

**CENTERVILLE TOWNSHIP
PLANNING COMMISSION**

*Lindy Kellogg, Chairperson; Rolf von Walthausen, Vice Chair;
Joe Mosher, Board Representative;
Mary Beeker, Secretary; Noel Bielaczyc, member;
Chris Grobbel, Planner*

Centerville Township Hall

June 3, 2024, Regular Meeting, *Approved Minutes (Approved 10-07-2024)*

Call to Order: Lindy Kellogg, Chair, called the meeting to order at 6:32 p.m.

Attendance: Lindy Kellogg, Mary Beeker, Rolf von Walthausen

Absent: Joe Mosher, Noel Beilaczyc

- **Staff Present:** Township Planner, Chris Grobbel
- **Public attendance:** 16 in person

I. REVIEW AND APPROVE AGENDA

- a. Approval of the minutes of April 1, 2024 and April 29, 2024 needs to be added to the agenda.

ACTION: Beeker moved to approve the agenda as presented and amended; supported by von Walthausen. Motion carried.

II. **PUBLIC COMMENT REGARDING THE AGENDA** (and any non-agenda items not relating to the zoning ordinance)

A question from the public: How many more meetings will there be allowing public comment about the zoning ordinance?

There will probably be 2 more meetings.

III. **DECLARATION OF CONFLICT OF INTEREST** - None

IV. **REVISE/APPROVE MEETING MINUTES**

April 1, 2024, Regular meeting

ACTION: Beeker moved to approve the minutes of April 1, 2024 as presented; supported by von Walthausen. Motion carried.

April 29, 2024, Special meeting

ACTION: Von Walthausen moved to approve the minutes of April 29 as presented; supported by Beeker. Motion carried.

May 6, 2024, Regular meeting

ACTION: Beeker moved to approve the minutes of May 6, 2024 as presented; supported by von Walthausen. Motion carried.

V. **REPORT FROM TOWNSHIP BOARD REPRESENTATIVE**

No report

VI. **REPORT FROM ZA REPRESENTATIVE**

No report

VII. **TOWNSHIP PLANNER REPORT**

The Planning Commission will be looking at conditional rezoning after this process is over. They are currently working on a ZBA variance: the old store on Good Harbor Trail; the Irwin property. Grobbel has found previous septic ordinance files and will bring them to the Commission.

VIII. OPEN PUBLIC HEARING ON ZONING ORDINANCE REVISIONS (limit of 3 minutes per person, unless extended by Chair)

Public comments received via mail or email will be included in the meeting minutes.

Don Baty – He expressed his appreciation for the effort of the Planning Commission in revising the zoning ordinance. The Township is a leader and an example for other townships. He encouraged the consideration of marinas in the waterfront overlay district. He feels the ordinance does not go far enough. The marinas now on the lake are sufficient. He is also aware of EGLE predisposition about hardened sea walls. It is important that this subject to the zoning ordinance.

Tim Wilson – He is concerned that park models are prohibited in the campgrounds. The definitions in the ordinance for park models are inaccurate. The utilities are not attached to the park models. Also, there is contradictory language about what is an RV and what is not an RV.

Jeff Rose – The park was listed as a marina years ago. There have been park models for 50 years. It feels it was offensive that this was brought up. The park models are 400 square feet or less. Many are affordable housing for people. They also provide revenue for Centerville Township.

Nancy Popa – She is representing the LLLA and she expressed her support and appreciation for the waterfront overlay district. Limitations on docks and boats, impervious surfaces, setbacks, limits on seawalls and marinas are appreciated. Seawalls should be prohibited because they are detrimental to the land, wave energy, and wildlife. She supports the written comments from David Baty

Michelle Uhaze – She relayed a comment from Derenda Lefevre thanking the PC for the ADA language in the ordinance.

She relayed a comment from Dave Lefevre thanking the PC for their hours and thoughtful conversation about farm stays. Farm stays are income for the farmers. Farm stays must comply with ADA and the issue needs more consideration for reasonable limits in the ordinance.

Michelle Uhaze gave her own comment. She would like to see language similar to Cleveland Township and Leelanau Township in the Centerville ordinance. She is in favor of farm stays. The maximum size of each site needs to be defined. There should be an 80-foot setback from adjacent property. The maximum occupancy of each site needs to be defined. Quiet hours for generators need to be defined. A person as an overseer needs to be available at all times.

Barclay Welch – The consideration of special use land use permits needs to consider other special use land use permits already in the area.

Darlene Doorlag – She thanked the PC for their hours and tedious work. She appreciates the changes concerning glamping enterprises. It will be helpful in keeping the Township quiet and peaceful.

Bill Rastetter – He referred to his comment that was made in February. It was not addressed in the most recent version on the ordinance. He feels that the ordinance needs to be written in a way that considers possible legal challenges in the future. He noted a discrepancy in that the master plan is to be reviewed every 5 years. The master plan is to be reviewed every 5 years. He feels that needs to be done before

the zoning ordinance is revised. It is very important that we anticipate legal challenges.

Bill Walters – A lot was struck out in section 323.3. He feels that the PC is drifting away from giving farmers the latitude in their livelihood.

Jeff Rose - The permit for a tasting room was denied to Amoritas vineyards. Now the paved road was removed. The vineyard moved their tasting room to Lake Leelanau. Now they are looking to make the property into a glamping campground.

PUBLIC HEARING WAS CLOSED AT 7:08 P.M.

IX. PLANNING AND ZONING ISSUES

Business

- Kellogg will create a spreadsheet of public comments for further review of the zoning ordinance. It will be organized by date, name of commenter, subject of the comment, and the section of the ordinance referenced. Meetings were tentatively scheduled for June 17, June 20, and July 11 at 6:30 p.m.
- Moratorium Timeframe discussion
Chris Grobbel reviewed the process. Once the document is ready, the attorney will review it and then the County Planning Department will review it. The Planning Department can make recommendations but cannot change the document. The zoning ordinance would then go to the Board for approval. Grobbel suggested an extension of the moratorium considering the time it will take to get this process done. The due date for the moratorium is currently June 30. Grobbel suggested two extra meeting to discuss 1) all ag-related comments and 2) the waterfront overlay district. He also suggested that Bill Walter’s concerns about the master plan review be looked into. The Board will decide whether to ask for an extension to the moratorium.
ACTION: Beeker moved to request the Board to extend the moratorium to the end of August, 2024; supported by von Walthausen. Motion carried.
- Other Business
Grobbel mentioned another item that will be discussed in the future. Landowners can request that their property be rezoned. It is supposed to be a negotiation with the Township. The Township has to allow. More information will come from Grobbel when this subject is discussed.
- No July meeting
Generally, the PC does not meet in July, but a tentative meeting has been scheduled for July 11.

X. PUBLIC COMMENT

Bill Rastetter - He asked about the 3 extra meetings.

Rebecca Carlson - She does not live in Centerville Township but she wanted to thank the Commission for being a leader and providing an example for other Townships. She is concerned about how far from adjacent property owners will be these new developments be. How will their privacy be protected?

Don Baty – He questioned when the revision of the ordinance be available. Grobbel responded and added that ordinance will be formatted in an user friendly manner. Baty asked about tracking the changes. There is a way to track the changes and comments but it is complicated. Dates can be put in with the comments that come in. The edited version is kept only by Grobbel to ensure that the document is not inadvertently edited

Jeff Rose – He is concerned about a glamping development that may be built a half mile away from his home. He feels that the occupants will want access to the water and will be walking through the park. He is not in favor of this traffic in the park. They want to access to water. They will walk through our park.

Rodney Reicha – He asked about lot divisions and how much can a farm be broken up into lots. Grobbel explained It would depend on the Township ordinance as well as MI law on land division, which Grobbel explained

Jeff Rose - He stated that it would have been better to approve the tasting room on Amore Road because now they are trying to make it a glamping campground.

XI. ADJOURNMENT

The meeting was adjourned at 7:38 p.m.

