



PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Citizens' Agricultural Advisory Committee

Study Session

February 10, 2022, 10:00 a.m.

Township Hall

Agenda

No Minutes Will Be Taken

- 1. Call to Order**
- 2. Pledge**
- 3. Roll Call**
- 4. Brief Citizen Comments (for agenda items only)**
- 5. Correspondence**
 1. Winery – Chateau Ordinance Thoughts from William Rudolph (Rudi)
- 6. Business:**
 1. Summary of the Peninsula Township Zoning Ordinance Related to Signage (Christina Deeren, Director of Zoning)
 2. Summary of the Roadside Stand, Farm Stand and Farm Market Ordinances (Jenn Cram, Director of Planning)
- 7. Citizen Comments**
- 8. Adjournment**

Jenn Cram,
Director of Planning

Posted: February 8, 2022, 12:35 p.m.

Correspondence

6 February 2022

Agricultural Ordinance Committee

Winery-Chateau Ordinance thoughts

Jennifer Cram asked us to review the Winery-Chateau ordinance to see if there are any parts of it that we would recommend be incorporated into a new ordinance under the Agricultural Land Use area. With that in mind I have read through the ordinance numerous times. And I have to say, to me it is extremely confusing to follow and I can see where it can lead to a lot of potential misinterpretations.

My own conclusion is that there are really no areas of the old Winery-Chateau ordinance that are appropriate uses for agricultural land on the Peninsula, above and beyond those stated in the original winery-food processing portion of the ordinances. I think the ordinance, as written, was originally specifically crafted to accommodate one particular set of circumstances and, although it was crafted in good faith to accommodate that particular circumstance, its inclusion as a separate category of agricultural land use has led to a misinterpretation of just what acceptable agricultural operations on the Peninsula can or should be. It may well be that this particular section of the ordinances has led winery operators to expect that the Township is open to more commercial activities on agriculturally zoned land than was ever intended or that is, in fact, the case.

For example, in my opinion, construction of separate guest houses available for commercial renting and the provision to serve full meals to such guests, as outlined in the Winery-Chateau ordinance, are operations that are more of a commercial nature than an agricultural one. The ordinance also seems, in my mind, to be somewhat lenient on its interpretation of entertainment for guest activities and in the scope of activities allowed. So, my conclusion is that we follow through with the recommendation to sunset the ordinance in its entirety and recommend that the planning commission concentrate on crafting new ordinances that do not encourage this type of development as a typical future use for agricultural zoned land.

Let's concentrate on crafting a food processing ordinance that works for both wineries and traditional farmers, but encourages only truly agricultural operations. If a business wants to conduct commercial operations like paid events, catering, full bar and restaurant services and entertainment, they should find an appropriate commercially zoned parcel to do this development on. If a business wants to conduct industrial scale processing, like a winery wanting to import unlimited amounts of raw material from any source to produce wine for commercial sales, then they need to find an appropriate industrially zoned parcel to do this on. Trying to do this on agriculturally zoned land in a geographically challenged area that has very limited infrastructure to support such operations is just not appropriate in my view.

W. Rudolph

Business



Generally Accepted Agricultural and Management Practices for Farm Markets

January 2021

Michigan Commission of Agriculture & Rural
Development
PO BO 30017
Lansing, MI 48909



In the event of an agricultural pollution emergency such as a chemical/fertilizer spill, manure lagoon breach, etc., the Michigan Department of Agriculture & Rural Development and/or Michigan Department of Environment, Great Lakes, and Energy should be contacted at the following emergency telephone numbers:

Michigan Department of Agriculture & Rural Development: 800-405-0101
Michigan Department of Environment, Great Lakes, and Energy's Pollution
Emergency Alert System: 800-292-4706

If there is not an emergency, but you have questions on the Michigan Right to Farm Act, or items concerning a farm operation, please contact the:

Michigan Department of Agriculture & Rural Development
Right to Farm Program
P.O. Box 30017
Lansing, Michigan 48909
517-284-5619
877-632-1783
517-335-3329 FAX

Table of Contents

PREFACE	iii
INTRODUCTION	1
DEFINITIONS	2
PHYSICAL CHARACTERISTICS OF A FARM MARKET	3
Use of space	3
Buildings	3
Parking and Driveways	3
Vehicle Ingress and Egress	3
Signage	3
REFERENCES	4
ADVISORY COMMITTEE	5

PREFACE

The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981, as amended) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). These practices are written to provide uniform, statewide standards and acceptable management practices based on sound science. These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of the practices. The GAAMPs are reviewed annually and revised as considered necessary.

The GAAMPs that have been developed are as follows:

- 1) 1988 Manure Management and Utilization
- 2) 1991 Pesticide Utilization and Pest Control
- 3) 1993 Nutrient Utilization
- 4) 1995 Care of Farm Animals
- 5) 1996 Cranberry Production
- 6) 2000 Site Selection and Odor Control for New and Expanding
Livestock Facilities
- 7) 2003 Irrigation Water Use
- 8) 2010 Farm Markets

These practices were developed with industry, university, and multi-governmental agency input. As agricultural operations continue to change, new practices may be developed to address the concerns of the neighboring community. Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act.

The website for the GAAMPs is <http://www.michigan.gov/righttofarm>.

INTRODUCTION

As farmers look for ways to keep their businesses economically viable, many have chosen to shift their operations from a farmer-to-processor to a direct market business model. This includes selling raw and value-added products directly to the consumer through on-farm establishments, farmers markets, and other agricultural outlets. This allows farms to take advantage of consumer interest in agritourism, the “buy local” movement, and a desire for a connection with farmers and food production. These activities have far-reaching economic impacts. Many regions have capitalized on the growth of farm markets by developing regional farm market and culinary trails, and tourism promotion based on authentic culinary experiences offered by local farm markets. Farm markets provide the opportunity for visitors to meet a farmer, learn about modern agricultural practices, and gain access to fresh, local, nutritious food. Finally, farm markets and the associated farm, help maintain green space adding to the quality of life. Thriving farmland enhances the beauty of communities, retains residents, and attracts visitors. As farm operations engage in direct sales and on-farm activities, conflicts have arisen regarding oversight of these businesses.

Michigan is a Right to Farm (RTF) state and the RTF Act defines a “farm operation” as meaning the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. This definition includes, but is not limited to marketing produce at roadside stands or farm markets. Farm markets offer farm related experiences and farm products through a variety of agritourism activities. The experience in turn promotes sale of more farm products and provides an added income stream to support the farm business, the farm family, and surrounding communities; and keeps farmland in production.

Although the RTF Act includes farm markets in the definition of a farm operation, this definition does not define a farm market or describe specific marketing activities. These GAAMPs for Farm Markets were developed to provide guidance as to what constitutes an on-farm market and farm market activities.

DEFINITIONS

Affiliated – “Affiliated” means a farm under the same ownership or control (e.g., leased) as the farm and does not need to be on the same parcel of land.

