



# Memo

To: Acme Township Planning Commission  
From: Patrick Kilkenny, Planner and Deputy Zoning Administrator  
Date: 01/30/2012  
Re: Requested Zoning Ordinance Amendment OXX  
(Addition of "Barn functions" to "Uses Permitted by Special Use Permit" in the A-1, Agricultural zoning district to the Acme Township Zoning Ordinance)

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

**Applicant:** Robert and Kathleen Garvey  
6377 Deepwater Point  
Williamsburg, MI 49690

**Status of Applicant:** Acme Township residents & property owners

**Request/Project Description:** Amendment to the Acme Township Zoning Ordinance of 2008 by proposing the addition of "barn functions" to the A-1 Agricultural zoning district to Uses Permitted by Special Use Permit and the addition of a definition for "barn functions."

**Attachments:** Acme Township Zoning Ordinance Sections 6.11, 8.1, 9.1.  
  
Solon Township, Michigan Ag-Tourism Zoning Provision  
  
Grand Traverse Band of Ottawa and Chippewa Indians Economic Development Corporation for Mass Gathering Events on Trustlands Form

**Project Description:** The applicant is requesting an 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-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.

**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.

### **Grand Traverse Band of Ottawa and Chippewa Indians Economic Development Corporation for Mass Gathering Events on Trustlands Form**

The above referenced Mass Gathering Events form was referenced at the December 19, 2011 Planning Commission meeting by Commissioner Feringa. Commissioner Feringa noted that the form is used by the GTB for large events and includes much of the pertinent information contained in Acme Township’s special use permit approval process including but not limited to; agency (police, fire, medical, and health) reviews, vehicle access and parking, noise control, structure locations, number of attendees, etc. The form also requires a site plan layout/sketch to include:

1. Area/land layout
2. staging areas for event(s)
3. parking areas
4. sanitation area locations
5. first-aid stations
6. waste disposal locations
7. location of food and water facilities
8. temporary fencing locations
9. location of all entrances and exists
10. primary locations for police, security, fire, emergency and their staging locations
11. event/tent, or temporary structure locations, as applicable
12. pedestrian travel lanes
13. pedestrian assembly areas
14. fire protection areas
15. hazard areas
16. event coordinators location

Upon completion, the form is approved or denied by a member of Staff as well as the “general counsel.” A similar version of the form could be developed for Agri-Tourism type events in the A-1 district if the Commission so desired. However, the form is seemingly intended to be used for individual events, and not as a commercial event properties and/or facilities, which would require property owners to complete an approvable form prior to each event. For example, if a property owner were to have six weddings scheduled in a single month, event forms would have to be completed and approved prior to each event.

The form also specifies that specific insurance requirements (see below) must also be met prior to approval of the event form. The insurance requirement may or may not be acceptable to the Township Attorney and/or Township Board as is required by the GTB.

#### **Insurance Requirements**

All entities or persons proposing to enter into agreements with the Grand Traverse Band of Ottawa and Chippewa Indians EDC on Trust land property must provide the following insurance coverage

with an insurance company carrying an A.M. Best rating of A or better and admitted to do business in the State of Michigan.

- Comprehensive General Liability Insurance with limits of not less than \$1,000,000 individual and \$2,000,000 aggregate
- Business Automobile Coverage Form Insurance with limits not less than \$500,000
- Workers Compensation and Employers Liability Insurance
- Professional Liability Insurance with limits of at least \$1,000,000 (as applicable)

Certificates of Insurance evidencing proof of the above coverage must be submitted and approved by the EDC Risk & Safety Manager prior to the event. Any event to use subcontractors or other third party entities to perform services, the subcontractor or entity business and contact information and what they will be responsible for must be provided with this application in addition to their evidence of the same required insurance coverage.

The Grand Traverse Band of Ottawa and Chippewa Indians and its Economic Development Corporation both must be specifically named as an additional insured under the contracting party's Comprehensive General Liability and Business Automobile Coverage Form coverage.

**Staff Discussion (continued from December 19, 2011):**

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 currently 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.

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.

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Acme Township's special use permit application process also includes site plan review as per Section 8.1, Site Plan Review Requirement 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 to 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)?

**Staff Recommendation:** The Planning Commission could develop a definition for “Agri-Tourism” and add “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 would ultimately 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.