Respectfully submitted,
Cindy Kacin

PUBLIC COMMENTS (attachment to the 6-3-24 meeting minutes)

----- Forwarded message -----

From: **Steve Hamilton** <hamiltonsteve811@gmail.com>

Date: Tue, May 14, 2024 at 7:52 AM

Subject: Zoning Ordinance - further suggestions

To: <lkelloggcentervillepc@gmail.com>, <rolf.centervillepc@gmail.com>, Joe Mosher <moshercentervilletwp@gmail.com>, <mbeekercentervillepc@gmail.com>, <noel.centervillepc@gmail.com>, <grobbelenvironmental@gmail.com>

Dear Planning Commission and Dr. Grobbel,

Those of us who are particularly concerned about the expansion of commercial resorts in the township, and have been represented in all 11 meetings regarding the Zoning Ordinance revision, wish to offer some additional revisions to that section (please see attached). Thanks to research by Derenda, we have found ways to tighten up the language and use clear definitions with citable sources. We hope you find this helpful.

The two attached files are identical in content, and in the form of a PDF and a Pages file. A clean version follows the marked-up one.

We feel that these suggestions are important enough that they should be discussed at the May 21st meeting, assuming there would be enough time to incorporate text edits before the public hearing 13 days later.

I notice that the Michigan Zoning Enabling Act that evidently governs these things does say this in regard to public hearings in general: "...the local unit of government shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing." I am not sure of the requirements for making a document available in advance, if there are any, or if that is normally done for something like this.

By the way, I also came across this in your PC Bylaws: "All public hearings held by the Planning Commission must be part of a regular **or special** meeting of the Planning Commission."

I imagine that you're aware of those two things but thought I should make note of them just in case, and if the regular meeting is a requirement, perhaps that needs to be on the list of eventual bylaws updates.

We would appreciate confirmation of the June 3rd date for the public hearing as soon as it is finalized, since the newspaper only comes once a week.

Thank you for considering this, and we appreciate all of your diligent work on the revisions!

Sincerely,

Steve Hamilton

Emma Rosi

Derenda LeFevre

Dave Lefevre

Michele Uhaze

William UHaze

Barclay Welch
Kristen Welch
Nicole Coonradt
James Holleman

SECTION 3.22 AGRICULTURE-RELATED ENTERPRISES ~~TOURISM~~

Section 3.22.1 Intent, Goals, Purposes, and Limits

This Section is intended to support the economic sustainability and resiliency of local farms, ~~small farms and current trends in farm stays~~, allow flexibility for growers to diversify farm income, and meet the changes in market, social and environmental conditions through agricultural-related enterprises and accessory uses compatible with the rural character of the Township. Agriculture-related enterprises ~~refers to~~ ~~means~~ the practice ~~s~~ of visiting an agricultural operation for the purposes of farm product purchase, farm related-recreation, farm-related education, or active public involvement in the farm operation. For farms that are actively growing products for on-site and/or off-site sale, agriculture-related enterprise uses can provide improved sales, marketing and additional farm-related income opportunities.

~~The intent of this zoning provision is to support the economic sustainability and resiliency of local farming by allowing flexibility for a farm/grower to diversify farm income and meet changes in market, social and environmental conditions through agricultural tourism and accessory uses compatible with the rural character of the township. Agricultural tourism and agriculture-related enterprises mean the practice of visiting an agricultural operation for the purposes of farm product purchase, farm related recreation, farm related education, or active public involvement in the farm operation; not as a contractor or employee of the operation. For farms that are actively growing products for on-site and/or off-site sale, agricultural tourism uses can provide improved sales, marketing and additional farm-related income opportunities.~~

A. The goals of these provisions are:

1. To maintain and promote agriculture and **agriculture-related** activities.
2. To preserve open space and farmland.
3. To maintain the Township's agricultural heritage and rural character.
4. To increase community benefits by having fresh, local agricultural products for sale and working classrooms to educate school children, residents and tourists.
5. To increase **agriculture-related enterprises** that contribute to the general economic condition of the Township ~~area~~ and region.

B. The purposes of this Section are:

1. To provide standard definitions related to agricultur ~~e-al tourism and agriculture -related enterprises and~~ uses.
2. To provide a list of permitted ~~agricultural tourism~~ **agriculture-related enterprises** and uses for working farms.

3. To provide a mechanism for allowing creative uses that need a **site plan review and/or** special land use permit to guide and regulate ~~agricultural tourism~~ **agriculture-related enterprises and** uses on working farms.
4. To provide for a clear understanding of the expectations for ~~agricultural tourism~~ **agriculture - related enterprises and** uses for farm operators, local residents, other businesses and local officials.

c. This Section requires that all of the following are met:

1. ~~Agricultural tourism and agriculture - related enterprises and~~ uses are allowed only on working farms. ~~Working farms mean are those operations which are providing agricultural products for on-site and/or off-site sale. These sales must contribute to the farm operator's income, and off farm income is not included. The working nature of the farm must be documented including control of the land being farmed and income/ expense documentation such as sales receipts, IRS Schedule F, or other documentation that the Township agrees is satisfactory.~~

Reason for deleted text: This is covered in the Definitions Section.

2. ~~A working farm under this Section shall possess ten (10) or more acres in active agricultural production, cultivation, orchard, vineyard, etc.~~

2. A farm's size must be adequate to accommodate any agriculture-related enterprises and uses so as not to create a nuisance or a hazard. Issues affected by farm size include, but are not limited to, setbacks for noise abatement, adequate off road **parking** space, adequate parking areas, **etc.**

3. ~~Sales shall be limited to farm products and cottage foods. in compliance with GAAMPS for products markets such as fruit, vegetables, baked goods, plant and nursery stock, compost, eggs, meat products, or farm-related products such as milk, cheeses, honey, preserves, or butter, etc. A bakery may exist as part of a farm market.~~

GAAMPS cannot be required or regulated locally. GAAMPS are opt-in guidelines only. The statement above is from the MSU Extension CLFE Session 2 - Understanding Local Zoning, RTF, and Farm Market GAAMPS.

A Supportive Source can be found at:

https://www.canr.msu.edu/resources/who_is_protected_from_zoning_regulation_under_the_right_to_farm_act_rtf

- a. **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.**

Source: MDARD GAAMPS for Farm Markets:

<https://www.michigan.gov/mdard/-/media/Project/Websites/mdard/documents/environment/rtf/2024-GAAMPS/Farm-Markets-GAAMPS-2024.pdf?rev=eab4f7600c684af58b8bcdd4972d2cd3&hash=074C879C2DE176A67D25FBCDE37B13D5>

- b. Cottage Foods means non-potentially hazardous foods that do not require time and/or temperature control for safety and can be produced in a home kitchen (the kitchen of the person's primary domestic residence) for direct sale to customers at farmers markets, farm markets, roadside stands or other direct markets. The products can't be sold to retail stores; restaurants; over the Internet; by mail order; or to wholesalers, brokers or other food distributors who resell foods.

Source: Right To Farm Resources, Cottage Food Law:

<https://www.michigan.gov/mdard/food-dairy/michigan-cottage-foods-information>

4. At least 50-percent of products sold or 50-percent of income earned must be produced must come from products produced on the working farm or a commonly owned off-site farm or facility.

Source: Right To Farm Act:

<https://www.michigan.gov/mdard/environment/rtf/right-to-farm-program>

~~6. Agriculture related enterprises, tourism and/or agricultural resort and uses are not allowed on a working farm by third parties under this Section.~~

5. Agriculture and tourism and agriculture - related enterprises and uses must meet all other relevant Township zoning requirements ordinances plus all health, building, road, safety, and all other applicable local, state and federal regulations and codes including environmental and agricultural laws . Source:

<https://www.michigan.gov/mdard/environment/rtf/gaamps>

6. Agricultural operations whose gross revenues are solely or primarily derived from alcoholic products are not included under this Section these provisions . This Section does not expand uses permitted for production, processing, or sale of alcoholic products or otherwise reduce the restrictions applicable under state or local laws.

