



# Memo

To: Acme Township Planning Commission  
From: Patrick Kilkenny, Planner & Zoning Administrator  
Date: 02/20/2012  
Re: Public Hearing – Zoning Amendment 018 – Agri-Tourism

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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-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.

### **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) feet 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-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.

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)?

**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.

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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, 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 setback 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.

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**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 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.



## 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 1<sup>st</sup> through December 24<sup>th</sup> 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 than 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. Special Events and Activities

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](http://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/](http://www1.co.snohomish.wa.us/County_Services/Focus_on_Farming/)
2. *Woodford County, Kentucky*  
[www.woodfordcountyplanningandzoning.com/Zoning/  
ZoningOrdinances.htm](http://www.woodfordcountyplanningandzoning.com/Zoning/ZoningOrdinances.htm)
3. *State of Hawaii*  
[www.capitol.hawaii.gov/sessioncurrent/bills/  
HB2145\\_cd1\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/HB2145_cd1_.htm)
4. *Gray, Maine*  
[www.graymaine.org/Public\\_Documents/  
GrayME\\_RegCodes/GrayME\\_ZoneOrds/article5](http://www.graymaine.org/Public_Documents/GrayME_RegCodes/GrayME_ZoneOrds/article5)
5. *Lake County, California*  
[www.lake.ca.us/countygovernment/  
communitydevelopment/zoningord/article5.pdf](http://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

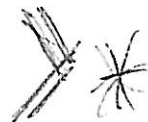
preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.

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](http://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](http://www.acmetownship.org).

Written comments may be directed to:

Patrick Kilkenny, Planner & Zoning Administrator, [pkilkenny@acmetownship.org](mailto:pkilkenny@acmetownship.org)  
6042 Acme Road  
Williamsburg, MI 49690  
(231) 938-1350