

## GRASS LAKE CHARTER TOWNSHIP

### JACKSON COUNTY, MICHIGAN

#### PROPOSED AMENDMENT TO ZONING ORDINANCE

*An Ordinance to amend the Grass Lake Charter Township Zoning Ordinance, as amended, to provide definitions for the terms “Agricultural Tourism” and “Agricultural Business;” to establish Agricultural Tourism as a permitted use within the Agricultural District (A-1); to establish Agricultural Business as a special use within the Agricultural District (A-1); to impose requirements for the operation of such uses; and to repeal any ordinances or parts of ordinances or resolutions in conflict with this Ordinance; in order to maintain the public health, safety and welfare of the residents and visitors to Grass Lake Charter Township.*

**Section 1.** Amendment of Chapter 2, Section 2.03, Definitions, which shall add the following definitions:

**Agricultural Business.** Seasonal, private activities for entertainment or commercial activities involving an agricultural setting, but which is not focused primarily on farming activities of a farm operations, including the following:

- (i) Fun houses, haunted houses, or similar entertainment facilities.
- (ii) An organized meeting space for use by weddings, birthday parties, corporate picnics, or other similar events.
- (iii) Any of the accessory uses provided in the definition for Agricultural Tourism where such uses are 50 percent or more of a farm’s gross receipts, or are otherwise the primary use of the farm.

**Agricultural Tourism.** Seasonal, community-oriented activities for education and enjoyment that involve participation or involvement in the farming activities of a farm operations, including the following:

- (i) Seasonal U-Pick fruit and vegetable operations;
- (ii) Seasonal outdoor mazes of agricultural origin such as straw bales or corn;
- (iii) Agricultural festivals;
- (iv) Accessory activities connected to the above operations, so long as these activities preserve the general agricultural character of the farm and the income from such activities represents less than 50 percent of the gross receipts from the farm. Such activities are limited to the following:
  - a. Value-added agricultural products of activities such as education tours, processing facilities, etc.;

- b. Bakeries selling baked goods containing produce at least 50% of which is grown on-site;
- c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc., but not including motorized vehicles or rides;
- d. Petting farms, animal displays, and pony rides;
- e. Wagon, sleigh, and hayrides;
- f. Nature trails;
- g. Open air or covered picnic areas with restrooms;
- h. Education classes, lectures, and seminars;
- i. Historical agricultural exhibits;
- j. Kitchen facilities, processing or cooking items for sale;
- k. Gift shops for the sale of agricultural products and/or products related to agriculture;
- l. Gift shops for the sales of non-agriculturally related products such as antiques or crafts, with up to 25 percent of gross sales resulting from the sale of such products.

**Section 2.** Amendment of Chapter 5, Section 5.02, to identify Agricultural Tourism as a permitted use in the A-1 Agriculture District, which shall read as follows:

Land and/or buildings in the AG District may be used for the following purposes as Permitted Uses:

- A. Agricultural Tourism.
- B. Commercial greenhouses and nurseries, when operated primarily as wholesale operations and/or retail sales.
- C. Conservation and recreation areas, including forest preserves, game refuges, nature preserves, and other similar areas of low intensity uses.
- D. Family day care homes.
- E. Farms for both general and specialized farming, together with a farm dwelling and buildings and other installation useful to farms.
- F. Roadside stands for the sale of produce grown on the premises.

- G. Single-family dwellings, including home occupations in accordance with the requirements of Section 3.13.
- H. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- I. Utility and public service buildings, without storage yards.
- J. Accessory buildings, structures, and uses customarily incidental to any Permitted or Special Land Use.

**Section 3.** Amendment of Chapter 5, Section 5.03, to identify Agricultural Business as a use permitted by special use permit in the A-1 Agriculture District, which shall read as follows:

Land and/or buildings in the AG District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Agricultural Business.
- B. Bed and breakfast establishments.
- C. Churches.
- D. Commercial kennels.
- E. Country clubs, golf courses, riding stables, gun clubs, private athletic grounds and parks, and other similar uses, including related uses such as snack bars, and small retail shops selling goods directly related to the primary use.
- F. Home Based Businesses.
- G. Intensive livestock operations.
- H. Open Space Preservation Developments.
- I. Private airports.
- J. Private elementary, middle, and high schools, and colleges.
- K. Private campgrounds.
- L. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- M. Veterinary clinics.