7. ~~If applicable under state law, a working farm must be operated in conformance with Michigan~~

~~Generally Accepted Agricultural and Management Practices (GAAMPS), and any additional GAAMPS that may apply to the proposed agriculture related enterprises and ag resort uses.~~ Reasoning for deletion: If it is covered in a particular GAAMP, it's off limits to local regulation. Conversely, if it is not covered in the RTF Act or in a GAAMP, it is fair game to regulate locally. Additionally, as a local government you can't request

things in a site plan that are covered by a GAAMP, only things that are not covered by the GAAMP.

The statement above is from the MSU Extension CLFE Session 2 - Understanding Local Zoning, RTF, and Farm Market GAAMPS.

A Supportive Source can be found at:

https://www.canr.msu.edu/resources/who_is_protected_from_zoning_regulation_under_the_right_to_farm_act_rtfa

8. Sales **and Uses** not allowed include but are not limited to:
 - a. Fuel or related products
 - b. Tobacco products
 - c. Marijuana products
 - d. Alcoholic beverages unless the operation is licensed by the State of Michigan ~~and 50 percent of the retail space is used to display products for sale that are produced on and/or by the working farm.~~
 - e. Lottery tickets
 - f. Vehicles, recreational vehicles or related products **and facilities**
 - g. Flea markets
 - h. Fireworks as defined by the Michigan Fireworks Safety Act, P.A. 256 of 2011, as amended, including but not limited to consumer, novelty, low impact and display fireworks.
 - i. Restaurants
 - j. Campgrounds**

9. **Hours of operation shall be from ~~dusk~~ dawn to ~~dawn~~ dusk**, with quiet hours enforced from 10pm to 7am. ~~Limited to 6am to 9pm.~~

10. ~~Months of operation shall be April through November~~

10. Documentation that an **agriculture-related enterprise** or use is operating within these limits must be made available to the Township ~~upon request.~~

Section 3.22.2 Agriculture ~~at tourism and agriculture -~~ **related enterprises and** ~~tourism~~ uses, within the limits set above, permitted by right for working farms in the **Agricultural** ~~any zoning~~ District.

- A. Agriculture- **related enterprises** ~~tourism~~ **and** uses include the following, as well as other substantially similar uses or activities that occur as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products:
 1. Roadside stands
 2. On-farm market
 3. Direct to customer sale and distribution
 4. Value-added (other than alcohol products) processing of products grown on the farm
 5. **Baking ed** goods for sale at the on-farm market or local farmers markets
 6. Corn & hay mazes
 7. Sleigh & hay rides
 8. Horse rides
 9. U-pick farms, and similar uses

10. ~~Animal petting attractions and playgrounds~~

11. ~~Children's games and activities~~

10. Pumpkin patches, and similar uses

11. ~~Farm Stays of four (4) or less campsites per parcel., glamping sites, tents, rooms or similar overnight accommodations.~~

A Farm Stay is a building or place that provides temporary or short-term accommodations to paying guests on a working farm as a secondary business to primary production. Source: Leelanau Twp. ZO

Definition of a campsite: A minimum of 50'x50' in size to accommodate a parking space, tent, cabin, or recreational vehicle, table & seating, fire pit & seating area

Source: <https://www.in.gov/dnr/forestry/files/designingrecfac.pdf>

a. **Acceptable accommodations include:**

- i. **A tent, defined as a collapsible shelter or other fabric stretched and sustained by poles.**
- ii. **A vehicular-type unit, primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.**
- iii. **A camping cabin is a hard-sided shelter that is less than 400 square feet in area.**

Source: Leelanau Twp. ZO

b. **No more than 2 vehicles allowed per campsite.**

Source: <https://www.michigan.gov/dnr/places/state-parks/rules>

c. **Recreational fires must be contained within fixed pits or rings.**

Source: Leelanau Twp. ZO

d. **A potable water source and restroom must be provided for tent and camping cabin accommodations.**

Reason: A restroom could be a port-a-john. Vehicular-type units will be self-contained. Farmers could also choose to offer only vehicular sites and not need to provide these amenities.

e. **The parcel owner or farm manager must reside on the property and is responsible for enforcing all conditions above.**

*Set-back buffers, maximum occupancy, and campsite size have all been areas of concern during our group discussions and we would like the PC to discuss in further detail how we can ensure reasonable guidelines that balance the needs of the farmer and the privacy and comfort of the neighboring property owners.

~~12. Overnight, on-site guest accommodations of no more than two (2) consecutive nights per guest.~~

Reason: How would this be enforceable? It feels a bit restrictive for vacationers visiting our area.

12. Farm Tours, Demonstrations, Cooking and other classes utilizing farm products, and Farm-to-Table Dinners

Allowed by GAAMPS Farm Markets and cannot be locally regulated

C. Small non-agriculturally related events meeting the following:

- ~~1. Under 100 people and no more than 2 events per month with a total of no more than 6 per year.~~
1. **One (1) on-site event per month and no more than three (3) events per year shall occur under this Section.**
2. Subject to notification to the Zoning Administrator at least ~~seven~~ **fourteen (14)** days in advance of the event. ~~and the event must comply with the applicable requirements in Section 3.20.3 4.24.3 (i.e., parking, noise, etc.)~~
3. **Shall otherwise comply with Section 9.5.9: Events - Wineries, Meaderies, Distilleries and Cideries of this Zoning Ordinance.**

Section 3.22.3 Other agriculture ~~al tourism and agriculture~~ - **related enterprises and** uses or uses accessory to a working farm's operation may be approved subject to Site Plan Review per Article 13 and **Special Land Uses per Article 14** of the Zoning Ordinance.

~~Potential uses covered under this Section are ancillary to the farm on which they are located, but utilize the rural character of the farm and the Township as an asset for the business. Examples of uses envisioned under this Section include, but are not limited to: wedding venues, lodging options such as inns and cabins, restaurants, and extended homestead and farm experiences including lodging. The intent of this Section is to provide guidelines for ideas for such ancillary uses so that the uses can financially benefit the farmer, and still preserve the rural character of the farm's neighborhood and the Township.~~

Reason for deleted text below: The language is covered in Articles 13 and 14 and should be removed from this section to maintain clarity and accuracy in requirements.

A. ~~Uses proposed under this Section require a Special Land Use Permit and a Site Plan Review approved by the Planning Commission. Information required in the Site Plan includes but is not limited to:~~

1. ~~Description of activity~~ **and /or event(s)**
2. ~~Number of people involved~~
3. ~~Frequency of events or activities~~
4. ~~Hours of operation~~
5. ~~Structures to be utilized~~
6. ~~Parking plans~~
7. ~~Setbacks and buffering from neighbors,~~ **sensitive receivers, sensitive areas**, and ~~roads~~
8. ~~Lighting~~
9. ~~Noise~~

b. A Special Land Use Permit shall only be granted if the Planning Commission determines the applicant has submitted evidence demonstrating the following standards are met:

1. The farm is a working farm

a. Working farms are those operations which are growing agricultural products for sale. These sales must contribute to the farm operator's income. The working nature of the farm must be documented including control of the land being used and income documentation such as sales receipts, IRS Schedule F, or other documentation that the Township agrees is satisfactory.

2. The farm has adequate space to hold parking away from the road and provide adequate setback and buffers to neighbors and sensitive areas.

3. The use is compatible with adjacent uses of land, the natural environment, the capacities of public services and facilities affected by the land use and will maintain the agricultural character of the location and the visual rural character of the neighborhood.

4. The use will be adequately buffered both visually and acoustically from neighbors. 5. The use meets other applicable Township regulations ordinances, including but not limited to signage and lighting. 6. Traffic loads and road access have been reviewed and approved by the Leelanau County Road Commission.

7. Activity structures, locations and access routes have been reviewed and approved by the fire chief for safety and emergency access.

8. Structures will meet Leelanau County building codes.

9. Benzie-Leelanau District Health Department has reviewed and approved plans for food preparation, bathroom facilities and sanitation.