Expanding Farm Market – An addition to an existing farm market that increases the square footage of the farm market.

Farm – A “farm” means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Market – A farm market is a year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. While the location must take place on property controlled by the affiliated farm, it does not have to be a physical structure such as a building. Fresh products as well as processed products may be sold at the farm market. At least 50 percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product’s primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

Farm Product – A “farm product” means those plants and animals useful to humans produced by agriculture and includes, but is not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock (including breeding and grazing), equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture & Rural Development.

Marketing – Promotional and educational activities at the farm market incidental to farm products with the intention of selling more farm products. These activities include, but are not limited to, farm tours (walking or motorized), demonstrations, cooking and other classes utilizing farm products, and farm-to-table dinners.

Processed – A farm product or commodity that has been converted into a product for direct sales. Processing may include, but is not limited to, packing, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, packaging, cutting, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale.

PHYSICAL CHARACTERISTICS OF A FARM MARKET

Use of space

A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale at the market. All retail space, farm market structures, and locations where transactions occur, at a new or expanding farm market, that are greater than 120 square feet must meet a minimum setback of 165 feet from all non-farm residences and all new or expanding farm markets are not authorized under this GAAMP on platted lots within a subdivision created under the Michigan Land Division Act (Act 288 of 1967, MCL 560.101, *et seq.*) or preceding statutes and on condominium units within a condominium (sometimes referred to as “site-condos”) created under the Michigan Condominium Act (Act 59 of 1978, MCL 559.101, *et seq.*); however, farm markets are permitted in such areas if authorized by association rules or pursuant to a local ordinance designed for that purpose, unless prohibited by association rules. A farm market should have a written site plan for potential MDARD review that preempts local government regulations.

Buildings

If the farm market is housed in a physical structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), the structure must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), including road right-of-way areas and ingress and egress points.

Parking and Driveways

Parking and driveway surfaces may be vegetative, ground, pavement, or other suitable material. However, other parking and driveway requirements must comply with all applicable regulations.

Vehicle Ingress and Egress

Any farm market and affiliated parking operating along a public road must obtain all appropriate ingress and egress permits.

Signage

The operator of the farm market must comply with all applicable state and federal regulations for signs. A minimum of one roadside sign is allowed pursuant to local sign ordinance setbacks, lighting, height and size requirements.

For further information concerning this GAAMP you may contact the Michigan Department of Agriculture and Rural Development or Michigan State University Extension.

REFERENCES

State of Michigan. *Report of Recommendations*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January 2007.

State of Michigan. *Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January 2007.

Michigan Commission of Agriculture & Rural Development. *Final Report to the Michigan Commission of Agriculture & Rural Development*. Report of the Michigan Farm Market Task Force. Task Force report to the Michigan Commission of Agriculture & Rural Development. September 2008.

State of Michigan. Michigan Department of Transportation. Directory of Offices by Region.
http://www.michigan.gov/mdot/0,1607,7-151-9623_26662_26679_27267_48606-182161--_00.html.

ADVISORY COMMITTEE

Listed below are the advisory committee members for the Generally Accepted Agricultural and Management Practices for Farm Markets.

Dr. Ron Goldy, Chair
MSU Extension
1791 Hillandale Road
Benton Harbor, MI 49022
269-208-1651- Cell
goldy@msu.edu

Robert Beckon
Michigan Dept. of Transportation
517-335-2211
beckonr2@michigan.gov

John Behrens
Farmhaus Cider
5025 Stanton Street
Hudsonville, MI 49426
616-723-7087 – Cell
john@farmhauscider.com

Janice Benson, Ex. Dir.
Michigan Agritourism Assoc.
P.O. Box 303
Traverse City, MI 49685
616-952-1151
executivedirector@michiganfarmfun.com

Lori Buchan
Buchan's Blueberry Hill
1472 Nelson Road
Traverse City, MI 49686
231-649-0844
lbuc246@aol.com

Ryan Coffey Hoag
MSU Extension
5479 W. 72nd Street, Suite 206
Fremont, MI 49412
231-924-9677
coffeyr@msu.edu

Mandy Cooley
South Region Food Supervisor,
MDARD
517-749-5192
cooleya@michigan.gov

Kyle Harris
Commissioner, Saginaw County
P.O. Box 222
St. Charles, MI 48655
989-666-6504 - Cell
kharris@saginawcounty.com

Jeanne Hausler
MDARD
Food and Dairy Communications
P.O. Box 30017
Lansing, MI 48909
517-256-8614
hauslerj@michigan.gov

Matt Kapp
Michigan Farm Bureau
Government Relations Specialist
7373 West Saginaw Highway
Lansing, MI 48917
517-679-5338
mkapp@michfb.com

Natalie Klackle
Michigan Agritourism
Association
PO Box 303
Traverse City, MI 49685
616-952-1151
president@michiganfarmfum.com

Jay Korson
MDARD
Right to Farm Program
517-285-1918
korsonj@michigan.gov

Vikki Papesh
Walnut Hill Farm
54180 Dequindre Road
Shelby Chtr. Township, MI
48316
farmer@walnuthillfarmmi.com

Janene Rawlinson
Shades of Lavender Farm
47222 24th Street
Mattawan, MI 49071
269-668-5267
shadesoflavenderfarm@gmail.com

Shannon Rowe
Spicer Orchards
10750 Clyde Road
Fenton, MI 48430
Phone 810-569-5758
shannonrowe@spicerorchards.com

Bob Tritten
District Fruit Educator
MSU Extension
605 N. Saginaw St. Suite 1A
Flint, MI 48502
810-244-8555
810-516-3800 - Cell
tritten@msu.edu

Garrett Ziegler
MSU Extension
109 Logan Street SW, Suit B102
Grand Rapids, MI 49503
616-608-7436
zieglerg@msu.edu

From: Peninsula Township Zoning Ordinance

Road - Cul-de-sac: A local road of short length having one end terminated by a vehicular turn-around. **(ADDED BY AMENDMENT 88)**

Road - Frontage is a private road approved by the Township Zoning Administrator as meeting the published standards of Peninsula Township to serve as a lot frontage road for Zoning purposes, and may include approved roads in a Condominium Project, but does not include alleys, easements, driveways, or the like unless they have been approved by the Township as frontage roads. **(ADDED BY AMENDMENT 88)**

Road - Highway A right-of-way along with related improvements which provides for vehicular and pedestrian access to abutting properties. **(ADDED BY AMENDMENT 88)**

Road - Local Access: Local access roads provide access to homes, farms and other low intensity land uses. Traffic desires are local in nature and these roads do not require trip continuity for an extended length. **(ADDED BY AMENDMENT 88)**

Road - Local: a public or private road designated a local road by the Grand Traverse County Road Commission which is intended primarily for access to abutting properties. **(ADDED BY AMENDMENT 88)**

