

TOWNSHIP OF MUSSEY ST. CLAIR
COUNTY, MICHIGAN
AG TOURISM ORDINANCE # 26

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF MUSSEY TO PROVIDE FOR **VARIOUS** AGRICULTURAL TOURISM AND SEASONAL AGRICULTURAL USES AS PRINCIPAL PERMITTED USES AND AS SPECIAL LAND USES IN THE **AGRICULTURAL** DISTRICT AND TO PROVIDE PARKING REQUIREMENTS AND SIGN REGULATIONS PERTAINING TO THE SAME

THE TOWNSHIP OF MUSSEY ORDAINS:

ARTICLE 1: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 2, Definitions, is hereby amended by adding the following definitions:

- 2.1 *Agricultural Tourism, ag-tourism and/or agri-tourism*: 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.
- 2.2 *Value-added agricultural product*: 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.
- 2.3 *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.
- 2.4 *Agriculturally related products*: 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.

- 2.5 *Non-agriculturally related products:* 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.
 - 2.6 *Agriculturally related uses:* 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.
 - 2.7 *Non-agriculturally related uses:* Activities that are part of an agri-tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, haunted houses, etc., and are subject to a special use or temporary use permit.
- 36.1 *Farm Market/On-farm market:* 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, but not including temporary roadside stand markets.
- 82.1 *Seasonal:* A recurrent period characterized by certain occurrences, festivities, or crops; *harvest, when crops are ready;* not all year round.
- 84.1 *Sign, seasonal:* 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.

ARTICLE 2: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 4, AG-Agricultural District, Section 401, Principal Permitted Uses, is hereby amended by revising subsection 401(A) to read as follows:

- A. 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. The following additional agricultural uses shall be permitted:

- 1.) 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.
- 2.) 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, provided that the premises is licensed by the Michigan Liquor Control Commission .
- 3.) Direct marketing of produce in a farm market or on-farm market provided that any building, or combination of buildings used for such purposes contain a total of not more than 2,500 square feet. A temporary roadside stand shall also be permitted provided that it shall comply with all regulations set forth in Section 403(C).
- 4.) Seasonal U-pick fruits and vegetables operations.
- 5.) Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
- 6.) Food sales/processing, processing any fruits/produce.
- 7.) Uses 2 through 6 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 - a) Value-added agricultural products or activities such as education tours or processing facilities, etc.
 - b) Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
 - c) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).

- d) Petting farms, animal display, and pony rides.
 - e) Wagon, sleigh and hayrides.
 - f) Nature trails.
 - g) Open air or covered picnic area with restrooms.
 - h) Educational classes, lectures, seminars.
 - i) Historical agricultural exhibits.
 - j) Kitchen facilities, processing/cooking items for sale.
 - k) Gift shops for the sale of agricultural products and agriculturally related products.
 - l) Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.
- 8.) Non-agriculturally related uses listed as permitted uses above may include the following ancillary uses as temporary land uses: small-scale entertainment (e.g., music concert, car show, art fair), family-oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides provided that:
- a) A temporary use permit shall be obtained from the Zoning Administrator. Said temporary use permit shall be valid for only one period of use. A fee may be charged for said permit.
 - b) Said use shall be permitted only for one (1) period per year not to exceed consecutive 60 days.
 - c) Applicant must provide evidence of liability insurance coverage, acceptable to the Township, of not less than \$1,000,000.
 - d) Inspections shall be conducted by the Building Inspector, and other officials as may be required, prior to the period of use. Evidence of approval in the form of an inspection certificate shall be provided to the Zoning Administrator prior to the issuance of a temporary land use permit. A fee may be charged covering the cost of such inspection(s) and certificate(s).
 - e) Notwithstanding other provisions of this ordinance, said use need not be accessory to a bona fide farm or agricultural use provided that:
 - i. it is located on a parcel of not less than five (5) acres, and
 - ii. has been in existence, has been lawfully approved by the Township, and has been operated for at least one (1)

season prior to the effective date of this ordinance provision.

ARTICLE 3: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 4, AG-Agricultural District, Section 402, Special Land Uses, is hereby amended by adding the following sub-sections:

- R. Bed and Breakfast provided that such use is part of a bona fide farm.
- S. Direct marketing of produce, farm market, on-farm market with when a building or combination of building contain more than 2,500 square feet, roadside stand if the sales area is greater than 200 square feet in building area.
- T. Restaurant operations when incidental and accessory to other permitted agricultural tourism uses on the site.
- U. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses shall a special use permit.
 - 1.) Permanent, organized meeting space for use by weddings, birthday parties, and corporate picnics.
 - 2.) Designated, permanent parking for more than 20 vehicles.

ARTICLE 4: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 12, General Provisions, Section 1204, Off-Street Parking Requirements, Sub-section 1204(L), is hereby amended by adding the following paragraph:

- 7) AGRICULTURAL TOURISM AND SEASONAL AGRICULTURAL USES
 - a. For agricultural tourism and seasonal agriculturally related uses one space for each 500 square feet of retail area and one space for every 1,000 square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
 - b. 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.
 - c. For uses permitted by special land 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.

- d. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
- e. Unpaved parking areas shall not be located within any required side or rear yard. Paved parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

ARTICLE 5: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 12, General Provisions, Section 1209, Signs, Sub-section 1209(B), is hereby amended by adding the following paragraph:

AG Agricultural Districts

Two (2) on-premise accessory seasonal signs, not to exceed thirty-two (32) square feet each, 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 or when an agricultural tourism use is in operation or is planned to be in operation within thirty (30) days. Said signs may be permanently displayed for permitted uses that are authorized to operate on a year-round basis.

One (1) off-premise seasonal sign, not to exceed twelve (12) square feet each, may be erected at up to six (6) locations within the township for a limited period of time during the year when retailing activities for a particular farm product is available to the public or when an agricultural tourism use is in operation or is planned to be in operation within thirty (30) days. Signs facing in the same direction of travel shall be at least 1,000 feet apart. Permission from the property owner upon which said sign is to be placed shall be provided with the application. Said signs shall not be located within an R-1 District, nor shall

be placed within any road right-of-way. Said signs may be permanently displayed for permitted uses that are authorized to operate on a year-round basis.

ARTICLE 6: SEVERABILITY

Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so held to be unconstitutional or invalid.

ARTICLE 7: REPEAL

All ordinances in conflict herewith are hereby repealed.

ARTICLE 6: EFFECTIVE DATE

This ordinance shall become effective upon expiration of seven (7) days after publication.

SECTION 7: INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 135 N. Main Street, Capac, Michigan 48014, during regular posted office hours.

SECTION 8: ADOPTION

Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan, on this 10th day of June, 2009, A.D.

1. Date of Public Hearing:7-28-08
2. Date of Adoption by Township Board of Trustees 6-10-09
3. Date of Publication:6-17-09
4. Date and Time Ordinance Shall Take Effect: 7-16-09

Sheila McDonald, Township Clerk