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- 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, corporate 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**

### **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.

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**“Mass Gatherings Ordinance”:** The Planning Commission could task staff with the development of a form similar to the “Grand Traverse Band of Ottawa and Chippewa Indians Economic Development Corporation for Mass Gathering Events on Trustlands Form.” The form could be used throughout all zoning districts in Acme Township, using Commissioner and public comment from tonight’s meeting to aid in development. The form would also be reviewed by the Township’s legal council to determine potential legal issues associated with the adoption of the form. If the “mass gatherings ordinance” is the preferred option, the Township Board, Planning Commission and Staff will also need to develop an appropriate fee for review and processing of the form. Questions such as whether or not to require a form for each individual event or if the form could be used for multiple events, potential insurance requirements, site plan and agency approval requirements, and the overall approval process would also need to be determined.

- As discussed previously, the GTB Mass Gathering Events Form contains many of the same requirements and regulations to the SUP process in the ATZO.

If a version of the GTB Mass Gathering Events Form is developed and adopted for use in Acme Township, the Planning Commission may feel it prudent to suggest that Staff provide review of the form for completeness and ultimately approve or deny the form, similar to land use permit

and sign permits, rather than having applicants come before the PC and/or Township Board with their individual request. The Staff approval process would likely allow for a more timely progression and review as opposed to requiring the applicant to attend a scheduled, once per month, Planning Commission and/or Township Board meeting. Staff review and approval of the form could include a fee and require review and approval by one or a combination of; the Township Zoning Administrator, Township Manager, Township Legal Council, Township Supervisor, etc.

**Combination of Zoning Ordinance Amendment and “Mass Gatherings” Form:** The Planning Commission could recommend to the Board adoption of both the Staff Recommended Option and the “mass gatherings” form. In this case, the “Agri-Tourism” SUP amendment and definition would be inserted into the Acme Township Zoning Ordinance for applicants maintaining “commercial event” type facilities, and the “mass gatherings” form would be subsequently developed and issued at a Staff level and used a police power ordinance (similar to the “junk” and “noise” ordinances) on an individual event basis within the Township. A police power type ordinance would require Township Board approval but not Planning Commission approval. However, once Staff completed the development of a “mass gatherings” type ordinance and associated form, the final product would be presented to the Planning Commission for review prior to Board approval.

**Example:**

Applicant 1 has a barn on their A-1 zoned property that they would like to use and market as a destination wedding and event facility. The barn is intended to be used multiple times annually for weddings and various other events such as corporate parties, fundraisers, etc. The applicant would apply for an “Agri-Tourism” SUP which would be reviewed by the Planning Commission and recommended for approval to the Township Board after all SUP requirements had been fulfilled along with any additional Planning Commission conditions for the event facility.

Applicant 2 has a parcel of land in Acme Township on which they would like to hold a small scale carshow. The carshow would be held once per year and would require a “mass gatherings” form which could be approved by Staff once all requirements of the form have been met. The form’s outline would be similar to the requirements in the SUP and Site Plan Review. However, the form would be used on properties which are not intentionally marketed as perpetual commercial type use facilities, as stated in the “Agri-Tourism” SUP.

**Potential Courses of Action:**

Staff recommends that the Planning Commission move to schedule a public hearing for zoning ordinance amendment 2012-01, addition of Agri-Tourism to Section 6.1.3 of the Acme Township Zoning Ordinance at the next regular Planning Commission 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 is to 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 are to 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.

**GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA  
INDIANS ECONOMIC DEVELOPMENT CORPORATION FOR  
MASS GATHERING EVENTS ON TRUSTLANDS FORM**

**A PERSON SHALL NOT SPONSOR, MAINTAIN, CONDUCT, PROMOTE OR  
PERMIT A MASS GATHERING ON LANDS OF THE GRAND TRAVERSE  
BAND OF OTTAWA AND CHIPPEWA INDIANS ECONOMIC DEVELOPMENT  
CORPORATION (EDC) TRUSTLANDS WITHOUT FIRST OBTAINING  
APPROVAL FROM THE EDC.**

**General Information:**

Name of Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Is the Group/Event a 501(C)(3) Not For Profit? \_\_\_\_\_

Is the Group/Event a Corporate Group? \_\_\_\_\_ Name of Corporation: \_\_\_\_\_

Is the Group/Event endorsed by the Tribe? \_\_\_\_\_

Is the Group/Event a School Activity? \_\_\_\_\_

Is the Group/Event intending to have alcoholic beverages available? \_\_\_\_\_

Other: \_\_\_\_\_

**General Event Information:**

Scheduled Date(s) of Event: \_\_\_\_\_

Scheduled Time of Event(s): \_\_\_\_\_

Proposed Location of Event(s): \_\_\_\_\_

Please provide a Description of the kind, character and type of mass gathering or event:

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What is the estimated maximum number of people expected at the event: \_\_\_\_\_

**Please provide a brief description on how the following will be addressed, attach additional page if necessary:**

Police or Security: \_\_\_\_\_  
If private security, name and contact information must be provided of the person in charge

Fire and Medical: \_\_\_\_\_  
The agency must review and provide signature of their review of this application.