**Section 4.** Amendment of Chapter 14, Section 14.07, to provide the following regulations of Agricultural Business as special use:

**SS. Agricultural Business**

1. **Intent.** The intent of this section is to promote the preservation and viable use of existing property and structures of recognized agricultural heritage in a manner that is harmonious with neighboring properties while maintaining peace and quiet of the area.
  
2. **Permitted Use of Agricultural Business.** Consideration of a Special Land Use Permit for Agricultural Business requires review of the following conditions, in addition to the conditions generally applicable to all Special Land Uses as described in Chapter 14.
  - a. All parking must be located on site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved. There shall be sufficient on-site parking provided to accommodate all vehicles related to the events with no on-street parking or parking on a neighboring parcel without the written permission of the owner and occupant of that parcel. All parking areas shall be clearly marked and shall be adequate to satisfy the volume of anticipated or actual use. Dust and drainage from the parking area shall not create a nuisance or hazard to adjoining property or uses. Parking shall not be within any recorded conservation easement.
  
  - b. All events shall be located on-site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved.
  
  - c. Sight and sound barriers such as walls, berms and/or vegetation screens may be required in order to minimize impacts to neighboring properties.
  
  - d. Applicant must demonstrate, via specific and certified written plans, approved by the Township, that all structures related to an Agricultural Business are structurally safe and adequately protected against the risk of fire. The maximum occupancy of all such structures shall be included in any application for an Agricultural Business.
  
  - e. All event areas shall be depicted on a site plan as required by Article 15 of this Ordinance.
  
  - f. Applicant shall provide a notarized written statement, satisfactory to the Township, indemnifying and holding the Township harmless for any loss, damage, personal injury, or other liability associated with an Agricultural Business. This statement shall include a provision agreeing to pay any attorney's fees the Township incurs in defending itself in a suit related to an

Agricultural Business occurring on the relevant property or the activities occurring as a part of such events, including if such a suit is filed challenging the approval of a permit authorized by this Section.

g. Applicant shall provide proof of proper insurance naming Grass Lake Charter Township as an additional insured. This proof of insurance shall be provided to the Township annually, or upon demand of the Township Zoning Administrator. A certificate of insurance shall not be adequate to satisfy the requirements of this Section.

h. A Special Land Use Permit for an Agricultural Business shall be valid for five (5) years from the date of issuance. Upon expiration, a Special Land Use Permit may be reissued after an additional application as provided by this Section.

i. Applicant shall provide a certification indicating that any music to be played during the operation of an Agricultural Business shall only occur within structures.

j. Applicant shall provide a plan detailing the management and operation of an Agricultural Business. The plan must address the following:

- i. How the use meets the intent of this Section, the Zoning District in which the Agricultural Business will take place, and the Ordinance as a whole;
- ii. Proper sanitation, including the type, location of, and frequency of trash or garbage disposal;
- iii. Preparation and source of food related to Agricultural Business will be prepared and served;
- iv. Availability and service of alcoholic beverages will be provided and served, including whether proper licenses have been obtained regarding the same;
- v. Potential traffic concerns, including a description of the volume and frequency of increased traffic, and, if alcoholic beverages are to be served at an Agricultural Business, measures Applicant will have in place in order to prevent drunk driving;
- vi. Use of outdoor areas, including a description of where each specified use is anticipated to occur;
- vii. The volume and duration of music played in connection with an Agricultural Business, including whether such music is to be provided by a live band or disc jockey, whether amplification equipment shall be used, and measures to be taken to mitigate the

effects of any sounds originating from an Agricultural Business on neighboring properties;

- viii. Operating hours and frequency of events;
- ix. Security to be provided while an Agricultural Business is operational;
- x. Measures to ensure that events shall end on a timely and consistent basis;
- xi. Anticipated size and location of all structures or outdoor areas in which an Agricultural Business will occur, the average attendance during normal operation of the Agricultural Business, and the minimum and maximum number of people permitted at the same;
- xii. The location, type, and hours of operation of outdoor lighting associated with an Agricultural Business, including measures to prevent such light from interfering with the use or enjoyment of neighboring properties.

**Section 5. Severability:** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**Section 6. Repeal:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 7. Effective Date:** This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.