CLEAN COPY: Includes all of the PC edits and our group edits

SECTION 3.22 AGRICULTURE-RELATED ENTERPRISES TOURISM

Section 3.22.1 Intent, Goals, Purposes, and Limits

This Section is intended to support the economic sustainability and resiliency of local farms, allow flexibility for growers to diversify farm income, and meet the changes in market, social and environmental conditions through agricultural-related enterprises and accessory uses compatible with the rural character of the Township. Agriculture-related enterprises refers to the practices of visiting an agricultural operation for the purposes of farm product purchase, farm related-recreation, farm-related education, or active public involvement in the farm operation. For farms that are actively growing products for on-site and/or off-site sale, agriculture-related enterprise uses can provide improved sales, marketing and additional farm-related income opportunities.

A. The goals of these provisions are:

1. To maintain and promote agriculture and agriculture-related activities.
2. To preserve open space and farmland.
3. To maintain the Township's agricultural heritage and rural character.
4. To increase community benefits by having fresh, local agricultural products for sale and working classrooms to educate school children, residents and tourists.

5. To increase agriculture-related enterprises and uses that contribute to the general economic condition of the Township area and region.

B. The purposes of this Section are:

1. To provide standard definitions related to agriculture-related enterprises and uses.
2. To provide a list of permitted agriculture-related enterprises and uses for working farms.
3. To provide a mechanism for allowing creative uses that need a site plan review and/ or special land use permit to guide and regulate agriculture-related enterprises and uses on working farms.
4. To provide for a clear understanding of the expectations for agriculture-related enterprises and uses for farm operators, local residents, other businesses and local officials.

C. This Section requires that all of the following are met:

1. Agriculture-related enterprises and uses are allowed only on working farms.
2. A farm's size must be adequate to accommodate any agriculture-related enterprises and uses so as not to create a nuisance or a hazard.
3. Sales shall be limited to farm products and cottage foods.
 - a. 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.
 - b. Cottage Foods means, non-potentially hazardous foods that do not require time and/or temperature control for safety and can be produced in a home kitchen (the kitchen of the person's primary domestic residence) for direct sale to customers at farmers markets, farm markets, roadside stands or other direct markets. The products cannot be sold to retail stores; restaurants; over the Internet; by mail order; or to wholesalers, brokers or other food distributors who resell foods.
4. At least 50-percent of products sold or 50-percent of your income must come from products produced on the working farm or a commonly owned off-site farm or facility.
5. Agriculture-related enterprises and uses must meet all other relevant Township zoning requirements plus all health, building, road, safety, and all other applicable local, state and federal regulations including environmental and agricultural laws.
6. Agricultural operations whose gross revenues are solely or primarily derived from alcoholic products are not included under this Section. This Section does not expand uses permitted for production, processing, or sale of alcoholic products or otherwise reduce the restrictions applicable under state or local laws.
7. Sales and Uses not allowed include but are not limited to:
 - a. Fuel or related products

- b. Tobacco products
 - c. Marijuana products
 - d. Alcoholic beverages unless the operation is licensed by the State of Michigan
 - e. Lottery tickets
 - f. Vehicles, recreational vehicles or related products and facilities
 - g. Flea markets
 - h. Fireworks as defined by the Michigan Fireworks Safety Act, P.A. 256 of 2011, as amended, including but not limited to consumer, novelty, low impact and display fireworks.
 - i. Restaurants
 - j. Campgrounds
8. Hours of operation shall be from dawn to dusk, with quiet hours enforced from 10pm to 7am.
9. Documentation that an agriculture-related enterprise or use is operating within these limits must be made available to the Township.

Section 3.22.2 Agriculture-related enterprises and uses, within the limits set above, permitted by right for working farms in the Agricultural District.

A. Agriculture-related enterprises and uses include the following, as well as other substantially similar uses or activities that occur as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products:

- 1. Roadside stands
- 2. On-farm market
- 3. Direct to customer sale and distribution
- 4. Value-added (other than alcohol products) processing of products grown on the farm
- 5. Baked goods for sale at the on-farm market or local farmers markets
- 6. Corn & hay mazes
- 7. Sleigh & hay rides
- 8. Horse rides
- 9. U-pick farms, and similar uses
- 10. Pumpkin patches, and similar uses
- 11. Farm Stays of four (4) or less campsites per parcel.
 - a. Acceptable accommodations include:
 - i. A tent, defined as a collapsible shelter or other fabric stretched and sustained by poles.
 - ii. A vehicular-type unit, primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
 - iii. A camping cabin is a hard-sided shelter that is less than 400 square feet in area.
 - b. { Campsite size guidelines}
 - c. No more than 2 vehicles allowed per campsite.
 - d. { Maximum occupancy of _____ people per site.}
 - e. Recreational fires must be contained within fixed pits or rings.

- f. A potable water source and restroom must be provided for tent and camping cabin accommodations.
 - g. {Set-back buffer/Noise and sound abatement guidelines}
 - h. The parcel owner or farm manager must reside on the property and is responsible for enforcing all conditions above.
12. Farm Tours, Demonstrations, Cooking and other classes utilizing farm products, and Farm-to-Table Dinners.

C. Small non-agriculturally related events meeting the following:

- 1. One (1) on-site event per month and no more than three (3) events per year shall occur under this Section.
- 2. Subject to notification to the Zoning Administrator at least fourteen (14) days in advance of the event.
- 3. Shall otherwise comply with Section 9.5.9: Events - Wineries, Meaderies, Distilleries and Cideries of this Zoning Ordinance.

Section 3.22.3 Other agriculture-related enterprises and uses or uses accessory to a working farm's operation may be approved subject to Site Plan Review per Article 13 and Special Land Uses per Article 14 of the Zoning Ordinance.

----- Forwarded message -----

From: **Derenda LeFevre** <derendalefevre@gmail.com>
 Date: Wed, May 29, 2024 at 5:40 PM
 Subject: Public Comment for June 3rd Public Hearing
 To: Joe Mosher <moshercentervilletp@gmail.com>, Lindy Kellogg <kelloggcentervillepc@gmail.com>, <noel.bielaczyc@gmail.com>, <mbeekercentervillepc@gmail.com>, <rolf.centervillepc@gmail.com>, <grobbeenvironmental@gmail.com>
 Cc: David Lefevre <bigwavedave66@gmail.com>

Hi again,
 Per your suggestion, Joe, I reviewed the description at the beginning of the Ag-Related Enterprises Ordinance. It is clear as to the intentions of the ordinance and well-written.

Here is the MSU Extension lesson I mentioned in a previous email: Understanding Local Zoning, RTF, and Farm Market GAAMPS
https://mediaspace.msu.edu/media/CLFE+Session+2+-+Understanding+Local+Zoning%2C+RTF%2C+and+Farm+Market+GAAMPS/1_h12b9h25

With the May 21st meeting being cancelled, I'm understanding that we have the Public Hearing on June 3rd as well as the Special Meeting on June 17th to hear discussion and comment on the changes to the ZO. Is that still correct?

I am unable to attend the Public Hearing as we are out of town, but will submit additional comment prior to June 3rd.

Can someone reply to confirm the next two opportunities for public comment, please?

Thanks,
Derenda

Hello Lindy, Rolf, Joe, Noel, Mary, and Chris!

First, we'd like to thank you all for the hours you have given and thoughtful conversation you have had to update this zoning ordinance. As prospective farmers and as residents we strive to balance the needs of both in our suggestions for the Ag-Related Enterprises section of the ordinance.

Farm Stays are an important tool for farmers to supplement their income and we support the current limitations on the number of sites per parcel. We also believe there needs to be additional structure built around these stays to mitigate nuisance and protect the environment. We also know that as places of public accommodation, these farm stays must also comply with the ADA.

The current limitations on overnights (2) is very restrictive and doesn't allow for even a long weekend vacation or ag-related workshops. The growing season requirements also feel restrictive as there are many opportunities for ag-related classes that take place outside of the growing season AND the farmers have the time to do these classes, tours, etc. when they're not busy running their farm operation. If you restrict these, how would you even enforce them? Might it be better to allow more freedom within the other limitations set?

The only rental accommodations allowed are Bed & Breakfasts and Farm Stays
Is there a reason that Guest Houses are not allowed to be used in the same way as B&B's and Farm Stays (limited to 4 rooms) or as long term rentals such as seasonal labor housing (for the farm owner or other local farm owners) on working farms?

