Interim Zoning Administrator,
svreeland@acmetownship.org
6042 Acme Road
Williamsburg, MI 49690
(231) 938-1350

March 9, 2012-1T 289556

Michigan Agricultural Tourism Advisory Commission

Model Zoning Ordinance Provisions

Introduction

These model zoning ordinance provisions, along with the information provided at the front of this guidebook, were created under the leadership of the Michigan Agricultural Tourism Advisory Commission, as directed by Section 4 a. (ii) of P.A. 46 of 2005. The intent of this publication is to highlight the importance of agricultural tourism businesses to the communities in which they reside, and to help create an atmosphere in which they can thrive. Agricultural tourism operations are very diverse in nature and each township, village or city has its own unique identity. The goal is to develop some uniformity in zoning across townships while keeping local control of zoning issues intact and preserving the local flavor and agricultural heritage of rural communities.

Agricultural tourism can easily be incorporated into local zoning ordinances by adding some or all of the following recommended language within an existing zoning code. These provisions are meant to be guidelines for local zoning officials to pick and choose as needed in each respective community, with an effort toward establishing some consistency in zoning regulations among local governments across the state.

In general, definitions related to agricultural tourism would be added to the general definitions sections of the zoning code. Uses permitted by right would be added to the use by right section of the community agricultural zoning district. This district will often times be called "Agricultural District" or in some cases "Rural Residential". Special uses can be added to the special use or conditional use section of the agricultural district. Parking regulations and sign regulations associated with agricultural tourism operations may be placed in the parking requirements and signage requirements section of the zoning code.

The recommended language that follows is meant to be broad and all encompassing of possible agricultural tourism uses.

The type and number of uses listed in a particular community's use by right and use by special use permit section will vary depending on the size of the community, the type of agriculture present in the community and the degree to which the community wishes to encourage agricultural tourism.

Intent, Goals and Purpose

The intent of these zoning provisions is:

- To promote and maintain local farming. The activities that are described have become necessary for the sustainability of farms.

The goals of these provisions are:

- To maintain and promote agriculture and its related activities, such as agricultural tourism.
- To preserve open space and farmland
- To maintain both an agricultural heritage and a rural character.
- To increase community benefits by having fresh, local produce for sale and working classrooms for school children's and urban residents' education
- To increase positive growing businesses that contributes to the general economic conditions and cycle of the area and State.

The purposes of these provisions are:

- To provide standard definitions related to agricultural tourism operations.
- To provide a list of permitted activities under an agricultural tourism operation.
- To provide a list of activities that needs a special permit to guide and regulate agricultural tourism businesses on agriculturally zoned land.

- To provide for a clear understanding of the expectations for agricultural tourism businesses for operators, local residents, other businesses and local officials.

Recommended Definitions

(a) "*Agricultural Tourism*", "*ag-tourism*" and/or "*agri-tourism*" means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

(b) "*Value-added agricultural product*," means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

(c) "*Agricultural products*" includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

(d) "*Agriculturally related products*" means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and

other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.

(e) "*Non-agriculturally related products*" means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

(f) "*Agriculturally related uses*" means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

(g) "*Non-agriculturally related uses*" means activities that are part of an agri tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.

(h) "*Farm Market/On-farm market/roadside stand*" means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

(i) "*Seasonal*" means a recurrent period characterized by certain occurrences, festivities, or crops; *harvest, when crops are ready;* not all year round.

(j) "*Seasonal sign*" means a sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Uses Permitted By Right

1. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or

preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.

2. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
3. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years.
4. Direct marketing of produce in a farm market, on-farm market or roadside stand no greater than "X" square feet in building area.
5. Seasonal U-pick fruits and vegetables operations.
6. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
7. Food sales/processing, processing any fruits/produce.
8. Uses 3 through 7 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
    a. Value-added agricultural products or activities such as education tours or processing facilities, etc.
    b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
    c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).

d. Petting farms, animal display, and pony rides.

e. Wagon, sleigh and hayrides.

f. Nature trails.

g. Open air or covered picnic area with restrooms.

h. Educational classes, lectures, seminars.

i. Historical agricultural exhibits.

j. Kitchen facilities, processing/cooking items for sale.

k. Gift shops for the sale of agricultural products and agriculturally related products.

l. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

Uses Permitted By Special Use Permit

1. Bed and Breakfast.
2. Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than "X" square feet in building area.
3. Restaurant operations related to the agricultural use on the site.
4. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.
    a. Small-scale entertainment (e.g., music concert, car show, art fair).
    b. Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
    c. Organized meeting space for use by weddings, birthday parties, and corporate picnics.
    d. Designated, permanent parking for more than 20 vehicles.

Parking

Agricultural Tourism and Seasonal Agricultural Uses

1. For agricultural tourism and seasonal agriculturally related uses one space for each "X" square feet of retail area and one space for every "X" square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
2. For uses permitted by right under the agricultural district, parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
3. For uses permitted by special use permit parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.
4. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
5. Unpaved parking areas shall not be located in required side and rear parking setback areas. Paved parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

Signs

Agricultural Tourism and Seasonal Agricultural Uses

Seasonal signs may be erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Michigan Department of Agriculture
P.O. Box 30017
Lansing, MI 48909
(517) 373-9790

www.michigan.gov/agtourism