Road - Marginal Access: A local road which is parallel and adjacent to arterial roads and which provides access to abutting properties and protection from through traffic and not carrying through traffic. **(ADDED BY AMENDMENT 88)**

Road - Primary: Those roads of considerable continuity which are designated as primary roads by the Grand Traverse County Road Commission. **(ADDED BY AMENDMENT 88)**

Road - Private Subdivision is a private road in a subdivision approved by the Grand Traverse County Road Commission pursuant to the Plat Act (Act 288, P.A. of 1967 as amended). **(ADDED BY AMENDMENT 88)**

Road - State Highway: State or federal numbered highway. **(ADDED BY AMENDMENT 88)**

Road - Sight Distance: The unobstructed vision on a horizontal plane along a road centerline from a driver-eye height of 3.75 feet and an object height of 6 inches. **(ADDED BY AMENDMENT 88)**

Roadside Stand: A "roadside stand" is a structure or display area used for displaying and selling regionally grown fresh and/or processed farm, produce and products. Such farm stands must be operated as an accessory use of a farm. (Amendment 86A)

Self Service Storage Facility: A structure or structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Shared Waterfront Ownership: Property with frontage on Grand Traverse Bay that is owned by more than one family through deed, land contract, non-exclusive easement or other form of ownership. **(REVISED BY AMENDMENT 109A)**

- (7) For Self-Service Storage Facilities with storage area of 20,000 square feet or more, a residence for a resident manager shall be required on the site as shown on an approved site plan.
- (8) Minimum Parcel Size Shall be 45,000 square feet with a minimum width of 150 feet. (80 10' by 20' units = 22,000 square feet with a 35% lot coverage by structures equals 44,000 square feet.)
- (9) Existing C-1 Zone Setbacks Front - 35'; Side 10'; Rear 30'. 35% lot coverage by structures.
- (10) Security fencing shall not include electrically charged, barbed wire or razor wire, and shall not be placed in a required front yard setback area.
- (11) Spacing between structures shall be a minimum of 20 feet and emergency access shall be provided to at least three sides of all structures.
- (12) Lighting: All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**
- (13) Signs shall comply with Section 7.11. Signs.
- (14) Vehicle Access: Access drives shall be designed to handle automobiles, vans, light trucks, and other two-axle vehicles. Access to all structures shall be as determined by the Township Board in consultation with the Peninsula Township Fire Chief.

Section 6.7 A-1 District: Agricultural:

Section 6.7.1 Intent and Purpose: This District is intended to recognize the unique ecological character of the Peninsula and to preserve, enhance, and stabilizing existing areas within the Township which are presently being used predominately for farming purposes, yet recognize that there are lands within the district which are not suited to agriculture, therefore allowing other limited uses which are deemed to be compatible with agricultural and open space uses.

Section 6.7.2 Uses Permitted by Right:

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Mobile homes: Provided the mobile home shall meet the requirements of the Mobile Home Construction and Safety Standards Act (24 CFR part 3280) and bear a HUD label so indicating.
- (4) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, green houses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.
- (5) Raising and keeping of small animals such as poultry, rabbits, and goats.
- (6) Raising keeping and boarding of livestock, such as cattle, hogs, horses, ponies, sheep,

and similar livestock, except feeder lots. **(REVISED BY AMENDMENT 155B) (REVISED BY AMENDMENT 162A)**

- (7) Customary home occupations.
- (8) Roadside stands selling regionally grown fresh and/or processed farm produce, raw forest products, cut flowers, potted plants, agricultural and forest products, but excluding items of a kind that are not grown regionally, and also excluding non-agricultural items and products the sale of which requires a permit from the Michigan Liquor Control Commission. Roadside stands are subject to the following terms and conditions: **(REVISED BY AMENDMENT 95)**
 - (a) The stand is not over 150 square feet in area. The 150 square foot area may be within a larger existing structure, so long as the larger structure meets all the setback requirements of the Agricultural District.
 - (b) Awnings up to 4 feet projection from the stand structure may be used on three sides of the structure. In the event that the 150 square feet is part of a larger structure the awning is allowed only on the portion making up the 150 square feet.
 - (c) There shall be a ratio of 1 parking space per 25 square feet of structure to the maximum 150 square feet. There shall be a minimum of five (5) parking spaces available and clearly marked with adequate turn around, so that all vehicles are furnished parking off the public right-of-way.
 - (d) No land use permit is required for a roadside stand if the structure is less than 25 square feet in area.
 - (e) If the roadside stand is less than twenty five (25) square feet in area or is larger than twenty five (25) square feet but is only left in place seasonally, the roadside stand may be located adjacent to the front lot line rather than meeting the front setback required by Section 6.8.1.
 - (f) It is the intent of this section to provide only for the limited seasonal sale of agricultural and related products, but not to encourage the size of investment in equipment that would require a commercial zone. **(REVISED BY AMENDMENT 86)**
- (9) Cemeteries, public or private.
- (10) Agricultural Labor Camp for less than five (5) migrant workers. **(REVISED BY AMENDMENT 90)**
- (11) Licensed Agricultural Labor Camp. **(ADDED BY AMENDMENT 90)**
- (12) Tenant house as a part of farm property for full-time farm employees associated with principal use and subject to the same height and setback requirements as the principal dwelling.

From : Bingham Township, Leelanau County

AFC SMALL GROUP HOME: A facility licensed by the State Department of Social Services, where from seven (7) to (12) adults are receiving foster care.

AGRICULTURAL DISTRICT MARKET (OR EXPANDED FARM MARKET): A permanent, enclosed building or portion thereof used for the purpose of selling seasonal farm products, which sells products or services that exceed the definition of a Farm Market under the Michigan Right-To-Farm Act. (Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

AGRICULTURAL SUPPORT BUSINESS (ASB): A Business that provides goods and/or services primarily to the local agricultural community, not just the farm on which it operates. (Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

AGRICULTURAL SUPPORT INDUSTRY (A.S.I.):
(Annotation: Definition Deleted by Amendment 2008-002, effective 11-07-08)

AGRICULTURE: See FARM.

APARTMENT: See DWELLING UNIT.

APPLICANT: A person, firm, association, partnership, corporation, or combination of any of them which may be seeking approval from Bingham Township pursuant to the requirements of this Ordinance. Added by amendment BTPC12-7-94

BED AND BREAKFAST: A single family dwelling with bedroom(s) available for guest use for compensation and by prearrangement, having no external evidence that rooms are available. Compare TOURIST HOME.

BED AND BREAKFAST INN: An owner occupied private home with four or more bedrooms available for guest use for compensation and by prearrangement.

BLUFF: A cliff or hill with a slope in excess of thirty (30) percent, which terminates in Lake Michigan, Grand Traverse Bay, or any inland lake, or their beaches.

BOAT HOUSE: Any permanent structure erected on the shore of a lake or watercourse, used for the noncommercial storage of boat(s) and related equipment and supplies.