This section of the ordinance needs further consideration to clarify and set reasonable limits and reasonable freedoms for farmers. It does clearly restrict large scale/resort type farm stays and we appreciate and support that.

Thank you for considering our suggestions and for the work that you have done to maintain the rural and peaceful nature of our township.

We're making the following suggestions for changes to the Ag-Related Enterprises Ordinance:

Section 3.21 Agriculture-Related Tourism

REMOVE 3.21.2.11&12 and create a separate section for Farm Stays (see below)

3.21.2.A REPLACE current 11 with “Farm tours, demonstrations, cooking and other classes utilizing farm products, and farm-to-table dinners” (Allowed under GAAMPS)

REMOVE 3.21.3.A&B (redundant, refer to site plan requirements and special land use permits instead)

3.21.C.3. REPLACE with “Sales shall be limited to farm products as defined by the Right To Farm Act and value-added products that comply with the Michigan Cottage Foods Law.”

3.21.C.8 ADD j. Campgrounds

3.21.C.9 AMEND “dusk to dawn” to “dawn to dusk”

ADD 3.21.2.C Farm Stays

A maximum of four (4) campsites, glamping sites, cabins, rooms or similar total overnight accommodations may be located on any working farm without issuance of a land use permit, provided the following conditions and limitations are met:

1. Provide one off-street parking space for each site.
2. A register of guests shall be maintained by the Farm Stay establishment.
3. Accommodations must be maintained in a reasonable state of repair.
4. Will not constitute a public or private nuisance.
5. Recreational fires must be contained within fixed pits or rings.
6. Will not be used as a permanent dwelling.
7. Meets Benzie-Leelanau District Health Department requirements for sanitary waste disposal and potable water supply, and
8. As a place of public accommodation, farm stays must comply with the ADA.
9. The parcel owner or farm manager must reside on the property and is responsible for enforcing all conditions above.
10. Farm stay establishments must complete a disclosure form that states their compliance with the requirements listed above.

Article 9.1.B.12 Contradicts the uses permitted by right in 3.21 Ag-Related Enterprises by listing Ag-related Enterprises as a Special Land Use Permitted By Special Approval.

This seems to imply that non-working farms can also apply for special land use permits for ag-related enterprises. There are many ag-related enterprises and uses permitted by right as well.

I also want to thank you for your attention to including ADA language in the Site Plan Review section of the zoning ordinance. As a long time ally of the disabled community, I applaud you in taking the steps to include language that supports and strengthens the Americans with Disabilities Act at the local level. As a recreational therapist I see the impact the inclusion of this language will have on the future development of public spaces and accommodations within Centerville Township. This is the beginning of a larger shift in our area to recognize the rights and the humanity of disabled people who live, work, and play here and to prioritize access for people with disabilities in more areas of community life. Thank you!

The following language still needs to be included in the final updates to replace outdated language.

Section 16.9.B.5

Proposed new language:

"All notices should invite people to write or call, a minimum of 48 hours in advance of the meeting, to inquire about specific access needs including, but not limited to ASL interpreter, wheelchair access, large print materials, screen reader compatible materials, etc."

Thank you,
Derenda and Dave LeFevre

Dear Centerville Township Planning Commission,

I am writing to express my support for the new Centerville Township zoning ordinance that has been modified over the last 6 months. Although I believe that there are some edits needed to finalize the zoning ordinance (please see letter from Stephen Hamilton et al. dated May 14th), in general I am supportive of the direction that the planning commission has taken. I am especially supportive of the efforts to promote agriculturally-related enterprises while protecting the rural character of our township by limiting the number of farmstays and by defining what constitutes these activities. I also suggest that the Planning Commission consider language being adopted by Leelanau Township that limits farmstays to working farms where the property owner lives onsite to enforce regulations such as quiet hours, etc. (see Leelanau Ticker article on May 29th, 2024).

I would like to express my gratitude to the commission for the careful and thoughtful deliberative process that you have conducted over the last 6 months.

Sincerely,
Emma Rosi
5685 E. Amore Road
Lake Leelanau, MI
49653

Dear Planning Commission and Dr. Grobbel,

I cannot attend the public hearing, so I write to express my support for the revisions of the Zoning Ordinance. The document is much improved. Importantly, it is now clear that large-scale commercial resorts are not permitted on agriculturally zoned lands as an "agriculture-related enterprise." The waterfront overlay district is another important improvement.

I still feel that our previous suggestions (see my email of 14 May) deserve consideration; it is not evident that they have been considered for version 12.

Thank you for all of your diligent work on the revisions!

Sincerely,

Steve Hamilton
5685 E. Amore Road
Lake Leelanau

Michele Uhaze
6150 East Amore Road Resident

I'd like to thank the Planning Commission for their many hours dedicated to revising the zoning ordinance. My husband Bill Uhaze and I attended every regular and special meeting the Planning commission has had since December, and we appreciate the process and proposed updates to the zoning ordinance.

After reviewing the Centerville Townships Zoning ordinance version 12, I would like to submit the following recommendations that would include language similar to Cleveland Townships zoning ordinance and Leelanau Townships proposed changes to their current Zoning ordinance. These changes will allow for farm stays while continuing to preserve open space and protect the rural and peaceful nature of our township while addressing concerns of neighboring properties regarding potential parties, noise, traffic, overcrowding, trespassing, smoke and more.

Under Section 3.21.2 – Agriculture related enterprises letter A – in addition to what is listed in the current draft, more specific language regarding farm stay guidelines should include:

1. Maximum Size of each camp site should be defined
2. Maximum occupancy of campsite - recommend using language that states "2 adults per site, excluding minor children"
3. 80-foot setback from neighboring property
4. No gas or diesel generators
5. Quiet hours defined
6. Farm Manager/operator reside or be available 24/7

Thank you for the opportunity to provide our feedback and hope you will continue to refine the zoning ordinance to meet the needs of not only our farmers but residents in Centerville Township.

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**Lake Leelanau Lake Association’s Comments to the Centerville Township Planning
Commission Regarding the Proposed Zoning Ordinance Revisions
June 3, 2024**

The Lake Leelanau Lake Association (LLLA), which is comprised of nearly 580 households in Leelanau County would like to express support for the proposed waterfront overlay district provisions in the Draft Centerville Township Zoning Ordinance version 12.

Specifically, the waterfront overlay district which contains provisions for limitations on dockage and boats will protect the scenic character of our lakes as well as minimize noise, pollution, and disturbance of the benthic layer. The waterfront overlay district provisions will also minimize run-off through impervious surface limitations, setbacks, and vegetative buffers required.

The LLLA believes that the Waterfront Overlay District should have a prohibition on marinas due to the intense activity associated with marinas in sensitive shallow water ecosystems.

The LLLA believes that the Waterfront Overlay District should have a prohibition on hardened seawalls also. Seawalls concentrate and deflect wave action onto surrounding areas and prevent shoreline animals from natural movement patterns between the water and land.

These proposed and suggested provisions can and will have a substantial impact on the health of the lakes and streams of Leelanau County.

Lastly, it is important that the zoning ordinance be clear, consistent and unambiguous. To that end, LLLA supports the memo from Donald Baty of May 29, 2024 that seeks to clarify the draft zoning ordinance. On behalf of the Lake Leelanau Lake Association

Nancy Popa-President

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Lindy

On Mon, Jun 3, 2024 at 4:33 PM Nicole Coonradt <nicole.coonradt@gmail.com> wrote:

Dear Lindy & PC Members:

We had hope to attend tonight's meeting, but unexpected family business has delayed our return from downstate travel. We realize these comments will not be part of the meeting since we are sending them to you late afternoon, but we would like them on record. (See below.)

Thanks to all the PC for ongoing hard work on behalf of our township.

Sincerely,

Nicole Coonradt
James A Holleman

PS I volunteer copy editing service when you are ready to go final. -- Nicole

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TO: Centerville Township Planning Commission
FROM: James A Holleman & Nicole Coonradt
ADDRESS: 5680 E Amore Rd., Lake Leelanau, MI 49653
RE: ZO Revisions
MEETING DATE: June 3, 2024

We would like to extend our sincere gratitude to the Planning Commission for all of their time and diligence over the last six months through a dozen public meetings to revise the Centerville Township Zoning Ordinance. We are in full support of the suggested revisions.