Will there be a first aid station, where? Name and contact information for person in charge: \_\_\_\_\_

Food and Beverage: \_\_\_\_\_

Health and Sanitation Facilities: \_\_\_\_\_

Has the Tribal Health Department been consulted: \_\_\_\_\_  
If required, name the person and office consulted.

Vehicle access and parking: \_\_\_\_\_  
If public parking is to be used, Tribal Emergency Coordinator and Public Safety Officer must approve parking and access plan.

Clean up and waste disposal: \_\_\_\_\_  
The Tribe shall not be responsible for clean up or waste removal

Noise Control: \_\_\_\_\_

Will additional lighting be necessary: \_\_\_\_\_

Will tents be used: \_\_\_\_\_

Is there a copy of the Insurance and Bonding attached to this application: \_\_\_\_\_  
If not please explain why Insurance and Bonding is not required.

Please attach a sketch plan of the sites layout and include the minimal information:

1. Area/land layout
2. staging areas for event(s)
3. parking areas
4. sanitation area locations
5. first-aid stations
6. waste disposal locations
7. location of food and water facilities
8. temporary fencing locations
9. location of all entrances and exists
10. primary locations for police, security, fire, emergency and their staging locations
11. event/tent, or temporary structure locations, as applicable
12. pedestrian travel lanes
13. pedestrian assembly areas
14. fire protection areas
15. hazard areas
16. event coordinators location

In the event of emergency, please describe how and where the on-site primary responsible person can be immediately located.

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<hr/> <p>Signature of Applicant</p>	<hr/> <p>Dated</p>
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**Reviewing Agencies:**

I have reviewed this application and to the best of my knowledge believe the basic requirements of my agency have been met.

Reviewing signatures: (as applicable)

<hr/> <p>Emergency Medical and Fire</p>	<hr/> <p>Dated</p>
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<hr/> <p>Health Department, if applicable</p>	<hr/> <p>Dated</p>
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<hr/> <p>Police or Primary Security Officer</p>	<hr/> <p>Dated</p>
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Emergency Management Coordinator's Review:

The Following are additional/special instructions which must be adhered:

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The application (**meets**) or (**does not meet**) the requirements to hold this event due to the health, safety and welfare of the public based on the information or type of gathering.

\_\_\_\_\_  
Risk & Safety Manager  
(or their designee)

\_\_\_\_\_  
Dated

The application has been review and (**meets**) or (**does not meet**) the requirements to hold this event.

\_\_\_\_\_  
EDC General Counsel  
(or their designee)

\_\_\_\_\_  
Dated



**GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS  
ECONOMIC DEVELOPMENT CORPORATION**

**Insurance Requirements**

All entities or persons proposing to enter into agreements with the Grand Traverse Band of Ottawa and Chippewa Indians EDC on Trust land property must provide the following insurance coverage with an insurance company carrying an A.M. Best rating of A or better and admitted to do business in the State of Michigan.

- **Comprehensive General Liability Insurance** with limits of not less than \$1,000,000 individual and \$2,000,000 aggregate
- **Business Automobile Coverage Form Insurance** with limits not less than \$500,000
- **Workers Compensation and Employers Liability Insurance**
- **Professional Liability Insurance** with limits of at least \$1,000,000 (as applicable)

Certificates of Insurance evidencing proof of the above coverage must be submitted and approved by the EDC Risk & Safety Manager prior to the event. Any event to use subcontractors or other third party entities to perform services, the subcontractor or entity business and contact information and what they will be responsible for must be provided with this application in addition to their evidence of the same required insurance coverage.

The Grand Traverse Band of Ottawa and Chippewa Indians and its Economic Development Corporation both must be specifically named as an additional insured under the contracting party's Comprehensive General Liability and Business Automobile Coverage Form coverage.

The Mailing address that should be used is:

Grand Traverse Resort & CasinoS  
2331 N. West Bayshore Dr.  
Peshawbestown, MI 49682