BUFFER: A strip of land, including plantings and/or structures which may be required to protect one type of land use from another, or to minimize or eliminate conflicts between them. Compare GREENBELT and SCREEN.

BUILD: See ERECT.

BUILDING: Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall

DUPLEX: A building or part thereof containing two (2) dwelling units.

DWELLING: Any building or part thereof serving people as a home, residence, or sleeping place

DWELLING, MULTIPLE FAMILY: A building or part thereof containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A detached building containing one dwelling unit.

DWELLING, SINGLE FAMILY ATTACHED: A dwelling unit which is part of a building containing two or more dwelling units with common walls on property lines so that only one (1) dwelling unit is located on each lot.

DWELLING UNIT: A dwelling forming a single habitable unit for one (1) family.

DWELLING UNIT, ACCESSORY APARTMENT: See section 3.7 Accessory Apartments.

ERECT: Build, construct, reconstruct, or move upon or perform any physical operations on the land required for building. Excavations, fill, drainage, and the like shall be considered a part of erecting.

EXCAVATION: Excavation consists of digging or scraping a hole in the ground, where the hole is the desired result.

FAMILY: One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. A domestic employee residing in the dwelling unit shall be considered part of the family.
(Definition amended by Amendment 05-002 effective on

FARM: Any parcel of land which is used for general agricultural purposes, such as the growing of forests, orchards and field crops, or the raising of animals. This includes the necessary farm structures, and the storage of equipment used in the operation of the farm.

FARM BUILDINGS: A structure normally and reasonably used in the act of farming by the Owner or Lessee of the property. (Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

FARM MARKET: A building or place where agricultural products produced by the operator are sold and which qualifies as a Farm Market under the jurisdiction of Michigan Right-To-Farm Act.

(Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

ROAD, PUBLIC: An open way for passage or travel under public ownership and/or maintenance. Added by amendment BTPC12-7-94

ROAD, SECONDARY ACCESS: A Private Road reserved for later development to an adjacent property or link to a Public or Private Road. Added by amendment BTPC effective July 23, 2004

ROAD, UNIMPROVED: Any public or private thoroughfare dedicated and maintained for the use and operation of vehicular traffic, which does not meet County Road Commission standards. This does not include a railroad.

ROADSIDE STAND: A temporary structure used for selling seasonal farm products, where the customer shops and makes purchases without entering the structure.
(Annotation: Definition amended by amendment 2008-001 effective on 11-07-08)

ROOMING HOUSE: A single family dwelling where lodging with or without meals is furnished for compensation to three or more people, usually for an extended period, and usually with a sign indicating the use.

SAWMILL: A mill or machine for sawing logs into lumber, operated at one location for more than six months.

SCREEN: A high fence, or natural materials such as trees, shrubs and other plant materials, providing a visual and/or sound barrier between the area screened and adjacent property. Compare FENCE and BUFFER and GREENBELT.

SEASONAL: A recurrent period other than year round.
(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

SERVICE STATION: A building or premises together with the necessary equipment used for direct retail sale of gasoline or other motor fuels, oils, or minor accessories. Where such sales are incidental to the operation of a public garage, the use shall be classified as a commercial garage. Compare GARAGE, COMMERCIAL.

SETBACK: The required minimum unoccupied distance between the lot line or the shoreline, and the principal or accessory buildings or structures.

SETBACK, FRONT: The required minimum unoccupied distance, extending the full lot width, between the principal or accessory buildings or structures and the front lot line.

SETBACK, REAR: The required minimum unoccupied distance, extending the full lot width, between the principal or accessory buildings or structures and the lot line or shoreline.
(Annotation: Definition amended by Amendment 13-001, effective June 7, 2013)

G. 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: two hundred (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. All signs shall comply with Section 3.13 Signs.
(Annotation: Section amended by Amendment 18-002, effective November 2, 2018)
10. Roadside stands shall not be greater than one-hundred (100) square feet in area and shall be temporary structures.
11. Roadside stands shall be allowed May 1st through December 24th of the calendar year. Removal of the roadside stand is required after the stand is closed for the season.

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

1. Minimum parcel size shall be forty (40) acres and secondary to a Commercial Farm, winery or cidery.
(Annotation: Section amended by Amendment 14-001, effective June 6, 2014)
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. The hours of operation shall be between 8:00 AM and 10:00 PM.
(Annotation: Section amended by Amendment 18-001, effective November 2, 2018)

G. Petting Farms, Animal Display, Pony Rides:

1. Minimum lot size shall be forty (40) acres and secondary to a Commercial Farm, winery or cidery.

8. The location of driveways entering the lot from any public road must be approved by the County Road Commission.
9. Abbreviated Site Plan review is required.

M. 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.

N. 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.

O. Farm Market *(Annotation: Section amended by Amendment 18-001, effective November 2, 2018)*

1. The minimum parcel size shall be ten (10) acres. The minimum parcel width shall be three hundred thirty (330) feet.

2. Pre-existing structures built prior to 2008 that are located within one hundred (100) foot setback may be approved for use of a farm market subject to site plan review by the Planning Commission.
3. The actual area under roof used for the display and sale of farm produce shall not be greater than one thousand (1,000) square feet.
4. Parking
 - a. Shall be a minimum of fifty (50) feet from any lot line.
 - b. A lesser setback may be approved by the Planning Commission, upon site plan review, and based upon such factors as parcel size, topography, neighboring uses, road access, and other such factors.
 - c. There shall be no parking on county or state roads.
 - d. Emergency access to the site shall be maintained at all times.
 - e. Parking may be located on non-paved surfaces.
 - f. All parking shall meet the parking standards of Section 11.2 Off Street Parking and Loading.
 - g. 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 and meet all other standards of Section 11.2 Off Street Parking and Loading. Parking shall be located a minimum of fifty (50) feet from any lot line.
5. Hours of operation shall not extend past 8:00 PM.
6. 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, etc.) shall not exceed ten (10) percent of all goods sold. A bakery may exist as part of a farm market.
7. 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.
8. Sales: Sales shall be derived from products grown or produced in Michigan and at least twenty five (25) percent from products grown on the premises, or on land owned by the farm market operator.
9. All signs shall comply with Section 3.13 Signs.
(Annotation: Section amended by Amendment 18-002, effective November 2, 2018)

10. Limited Food Service Kitchens are allowed in Farm Markets if requirements of Section 4.6.O are met.

P. Limited Food Processing Kitchens

(Annotation: Section amended by Amendment 18-001, effective November 2, 2018)

1. A minimum parcel size of ten (10) acres is required. The minimum parcel width shall be three hundred thirty (330) feet.
3. The Limited Food Processing Kitchen must be operated by the owner of the parcel.
4. 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.
5. The area devoted to a Food Processing Kitchen shall not exceed twelve hundred (1,200) square feet, unless part of an approved food service operation.
6. Pre-existing structures built prior to 2008 that are located within one hundred (100) foot setback may be approved for use of a farm market subject to site plan review by the Planning Commission.
6. The minimum front setback shall be fifty (50) feet. The minimum side and rear setback is one hundred (100) feet.
7. **Parking**
 - a. 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.
 - b. Shall be a minimum of fifty (50) feet from any lot line.
 - c. A lesser setback may be approved by the Planning Commission, upon site plan review, and based upon such factors as parcel size, topography, neighboring uses, road access, and other such factors.
 - d. There shall be no parking on county or state roads.
 - e. Emergency access to the site shall be maintained at all times.
 - f. Parking may be located on non-paved surfaces.
 - g. All parking shall meet the parking standards of Section 11.2 Off Street Parking and Loading.
8. The Limited Food Processing Kitchen shall be landscaped and visually screened if required by the Planning Commission.