We would, however, like to express concern with a lack of clarity regarding farm stays.

In ZO Draft 12, we are pleased that proposed changes will allow for farm stays while continuing to preserve vital open spaces and protect the rural and peaceful nature of our township while addressing concerns of neighboring properties regarding potential parties, noise, traffic, overcrowding, trespassing, smoke, and more.

Under Section 3.21.2 , AGRICULTURE-RELATED ENTERPRISES, A, p. 65: In addition to what is listed in the current draft, more specific language regarding farm stay guidelines should include:

- Maximum Size of each camp site;
- Maximum Occupancy of campsite (we recommend, “2 adults per site, excluding minor children”);
- At least an 80-foot setback from neighboring properties;
- No gas or diesel generators;
- Defined Quiet Hours;
- Farm Manager/Operator to reside on-site or be available 24/7.

Again, we appreciate the considerable time and careful attention to detail– your continued service to the township is admirable!

=====

Donald F. Baty, Jr.
(313) 330-5386 donfbaty@outlook.com
Summer Address: 2471 South Lake Shore, Lake Leelanau MI 49653

May 29, 2024

To: Centerville Township Planning Commission

Re: Zoning Ordinance Amendments

Ladies and Gentlemen:

In a letter to you dated February 4, 2024, I offered some comments and suggested revisions to the zoning ordinance. In advance of the June 3, 2024, Public Hearing on the proposed revised ordinance, I wanted to offer some additional comments. For your convenience, I am incorporating the pertinent comments from my prior letter into this letter.¹

A. Waterfront Overlay District Amendments.

The addition of a Waterfront Overlay District is the most impactful thing the Planning Commission can do to effectuate some of the important goals, objectives and desires of Township residents as articulated in the Master Plan: maintaining and protecting the quality of Lake Leelanau and related natural resources and preserving the natural appearance and character of the Township. While Lake Leelanau is one of the cleanest and healthiest lakes in Michigan, adding the overlay district will help to ensure this remains the case for current residents and people who live in or visit our Township in the future. This is the essence of being good stewards of our Township, and I commend and thank you for your efforts.

While the draft overlay district adopts almost all of the major protections land planning and environmental experts identify as best practices for waterfront overlay districts, I believe a few additional provisions should be considered. Also, there are provisions in the proposed Section 17 and in other proposed amendments to the Ordinance that can be clarified to better express how the provisions are to be applied, and eliminate ambiguities and possible interpretation difficulties in the future. In that spirit, I offer the following comments for your consideration:

1. Section 17.1 - The last sentence should be deleted – it covers the same topic as section 17.2.b. Because that sentence is not a statement of purpose, but rather is a delineation of what property is included the district (and the wording is different from the wording of Section 17.2.b), it would be better to incorporate it into 17.2.b, the provision that defines the district.
2. Section 17.2.b –

¹ I am a member of the board of the Lake Leelanau Lake Association. These comments are being made in my individual capacity as a resident of Centerville Township and owner of property on South Lake Leelanau, and not on behalf of the Lake Association.

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- (a) I believe the overlay district should be defined to include all properties that meet the requirements in that section regardless of whether they are shown on the Centerville Township map. Creating a revised map with the specific identification of the ordinary high-water mark is an unnecessary complication and burden and would require a very detailed map.
- (b) The sentence that begins with “In addition, the provisions of Section 6.4b” (this is a reference error - it should be 14.4b) raises an ambiguity – since Article 17 applies to all waterfront properties in the district, it is not necessary to have a specific reference to vegetation strips in section 17.2.b. Finally, at the end of the third line of that subsection, the word or should be changed to of.
3. Section 17.2c - The phrase “free flow through of water” should probably be “permeable surface”, a term used in other places in the amendments. Likewise, is the meaning of the phrase “compensates for flood plain losses” sufficiently clear or should it be defined or explained in more detail?
4. Section 17.2.d – It is not clear as to why the provision is needed. All provisions of Article 17 necessarily apply to lots of record² and to construction after the amendment, not just the setback rules. By only referencing setbacks, there may be an ambiguity as to whether all other provisions of the article apply to new lots of record post-adoption construction and whether the district setbacks apply to postadoption construction on lots of record at the time the new ordinance is adopted.
5. Section 17.3.a.1 – The phrase “except on nonconforming lots of record” should be expanded to provide (i) what nonconformance(s) will excuse setback compliance (for example, lots where it is impossible to comply with the Ordinance because of size), and (ii) consistent with comment 4 above, that the exception only applies to lots of record at the time the amended ordinance is adopted.
6. Section 17.3.a.2 – The purpose of this provision is not clear. Also, if it is intended to loosen the setback rules for new construction if grandfathered nearby lots do not have the required setback, perhaps the language should begin with the phrase “For construction after adoption of this Article, . . .”. This would avoid any doubt that the setbacks on existing structures could not be reduced post adoption of the revised ordinance.
7. Section 17.3.a.3 (and in other places in the ordinance) - The term “boats” is used whereas in other places in the ordinance (such as in Sections 3.9.7 and 3.10), the

² Does the phrase “lots of record” have a recognized meaning in land use planning? Likewise, the phrase “legally created lot” is used in several places in the proposed revised ordinance. What is intended by the phrase “legally created”? For clarity, it would be helpful to define what “of record” and “legally created” mean, or if they have the same meaning to use or the other term throughout.

terms “watercraft, motorboats” (a defined term), “boats and other watercraft” and “watercraft other than a motorboat” are used. To avoid any ambiguity as to what is covered by a particular provision, the terms “motorized watercraft” and “nonmotorized watercraft” could be used, together with the addition of the concept that when just “watercraft” is used, it means both motorized and non-motorized watercraft.

8. Section 17.3.a.4 – Is the proviso phrase “except as may be required to provide access to a boat ramp” intended to allow construction of new roadways or driveways to non-conforming boat launches? Note that because shoreline alterations for boat launches are prohibited under the existing ordinance (and may have been prohibited under prior ordinances), some existing boat launches are nonconforming uses, and any changes to, or additions of, roadways and driveways would seem to be changes to non-conforming uses that require a ZBA variance. See Section 11.5. Thus, by using the referenced phrase, the provision could be read to allow changes to a non-conforming use without obtaining a ZBA variance. I assume this is not the intent.
9. Section 17.3.b.4 – is it the intent that this section regarding lighting applies only in the vegetative buffer? If not, it should be combined with the lighting provision in the second paragraph of Section 17.3.d so that there are no ambiguities to what lighting restrictions apply in the overlay district (or in the vegetative buffer, if they are different).
10. Section 17.3.b.7 – This provision appears to require that dead, unsafe or fallen trees and noxious plants can be removed only if they are not included in the 30% filtered or corridor view areas. I assume the intent is to allow removal of such trees and plants anywhere along the shoreline, including in the vegetative buffer. If that is the case, perhaps the sentence should read “Dead, diseased, unsafe or fallen trees and non-native exotic or noxious plants and shrubs, including poison ivy, poison sumac, purple loosestrife, etc. are not subject to the 30% filtered or corridor view limitations and may be removed at the homeowner’s discretion provided that no stumps are removed in the vegetative buffer.”
11. Section 17.3.c – A minor point - because pagination of the Ordinance may change from time to time, instead of referring to a specific page of the Ordinance, the reference should just be to Article II. And because the entire Article XVII is proposed to be a part of the Ordinance, there is no need to use the words “Centerville Township Zoning” (see Section 1.1 that defines the term “Ordinance”).
12. Section 17.3d –the intent of the first paragraph is not clear. What does “are to be permitted” mean? Does it mean that a permit must be obtained for the listed changes or waterfront activities or simply that all EGLE permitting requirements apply.³ Also, because boat launches (presumably this has the same meaning as boat ramp) are prohibited everywhere in the Township, the reference to boat ramps should be deleted or caveated with a parenthetical such as “(to the extent permitted by this

³ For example, EGLE allows seasonal docks and certain water extraction by riparian landowners without the necessity of obtaining a permit.

