Memo

To: Acme Township Planning Commission
From: Patrick Kilken, Planner & Zoning Administrator
Date: 03/26/2012
Re: Public Hearing – Zoning Amendment 018 – Agricultural Tourism

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**Project Description:**

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

**Attachments:**

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

**Project Description:**

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

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

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

6.11 A-I: 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 REQUIREMENTS

9.1 SPECIAL USES GENERAL STANDARDS

Additional materials attached for review:

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

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

Staff Discussion (continued from February 20, 2012):
This is a zoning ordinance amendment request, and as such there is no site plan for you to review and consider. A zoning designation decision should be made based on whether or not it is appropriate to the community and its master land use planning for a piece of property to potentially be available to any and all uses allowed with the proposed zoning ordinance amendment. Such decisions should not be based on presentation of a particular future use concept that may or may not come to pass. It should be made based on the township’s established master plan, future land use plan, potential impacts on or availability of infrastructure, potential impacts to the natural environment, and the land use needs of the community.

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

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

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

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

6.11 AGRICULTURAL DISTRICT:

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

6.11.2 USES PERMITTED BY RIGHT:

q. Agricultural Tourism: Subject to the following parking requirements; parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
1. Seasonal U-Pick fruits and vegetables operations
2. Seasonal outdoors mazes of agricultural origin such as straw bales or corn
3. Agricultural Festivals
4. Uses listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
   a. Value-added agricultural products of activities such as education tours or processing facilities, etc.
   b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
   c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
   d. Petting farms, animal display, and pony rides.
   e. Wagon, sleigh, and hayrides.
   g. Open air or covered picnic area with restrooms.
   h. Educational classes, lectures, seminars.
   i. Historical agricultural exhibits.
   j. Kitchen facilities, processing/cooking items for sale.
   k. Gift shops for the sale of agricultural products and agriculturally related products.
   l. Gift shops for the sales of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.
6.11.3 USES PERMITTED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1.

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

1. Restaurant operations related to the agricultural use on the site.

2. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.
   
   a. Small-scale entertainment (e.g., fun houses, haunted houses, or similar) and small mechanical rides
   
   b. Organized meeting space for use by weddings, birthday parties, corporate picnics, and other similar events.
Please note in the above proposed Section 6.11.2(q)(4):
"Uses listed above may include any or all of the following ancillary agriculturally related uses an some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm."

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

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

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

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

Potential Courses of Action:

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

Or

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

Or

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

Or

Table the discussion for a later meeting.
AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day’s incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)
TOWNSHIP OF ACME - NOTICE OF HEARING

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

6.11.2 USES PERMITTED BY RIGHT:

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

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

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

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

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

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

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

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

March 9, 2012-1T  289556
Michigan Agricultural Tourism
Advisory Commission

Model Zoning
Ordinance Provisions
Introduction

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

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

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

The recommended language that follows is meant to be broad and all encompassing of possible agricultural tourism uses.
The type and number of uses listed in a particular community’s use by right and use by special use permit section will vary depending on the size of the community, the type of agriculture present in the community and the degree to which the community wishes to encourage agricultural tourism.

**Intent, Goals and Purpose**

The intent of these zoning provisions is:

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

The goals of these provisions are:

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

The purposes of these provisions are:

- To provide standard definitions related to agricultural tourism operations.
- To provide a list of permitted activities under an agricultural tourism operation.
- To provide a list of activities that needs a special permit to guide and regulate agricultural tourism businesses on agriculturally zoned land.
• To provide for a clear understanding of the expectations for agricultural tourism businesses for operators, local residents, other businesses and local officials.

Recommended Definitions

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

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

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

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

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

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

(g) "Non-agriculturally related uses" means activities that are part of an agritourism 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.
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.