ROADSIDE STAND - A building or open-air display accessory to a farm operation used solely for the seasonal sale of farm, garden, greenhouse, and nursery products. *(Amended 052809)*

ROOMING HOUSE - Primarily a family dwelling where lodging with or without meals is furnished on a weekly, monthly or any paying basis to three or more persons who are not members of the family occupying and operating the premises, but not necessarily to anyone who may apply.

ROOMING UNIT - Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

SCHOOL - A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary, middle schools, and high schools. Such term shall also include all adjacent properties owned and used by such schools for educational research and recreational purposes.

SECONDARY USE - same as accessory use.

SERVICE INSTITUTION - A store, market or shop in which services are sold or offered for sale to the public, such as gasoline stations, garages, repair shops, laundries, warehouses, printing houses, undertaking establishments, barber shops and beauty parlors, etc.

SET-BACK LINES - Lines established parallel to a property line along highway or waters edge for the purpose of defining limits within which no building or structure or any part there of shall be erected or permanently maintained.

SEXUALLY ORIENTED BUSINESS - Those uses specified and defined as, but not limited to an adult bookstore, adult cabaret, adult drive-in, adult film store, adult motion picture theater, and/or adult novelty store.

SIGNIFICANT MODIFICATIONS - Changes to approved Site Plans and Final Project Plans that may include changes in the number and/or type of residential or commercial units, the relocation of any structure more than 10 feet from the approved location, the size and/or location of dedicated open space, revisions to the conditions that are a part of the approval, or any modification that would change the character of the development. *Amended 11/28/08*

SHORELINE - A term used synonymously with "water's edge" and "high water" in this Ordinance for establishing building setbacks. *Amended 07/08/08*

SINGLE-FAMILY ATTACHED DWELLINGS - Two to four dwelling units which share common sidewalls with each unit having its own ground level entry to/from the outdoors.

SLOPE - The degree of deviation of a surface from the horizontal, expressed in percent or degrees.

SPECIAL HOME BUSINESS - essentially the same as home businesses except that a greater latitude in operating conditions may be granted by the Planning Commission. A Special Home Business Permit is required before a special home business begins operation.

SPECIFIED ANATOMICAL AREAS - Includes any of the following: Less than completely and opaquely covered human genitals, public region, buttocks, and female breasts below a point immediately above the top of the areola; and Human male genitals in a discernable turgid state, even if completely and opaquely covered.

ARTICLE 4 AGRICULTURAL DISTRICT

SECTION 4.1 PURPOSE AND SCOPE - This article defines permitted and special uses in the Agricultural Districts. These regulations are meant to facilitate agricultural and horticultural operations and to conserve productive Agricultural Lands. This article refers to procedures for Lot Split Options.

SECTION 4.2 PERMITTED USES

- A. One single family dwelling per ten (10) acre parcel or legal lot. (See Section 3.5 – Schedule of Regulations)
- B. Agricultural activities such as field crops, horticulture, horticultural nurseries, forestry, vineyards, truck gardens, and beekeeping.
- C. Non-intensive livestock operations including poultry and egg production, milk production, and animal husbandry.
- D. New and/or expanding operations with 50 animal units or greater must be located on minimum parcels of eighty (80) acres or greater and must comply with all applicable requirements of the Michigan Department of Agriculture GAAMPS (Generally Accepted Agricultural and Management Practices) for determining acceptable locations, site analysis plan, manure management system plan process for approval, and manure management and utilization.

SECTION 4.3 ACCESSORY PERMITTED USES

- A. Any use customarily incidental to the permitted principal uses, including barns, sheds, and processing operations incidental to the harvesting, packing, storage, and transporting of agricultural products.
- B. Home occupations and businesses as regulated in Article 16.
- C. Bed and Breakfast operations with a maximum of five rental rooms and with provision for one off-street parking space for each guest room and for each of the regular occupants' vehicles.
- D. Roadside stands subject to the following requirements:
 - 1. The produce sold shall be limited to that grown in Leelanau County.
 - 2. At least 50% of the produce sold must be produced on land that is owned or leased by the operator of the stand.
 - 3. Stands shall be located in the Agricultural District. However, the stand operator may petition the Planning Commission on an annual basis to waive this requirement provided the proposed location will not (a), result in increased traffic inappropriate to the area or (b), produce noise that disturbs the adjacent neighbors or (c), depreciate the value of neighboring properties.
 - 4. Roadside stands shall be adequately served by public streets and highways. In no instance shall site access materially impede traffic flow on adjacent streets and highways, create a traffic hazard, or alter area traffic patterns.
 - 5. Stands shall not be located within the road right-of-way and shall provide parking in accordance with Table 17.2.A.
 - 6. Roadside stands shall be operated only during daylight hours.
- E. State of Michigan licensed housing for 5 or more agricultural workers.
- F. Farm Year Round Employee Housing - Individual dwelling units for year round employees of a farm may be provided subject to the following conditions:
 - 1. Mobile homes, manufactured housing, or conventional construction homes are permitted.
 - 2. Farm year round employee housing shall be subject to all setback requirements of this Ordinance.

From: Suttons Bay Township, Leelanau County

DWELLING UNIT, ACCESSORY: A separate dwelling unit, contained within the structure of a single family dwelling or added to it.

EMPHASIS: When used in reference to adult and sexually oriented businesses "emphasis" means; **special attention, importance or stress given to the matter** depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" **so as to make it predominant.**

ENCLOSED, LOCKED FACILITY: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423. (Annotation: Definition added by Amendment 11-005 effective November 25, 2011)

EVERGREEN: see CONIFEROUS
(Annotation: Definition added by Amendment 09-001, effective on 8-28-09)

EXTRACTION, SAND AND GRAVEL: Removal of sand and gravel as a commercial activity.

FAMILY: One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. A domestic employee residing in the dwelling unit shall be considered part of the family. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FARM: Any parcel of land which is used for general agricultural purposes, such as the growing of forests, orchards and field crops, or the raising of animals. This includes the necessary farm structures, and the storage of equipment used in the operation of the farm.