Ordinance)” to eliminate the possible argument that if an EGLE permit is obtained, shoreline alterations for a boat ramp would not violate the ordinance.

13. Section 17.3.f - Lot coverage is already defined in the definitions section, thus to avoid any ambiguity that lot coverage in the overlay district is not calculated in a way that is different than the defined term lot coverage, I recommend that the section read “The maximum lot coverage in the waterfront overlay district shall be 25%.”
14. Section 17.3.g – Stormwater flow requirements should not be limited to lakes – stormwater should be directed away from streams, creeks, and rivers too.
15. Section 17.3.h – This subject is covered in Section 3.10 and the language of this subsection is not identical to the language in Section 3.10. I recommend the subject be covered in only one place in the ordinance to avoid any possibility of an interpretation dispute.
16. Although not covered by the draft waterfront overlay district provisions, marinas⁴ should be prohibited everywhere in the waterfront overlay district. While shoreline alterations for boat launches are already prohibited by Section 3.10.E, a marina can operate without a boat launch. Any commercial operation that provides goods or services to persons arriving by water, or that rents slips or mooring rights, will cause increased numbers of watercraft to traverse through critical near-shore habitats with concomitant damage to these fragile areas. Marinas also degrade the natural and character of the shoreline. For these reasons, all marinas should be prohibited in the overlay district.

Related to the topic of marinas is Section 3.10.B of the ordinance that provides “[n]o person may be allowed to rent slippage or mooring rights unless that person possesses a commercial marina permit”. First, marina operating permits or commercial marina permits, are no longer required in Michigan⁵; instead, marina

construction permits are required.⁶ Thus, the provision as drafted no longer applies and if “marina construction permit” is inserted in place of “commercial marina permit,” a

⁴ As outlined in my February 4, 2024 letter, I believe the current definition of Marina in the Ordinance is deficient and I encourage you to consider changing the definition so it is clear that a marina includes any business activities that provide goods or services to persons arriving by watercraft, together with rental of watercraft, slips or mooring rights. I propose the following definition in lieu of the current definition: Marina - a commercial facility or business that: (a) extends into or over an inland lake or stream, or is located on or near the shore of a lake or stream; (b) provides docking, mooring, launching, fueling or other services or goods for watercraft; and (c) is open to (i) the public, (ii) members of an association, club or similar group, or (iii) residents of, visitors to, or patrons of, a Trailer Park, a RV Park, a campground, or other business. Also, for purposes of this Ordinance, a Marina includes a marina or a boat livery as those terms are used in the Michigan Natural Resources and Environmental Protection Act, or any successor law.

⁵ See Public Act 139 of 2009.

⁶ Marina construction permits are issued by EGLE. But the fact that EGLE may grant a marina construction permit does not mean that the zoning laws must yield and allow a marina or that issuance of construction permit is a tacit conclusion by EGLE that a marina does not negatively impact water quality or fragile habitats. EGLE permitting looks solely to the impact of construction of a marina on the environment and not to the post-construction impact of operating a marina. The latter is exclusively within the purview of local zoning.

form of marina operation would be allowed if EGLE granted a construction permit.⁷ This cannot be the intent and slippage and mooring rentals should be prohibited in the overlay district, or at a minimum, in all respects subject to all other provisions of the ordinance, including limits on commercial activities in particular zoning districts and limits on docks, hoists and similar facilities and number of watercraft.

17. Hardened Seawalls – although not covered by the proposed amendments to the ordinance, hardened seawalls should be prohibited unless a landowner can demonstrate no other feasible alternatives exist. There is a great deal of scientific literature highlighting the detrimental impact of hardened seawalls. In addition to destruction of important habitats, hardened seawalls concentrate and deflect wave action and can increase erosion to surrounding waterfront areas. Many riparian landowners on South Lake Leelanau have observed materially increased erosion because of recent higher lake levels and, in some cases, the increased use of wake boats too close to the shore. While it will not completely eliminate the problem, prohibiting hardened seawalls will help reduce erosion and sedimentation. While EGLE has a strong predisposition against hardened seawalls,⁸ the Township should not take the chance that EGLE changes its position in the future and thus hardened seawalls should be prohibited.

B. Comments and proposed revisions to other provisions in the draft ordinance.

18. While perhaps implied, to make it clear that the broad language in the paragraph under “Limitations of Zoning Ordinance” on page 7 of the draft ordinance is not intended to affect the other limitations and conditions imposed on Non-Conforming Uses, add “Subject to Article XI,” before the words “The provisions.”
 19. Page 7: under “Repeal of Previous Zoning Ordinance,” paragraph 2 - because a violation of the existing Ordinance may not have ripened into a “fine, penalty, forfeiture or liability,” for example where a zoning violation has not come to the attention of the zoning administrator, add the word violations” after both the phrase “rights acquired,” and the phrase “such rights.”
-
20. Page 7: Under “Interpretation and Relationship to Other Regulations” change the word “there” in the first line to “the.” Also, again to help ensure there is no ambiguity, consider adding the word “lawful” before easements in line 4.

⁷ See the Michigan DNR publication Conservation Guidelines for Michigan Lakes and Associated Resources found at https://mymlsa.org/wp-content/uploads/2011/06/MDNR_Conservation_Report_38.pdf.

⁸ For example, EGLE recently issued a marina construction permit to Northgate for changes to its marina at Leelanau Pines that was conditioned on use of alternatives to hardened seawalls. This approval, however, does not change that fact that Northgate’s proposed waterfront changes include shoreline alterations for a boat launch prohibited by Section 3.10.E and the expansion of a commercial activity not allowed in the commercial resort district. These changes at Leelanau Pines require a Zoning Board of Appeals variance. See Section 11.5.

21. Section 2.1 - Because defined terms are used both in capitalized and uncapitalized forms in the Ordinance, consider adding a subpart H to remove interpretation disputes: "If a word or term is defined in this Ordinance, the term or word has the given meaning whether or not it is capitalized."
22. Page 8 – to reflect a very important goal in the Master Plan, under Purpose, after "fire safety;" add "to protect natural resources;".
23. For consistency, in the definition of Building, if a vehicle used for purposes of a Building falls within the defined term, Recreational Vehicle should also be included in the list of non-traditional items that are treated as Buildings.
24. The definition of Campground: (a) in the penultimate line, change asa to as; (b) there is a circular reference in the use of the word campground in the definition itself, and the term "campground sites" should just read "sites"; and (c) the purpose of the sentence "Campgrounds are regulated by. . ." is not clear, because as used, it is just a statement of fact – it is not stated as a requirement for an activity to fall under the definition of campground in the ordinance. If the intent is that an activity will only be a Campground (and a special use permitted only with special approval) only if the location/activity is required to be licensed by the state, I believe the provision should be re-written as follows:

Campground –a parcel of land or lot upon which five (5) or more sites are located, established or maintained for occupancy by recreational vehicles, tents, Park Model Recreation Units or other individual camping units, as temporary living quarters for recreational purposes, regardless of whether they are public or private or there are fees charged, if the activity constitutes a "campground" regulated by the Michigan Department of Environment, Great Lakes and Energy.
25. In the definition of Campground - Instead of including a prohibition on park model recreational vehicles in the definition, from a drafting standpoint, it is probably better to include the prohibition in the Article on prohibited land uses (and the words "from campgrounds" should read "in campgrounds").
26. In the definitions of Buildings and Campground, the term park model recreational vehicles/units is used. While park model recreational vehicle is a defined term, is the addition of "/units" intended to mean something different than the defined term? If yes, a definition of park model recreational unit should be added. On the other hand, if the addition of "/units" is not a new concept and is intended to have the same meaning as park model recreational vehicle, to avoid interpretation disputes, the term "/unit(s)" should be deleted. Note that the term recreational units/vehicle is also used in the definition of Recreational Vehicle and "units/" should be deleted there too.
27. In the definition of Guest House, to avoid any issues regarding the interpretation of "income producing structure," consider revising the last sentence to read: "Guest Houses may not be rented, leased or used on a daily basis for a fee or charge."