FARM MARKET: A permanent, enclosed accessory farm building or portion thereof used for the purpose of selling seasonal farm products.

FARM RETAIL MARKET: A retail store specializing in, but not limited to the sale of farm produce.

FENCE: A structure or barrier enclosing a field, yard, or other space, or separating it from an adjoining area; especially a structure of rails, pickets, or wooden or metal openwork. Compare SCREEN.

FENCE, BOUNDARY: A fence which delineates a property.

FILLING STATION: See SERVICE STATION.

FINISH GRADE: The point of elevation at the finished surface of the ground or of paving. For purposes of establishing building height finish grade of a building is the lowest elevation between the building and the property line or when the property line is

compensation. (This does not include hotels, motels, rooming houses, tourist homes, or guest houses.)

RESIDENTIAL USE AREA: Any area along a public road, street or highway within the Township that has seven (7) or more residential homes or dwelling units fronting the public road, street, or highway within any quarter mile (1320 feet) section of the road.

(Annotation: Definition added by Amendment 01-001 effective on March 1, 2001)

RESTAURANT: A business located in a building where meals are prepared, sold and served for consumption on the premises. This excludes consumption in parked cars, and also "fast food restaurants."

RESTAURANT, FAST FOOD: A business located in a building where meals are prepared, sold and served primarily for consumption off the premises, although consumption on the premises is allowed.

RETAIL NURSERY: A retail store specializing in, but not limited to, the sale of ornamental trees, shrubs, and or herbaceous materials propagated and grown mostly at some other location.

RETAIL STORE: A store, market, or shop in which commodities are sold, or offered for sale, directly to the consuming public.

ROADSIDE STAND: A temporary structure used for selling seasonal farm products raised or produced in Leelanau County, where the customer shops and makes his or her purchases without entering the structure.

(Annotation: Definition changed by amendment 01-005 effective July 26, 2001)

ROOMING HOUSE: A single family dwelling where lodging with or without meals is furnished for compensation to three or more people, usually for an extended period, and usually with a sign indicating the use.

SAWMILL: A mill or machine for sawing logs into lumber, operated at one location for more than six months.

SCHOOL: A public or private educational institution offering a conventional academic, alternate or vocational curriculum from kindergarten through twelfth grade (K-12). For purposes of this ordinance "school" includes all adjacent properties owned or used by the institution for education, research and recreational purposes.

SCREEN: A high fence, or hedge of natural materials such as trees, shrubs and other plant materials, providing a visual and/or sound barrier between the area screened and adjacent property. Compare FENCE and BUFFER and GREENBELT.

SEASONAL WORKER HOUSING: Housing for seasonal workers.

SECTION 4.3

USES PERMITTED WITH CONDITIONS

These uses are permitted if they meet the requirements listed or referenced for the particular use.

- A. One (1) Duplex per lot of two (2) acres or more. (Annotation: Section amended by Amendment 14-002 effective November 28, 2014)
- B. Manufactured or Mobile Homes are recognized by Suttons Bay Township as valid single family dwellings. They are permitted under the same conditions as any other single family detached dwelling, provided:
 - 1. The home is used as a single family dwelling.
 - 2. It is attached to a permanent foundation.
 - 3. It has County Health Department approval for well and septic systems.
- C. Bed and Breakfasts, provided they meet the requirements of Section 14.3 Bed and Breakfasts.
- D. Home Occupations, provided they meet the requirements of Section 14.1 Home Occupations.
- E. Home Businesses, provided they meet the requirements of Section 14.2 Home Businesses.
- F. 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 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 and rear lot lines.
 - 4. The home shall be licensed by the State Department of Social Services.
- G. Roadside Stands, provided:
 - 1. The agricultural produce sold are grown or produced (honey, syrup) in Leelanau County. Sale of craft items is limited to those produced on the property. Sale of items not grown or produced in Leelanau County is prohibited.

2. The roadside stand shall be located on property owned by the seller and shall not be located in the road right-of-way.
3. No less than two (2) or more than four (4) customer parking spaces shall be provided off the public road right-of-way.
4. No more than two (2) one-sided signs that may be one or two-sided shall be erected, and said signs shall be no larger than nine (9) square feet in area, per side. The sign(s) shall be removed when the stand is closed and removed for the season. 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.
5. No land use permit or Planning Commission review shall be required as a roadside stand is defined as a temporary structure.

(Annotation: Subsection changed by Amendment 01-005 effective July 26, 2001)

H. Agricultural Support Industry (A.S.I.): The industry 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.I.'s shall be allowed provided the following conditions are met:

1. The A.S.I./A.S.I.'s shall be operated on a farm of ten (10) acres or more in size.
2. The Accessory Buildings used for an A.S.I. 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 Accessory Building shall not be altered or modified to a point so that it cannot be returned to a normal farm use with a minimum of effort.
4. The building(s) and lot area devoted to an A.S.I./A.S.I.'s shall remain part of the principal farm unit and shall not be sold as a separate entity.
5. The area devoted to an A.S.I./A.S.I.'s shall not exceed two thousand four hundred (2,400) square feet.
6. No A.S.I. 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.

7. All A.S.I.'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.

I. Keeping horses, provided:

1. There shall be a minimum of two (2) acres for one (1) or two (2) horses.
2. There shall be one (1) additional acre for each additional horse.

J. Keeping horses for profit, provided:

1. There shall be a minimum of ten (10) acres for the first two (2) horses.
2. There shall be one (1) additional acre for each additional horse.

K. Keeping dogs, provided:

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.

L. Food Processing, provided:

1. The food processed is grown by the proprietor(s).
2. The Food Processing is in compliance with the regulations of the Michigan Department of Agriculture and the Michigan Department of Natural Resources.
3. The lot area is at least ten (10) acres.
4. The Food Processing and food storage areas/structures occupy no more than eight thousand (8,000) square feet.
5. Retail sales are clearly accessory to food production, and shall occupy no more than twenty-five (25) percent of the floor area devoted to food production.
6. Entrance from the public road must be approved by the County Road Commission.

M. Farm Market, provided:

1. The lot size shall be no less than ten (10) acres with no less than four hundred sixty (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 one thousand (1,000) square feet.
3. The minimum setback 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: seasonal 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 ten (10) percent of all goods sold.
6. Sales of plant nursery stock shall be limited to that which has been grown in Leelanau County for at least one (1) 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 within the five (5) county region of Antrim, Benzie, Kalkaska, Grand Traverse, and Leelanau counties and at least twenty-five (25) percent from products grown on the premises, or on land owned by the farm market operator.
8. No more than one (1) permanent sign shall be erected, no greater than twelve (12) 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.
(Annotation: Subsection changed by Amendment 01-004 effective July 26, 2001)

N. Public Recreational Trails

1. Trail setbacks –
 - a. The edge of the trail shall be twenty (20) feet from any property or easement line.
 - b. Trail setbacks shall not apply where the trail crosses a public or private road right-of-way or property line.

20.2.7. Accessory Uses

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. Specific use types include:

A. Agriculture

1. Agricultural Operation, Accessory

A parcel of land where livestock, pet animals, or poultry are raised or garden crops grown in a manner incidental to the principal residential use of the property and where the production of livestock or garden crops on the property does not constitute a principal income for the property owner. This use does not include the accessory agricultural uses listed in paragraphs 2. through 10 of this §20.2.7.A. This would include 4H and similar types of programs.

2. Agritourism Enterprise

Activities conducted on a parcel with a primary agricultural use and offered to the public for the purpose of recreation, education, or active tourism related involvement in the agricultural use. These activities shall be incidental to the primary agricultural use on the site or related to natural resources present on the property. This term includes site tours, hayrides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. An agritourism enterprise does not include accommodations uses or retail sales.

a. Large

An agritourism enterprise with a maximum lot area of 10% of the total acreage or 5 acres (whichever is less) and/or generates 20 or more vehicle trips per day, including customers, employees, and deliveries.

b. Small

An agritourism enterprise with a maximum lot area of 10% of the total acreage or 3.5 acres (whichever is less) and/or generates up to 20 vehicle trips per day, including customers, employees, and deliveries.

3. Apiary, Accessory

A structure that is designed to hold honeybee hives and is incidental to the principal use on a lot.

4. Backyard Poultry

The non-commercial or agricultural raising and caring for poultry.

5. Farm Stand

A temporary or permanent structure used for the sale and display of agricultural or horticultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool.

6. Horse Keeping

The activity of keeping and/or caring for boarded horses including horse rescue operations.

- c. Roosters are prohibited.
- d. Backyard poultry shall be confined to the coop and/or run area at all times.
- e. The on-site retail sale of eggs generated by backyard poultry shall be considered either a home occupation or rural occupation and subject to the applicable standards set forth in §3.4.7.B, *Home Occupation* and §3.4.7.C, *Rural Occupations*.
- f. Backyard poultry uses are not considered a principal agricultural uses and farm stands are prohibited unless the subject property also maintains a principal agricultural use.

2. Design

- a. Coops and runs shall be covered, properly ventilated, predator-resistant, and adequately sized to support the number of birds kept on site.
- b. The ratio of coop area to run area shall be at the discretion of the owner based upon the species, size, and other characteristics of the poultry.
- c. All portions of coops and runs shall meet all minimum setbacks required for the property.
- d. Coops and runs shall be regularly cleaned to control dust, odor, and waste and not constitute a nuisance, safety hazard, or health problem to surrounding properties.

3. On-Site Processing

- a. No on-site processing of backyard poultry for commercial purposes shall be allowed.
- b. Processing of poultry for the personal consumption of the occupants of the property is allowed and shall occur in an enclosed area.

E. Farm Stand

A farm stand shall comply with the following standards:

- 1. Any property that maintains a principal agriculture use may include an accessory stand for the sale of agricultural products generally produced on the site or on another site that maintains a principal agriculture use unless otherwise restricted by §§3.3.2.I, *Poultry Keeping, Rural* and 3.3.2.J, *Poultry Keeping, Urban*.
- 2. The majority of all products sold shall be sourced from Larimer County agricultural operations.
- 3. Food items sold shall meet all local, state, and federal law and regulations.
- 4. The stand shall comply with all dimensional standards of the applicable zoning district.
- 5. Farm stands designed for public entry or greater than 200 square feet require a building permit.
- 6. One parking space plus one space per 200 square feet of gross retail space shall be provided on the same side of the street as the farm stand and within 50 feet of the farm stand. This requirement may be fulfilled with paved or unpaved spaces. The Community Development Director may waive or modify this requirement upon a showing by the applicant that the safety of the farm stand operations can be sufficiently accounted for in an alternative manner.

F. Horse Keeping

1. Site Standards

a. Maximum Number of Horses

- i. Up to four boarded horses may be kept on lots ten acres or less.



From
**COUNTY OF
 SONOMA**, CA

Ordinance No. 6081

Small-Scale Agricultural Processing Facilities & Farm Retail Sales

Adopted July 29, 2014

An Ordinance Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting a Negative Declaration and Amending Text Of Chapter 26 (Zoning Ordinance) Of The Sonoma County Code To Allow Small-Scale Agricultural Processing Facilities And Farm Retail Sales To Be Permitted Through A Ministerial Zoning Permit Process In The Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), Diverse Agriculture (DA) And Resources And Rural Development (RRD) Zoning Districts Provided That Specified Performance Standards Can Be Met; Allow, As A Permitted Use, Additional Temporary And Seasonal Sales At Farm Stands In The Above Districts; And Allow Farm Retail Sales To Be Allowed With A Use Permit In The Agricultural And Residential (AR) Zoning Districts.

[Exhibit A »](#)

[Exhibit B »](#)

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I Findings

The Board finds and declares that the adoption of this Ordinance is necessary and desirable to foster a healthy, diverse and economically viable agricultural industry in the County that contributes to the local economy and helps retain the use of agricultural lands for agricultural production.

The Board also finds that this ordinance further the goals of the Sonoma County General Plan by establishing provisions to facilitate small-scale agriculture processing and onsite sales in agricultural areas while assuring that the scale of such facilities will be subordinate and secondary to onsite agricultural production, that land use conflicts and environmental impacts are avoided or mitigated, and that rapid and efficient permit processing procedures are established for small-scale uses.

The Board further finds that this ordinance will further the goals of the Sonoma County General Plan by providing a simplified permitting process for small-scale agricultural procession and farm retail sales that will support diversification of agricultural operations and encourage economic viability of small farms.

The Board further finds that the zoning code amendments enacted by this ordinance are also consistent with and supportive of the County's Strategic Plan goals to support agriculture and agribusiness and to support the viability of agriculture and the preservation of agricultural resources for food production.

The Board further finds that direct sales of agricultural products benefits the agricultural community and the consumer by, among other things, providing an alternative method for growers to sell their products direct to consumers while benefiting the consumer by supplying quality fresh produce and farm products at reasonable prices.

The Board further finds that based upon the information contained in the Initial Study dated March 21, 2014 and included in the project file, the changes to the zoning code to implement the General Plan policies to allow small-scale agricultural processing and farm retail sales with expedited permit processing in agricultural and resource zones will not result in any significant environmental effects from the ordinance or from facilities subsequently approved under it because the ordinance contains specific performance standards and limitations that reduce all impacts below a level of significance. Changes to allow farm retail sales in the AR zone with a use permit will allow any potential impacts or land use conflicts to be addressed through the permit process.

Section II Amendments to Definitions

Section 26-02-140 (Definitions) of Chapter 26 of the Sonoma County Code is amended to add or amend the following definitions to read as follows:

Farm Stand means an area for the temporary or seasonal sales and promotion of agricultural products that are grown or raised on the site and pre packaged, shelf stable goods processed from onsite agricultural production, excluding alcoholic products. Examples include: produce, eggs, honey, jams, pickles, nuts, olive oil, and similar products. Farm stands must be consistent with Section 47050 of the Food and Agricultural Code and Section 113778.2 of the Public Health and Safety Code. Sampling of products grown on-site may be allowed with a Retail Food Facility Permit. Incidental sales of merchandise or goods not produced on site is limited to ten percent of the floor area up to a maximum of 50 square feet. See also Tasting Room or Farm Retail Sales.

Farm Retail Sales Facility means a small-scale retail facility for year-round sales of agricultural products grown or raised on the site or other properties owned or leased by the farm operator, and pre-packaged goods processed from onsite agricultural production, excluding alcoholic products. Examples include dairy and meat products that require refrigeration. Small-scale farm retail sales must be in compliance with Section 26-88-215 of the County Code. Sampling of products grown or processed on-site may be allowed with a Retail Food Facility Permit. Incidental sales of merchandise or goods not produced onsite is limited to ten percent of the floor area up to a maximum of 50 square feet. See also Tasting Room or Farm Stand.

Tasting Room means a retail food facility in which one or more agricultural products grown or processed in the county may be tasted and sold. Agricultural products sold may include alcoholic beverages.

Cottage Food Operation - means an enterprise operating from a primary residence where specified low-risk food products are prepared, packaged or sold to consumers pursuant to the California Homemade Food Act. Cottage food operations must have current food service permits from Sonoma County Environmental Health and comply with the criteria of Health and Safety Code section 113758, 11837, 114365, et al., including the allowance for one cottage food employee in addition to the onsite resident cottage food operator and maximum sales of \$50,000.

Community Supported Agriculture - means system by which people purchase, typically through monthly subscription, a share from a local farm and periodically receive fresh produce or other agricultural products produced or processed on site.

Section III The following Sections of Chapter 26 of the Sonoma County Code are added

- Section 26-04-010 (m) (Permitted uses) - LIA Land Intensive Agriculture District
- Section 26-06-010 (q) (Permitted uses) - LEA Land Extensive Agriculture District
- Section 26-08-010 (p) (Permitted uses) - DA Diverse Agriculture District
- Section 26-10-010 UD (Permitted uses)- RRD Rural and Resource Development District

Section IV The following Sections of Chapter 26 of the Sonoma County Code are amended

- Section 26-04-010 (Permitted uses) - LIA Land Intensive Agriculture District
- Section 26-06-010 (Permitted uses) - LEA Land Extensive Agriculture District
- Section 26-08-010 (Permitted uses) - DA Diverse Agriculture District to revise the following subsections to read as follows:
 - a. Incidental cleaning, grading, packing, polishing, sizing, storage and similar preparation of crops which are grown on the site, but not including agricultural processing;
 - b. (1) Farm stand for the temporary or seasonal sales and promotion of crops grown or animals raised on the site including Community Supported Agriculture, U-Pick and U-Cut operations.
(2) Farm Retail Sales Facility subject to issuance of a zoning permit and compliance with Section 26-88-215;
- Section 26-10-010 (Permitted uses) - RRD Rural and Resource Development District is amended to revise the following subsections to read as follows:
 - a. Incidental cleaning, grading, packing, polishing, sizing, storage and similar preparation of crops which are grown on the site, but not including agricultural processing;

- b. (1) Farm stand for the temporary or seasonal sales and promotion of crops or fuel wood which are grown on the site, including Community Supported Agriculture, U-Pick and U-Cut operations
- (2) Farm Retail Sales Facility subject to the issuance of a zoning permit and compliance with Section 26-88-215;

Section V Section 26-16-010 (Permitted uses)

(i) Incidental cleaning, grading, packing, polishing, sizing, storage and similar preparation of crops which are grown on the site, but not including agricultural processing;

(k) Farm stand for the temporary or seasonal sales and promotion of agricultural products grown or processed on site (including sampling of non-alcoholic products processed on site, tours, educational visits, but not tasting rooms that sell or serve alcoholic beverages or consumption of alcoholic beverages by retail consumers or the public);

Section VI Section 26-16-020 (Uses permitted with a use permit)

AR Agriculture and Residential District is amended to revise the following subsection to read as follows:

(y) Small-scale farm retail sales facility

Section VII Article 88 of Chapter 26 of the County Code

is hereby amended to add Subsection 26-88-210 (Small-scale Agricultural Processing Facility) as shown in [Exhibit A](#) ».

Section VIII Article 88 of Chapter 26 of the County Code

is hereby amended to add Subsection 26-88-215 (Small-scale Farm Retail Sales Facility) as shown in [Exhibit B](#). »

Section IX Environmental Determination

An Initial Study and Negative Declaration were prepared and circulated to the public for a 20-day period from March 21 to April 10, 2014. The Negative Declaration has been reviewed and considered, together with comments received during the public review process, in accordance with the California Environmental Quality Act (CEQA) and County CEQA Guidelines, and The Board finds on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the independent judgment and analysis of the Board. The Director of Permit and Resource Management Department is directed to file a Notice of Determination in accordance with CEQA.

Section X Stay of Enforcement

All zoning enforcement actions related to existing small-scale agricultural processing facilities and farm retail sales facilities which do not have prior authorization under Chapter 26 of the Sonoma County Code shall be stayed for a period of 180 days from the effective date of this ordinance provided that the operator has submitted a complete application to the Permit and Resource Management Department within the 180 day period to obtain all necessary permits and the permit process is pursued with diligence by the operator, the stay shall remain in effect until final approval or denial of the application by the County.

The Permit and Resource Management Department cannot stay enforcement of state accessibility regulations and any

accessibility complaint received must be abated in accordance with state law. Voluntary disclosure and permit applications to legalize existing small-scale agricultural processing and farm retail sales facilities shall not be considered an accessibility complaint and shall not be referred to code enforcement provided that all required applications are submitted within the 180 day period.

Section XI Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion(s) of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section XII Effective Date

This Ordinance and all amendments to the Sonoma County Code as set forth within shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of Board adoption. This Ordinance shall be published once before the expiration of fifteen (15) days after adoption, with the names of the Supervisor's voting for or against the same, in The Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

Section XIII Custodian of Documents

The Clerk of the Board of Supervisors shall be the custodian of the documents and other materials which constitute the record of the proceedings upon which the Board's decision is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

In Regular Session of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this 29th day of July, 2014, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin: Aye
Zane: Aye
McGuire: Aye
Carrillo: Aye
Rabbitt: Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

So Ordered.

Whereupon, the Chair declared the above foregoing Ordinance duly adopted and attested and signed by the Chair of the Board of Supervisors and attested by Clerk of the Board of Supervisors

Contact Information

County Administrator's Office
County of Sonoma