28. The definition of Hotel references a building or physical structure. However, the last sentence (“Hotels and Inns do not include...”) introduces the concept of an activity (a “stay”). If the sentence is intended to mean farm related buildings used for meals and lodging are not within the definition of hotel or inn, the last sentence should read something like “Farm-related or ag-tourism buildings where lodging or meals are provided are not hotels or inns as those terms are used in this Ordinance.”
29. In the definition of “Impervious Surfaces” because pavers or block are sometimes placed on a cement slab or cement or mortar is used between the pavers or blocks thereby making the surface impervious, a clarification like the following parenthetical is needed after the word “etc.”- “(however, pavers, block or stone materials that are placed on an impervious surface or installed using mortar, cement or similar materials that make the surface impervious will be treated as impervious surfaces)”.
30. In the definition of Park Model Recreational Vehicle, there are three references that are ambiguous or invite interpretation disputes: (a) the parenthetical phrase “(formerly referred to [as] recreational park trailers)” should probably read “(sometimes referred to as recreational park trailers)”; (b) the term “RV park” is used (but not defined in the Ordinance) and because the definition of Campground] includes what would typically be referred to as an RV park (i.e. Leelanau Pines), is something different intended by adding “RV park” instead of just using Campground in that definition? Note that the term “RV park” is also used in Section 6.2 and is redundant if the defined term campground includes what is sometimes referred to as an “RV park”.
31. As explained above, the definition of Lot should be reworked because it is not clear. For example: (i) the word Lot is used in the definition itself; the phrase “of record” is used but not defined (does this mean a parcel ID has been assigned?); (ii) “drive” is used even though the term defined in the Ordinance is Driveway; (iii) the last sentence suggests that a parcel of land is only the a Lot if one principal building is on the parcel (it is possible there are multiple principal buildings like a parcel that has multiple rental cabins). Finally, in several places in the Ordinance there are references to “legal lot” but that term is not defined.
32. In the definition of Lot Coverage, the term “compacted structures” is used. I believe the word structures should be “surfaces.”
33. In the definition of Park Model Recreational Vehicle, there is a reference to “mounted on wheels.” Because it is possible to remove wheels, to avoid creating an unintended loophole, I recommend a parenthetical such as the following be added after the word wheels – “(regardless of whether the wheels remain in place or are removed).”
34. While a minor point, in the definition of Recreational Vehicle, the term Park Model RVs is used; this should read PMRV or Park Model Recreational Vehicle.

35. In the definition of Restaurant, it is unclear what is intended by the terms “popups” and “start-ups” because they do not have a common or special legal meaning.
36. In the first line of definition of Setback, the phrase “or ordinary high-water mark” should be added after “lot line.”
37. In the definition of Trailer Home, after the words “park model” add “recreational vehicle.”
38. In section 3.9:
 - (a) Paragraph 4- It appears that something is missing after “prohibited;” I believe it should read “prohibited from lake access easements.”
 - (b) Paragraph 7 It is not clear if, and to what extent, different rules regarding permitted numbers of watercraft, docks, moorings and shore stations apply if an access easement exists versus when an access easement is not involved. Also, the terminology in the Sections 3.9.7 and 3.10 regarding what is permitted or prohibited are different, and consistent terminology should be used in both Sections⁹. Likewise, if the prohibition of storage of petroleum, gasoline, lubricants or hazardous or toxic substances on docks is to apply in all cases (not just in lake easement situations), the prohibition should be moved to Section 3.10. To clarify the intent and interplay between sections 3.9.7 and 3.10, I offer the following language for a revised paragraph for your consideration:

7. Lake access easements or licenses are subject to section 3.10 and the limitations and prohibitions are to be applied separately to the waterfront included in the easement and the balance of the lot over which the has been granted. Also, if more than one nonriparian lot or person has the right to use an easement for lake access, the following apply: (a) each dock, mooring, hoist, shore

station or similar device for securing or storing a watercraft in or above the water when not in use (referred to together as a “Docking Location”) may only be used for one motor boat for each lot that has the benefit of the easement; (b) no portion of a Docking Location may be located within required side setbacks; (c) all portions of a Docking Location must be at least 50 feet from any portion of another Docking Location; and (d) all portions of Docking Locations must be at least thirty (30) feet from the boundary of any neighboring riparian interest area. All Docking Locations placed on a lake access easement established after the date of this Ordinance, including Docking Locations removed and replaced on a

⁹ For example, Section 3.9.7. references “dock, mooring, shore station or similar facility” whereas Section 3.10 references “seasonal dock,” boat hoist/shore station”, and “similar structure.” Likewise, Section 3.10 watercraft being on “hoists, beached, docked or anchored” but Section 3.9.7 references moorings and does not reference boats being beached or anchored. These phrases should be consistent.

seasonal or permanent basis, shall be located in conformance with the terms of this paragraph.

39. Section 3.10.C - The words “flaring” in the third line and “flooring” in the fourth line should be “floating.”

40. There is some ambiguity as to the interpretation of Sections 6.6 and 7.7, the proposed changes to the definition of restaurant and the continued use of the term “dining facilities”. Assuming the intent is to prohibit restaurants and dining facilities (i) in the Commercial Resort District unless operated in conjunction with a hotel, inn, lodge or motel, and (ii) in the Recreational District to restaurants and dining facilities if they are part of an otherwise permitted use in the district, I believe both sections need to be revised to read something like the following:

Section 6.7 Dining Facility and Restaurant Limitations

Dining facilities and restaurants are only permitted in this District if attached to, or operated in conjunction with, inns, lodges, hotels or motels having accommodations for ten (10) or more individuals or family units.

Section 7.7 Dining Facility and Restaurant Limitations

Dining facilities and restaurants are only allowed in this District if attached to, or operated in conjunction with, a use otherwise permitted in the district.

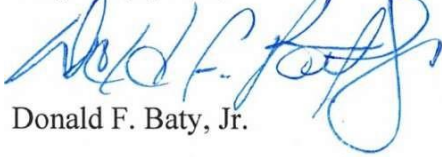
41. The interplay of Section 6.1.B and Section 6.2.B is not clear and those provisions as drafted may create an anomalous result that the same land use is both a use permitted by right and a use that requires special approval. For example, a “rental cottage” in Section 6.2.B seems to also qualify as “dwelling intended for rental” in Section 6.1.A. Likewise, if a campground has rental cabins or cottages along with recreational vehicle sites (similar to what exists in some state parks), by application of Sections 6.1.B and 6.2.B, is a special use permit required for the rental cabins or cottages because they are part of a campground because they fall under Section 6.2.C, or are they permitted as a matter of right under section 6.1.B? I believe what is allowed in the district as a matter of right vs. only with special approval needs to be clarified.

42. While I have no reason to believe that the zoning administrator will act contrary to the intent and purposes of the Ordinance, I believe Section 14.4.A.2 gives too much discretion to the zoning administrator. An up to 25% increase in the land area occupied by the main or accessory uses, the size of the parking area, the number of parking spaces provided, occupancy load, capacity or membership, or traffic generation could be quite material, yet the provision indicates that they are minor. For example, allowing any increase in the size of a parking lot or land area occupied by a main or accessory use could put a project materially above a lot coverage limitation. I am sure this is not the intent. Thus, the reference to 25% should be deleted and replaced with a phrase such as “An immaterial increase that is otherwise in compliance with this Ordinance.”

* * * * *

Thank you for considering my comments and proposed changes to the Ordinance.

Very truly yours,


Donald F. Baty, Jr.

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Michele Uhaze
6150 East Amore Road Resident

I'd like to thank the Planning Commission for their many hours dedicated to revising the zoning ordinance. My husband Bill Uhaze and I attended every regular and special meeting the Planning commission has had since December, and we appreciate the process and proposed updates to the zoning ordinance.

After reviewing the Centerville Townships Zoning ordinance version 12, I would like to submit the following recommendations that would include language similar to Cleveland Townships zoning ordinance and Leelanau Townships proposed changes to their current Zoning ordinance. These changes will allow for farm stays while continuing to preserve open space and protect the rural and peaceful nature of our township while addressing concerns of neighboring properties regarding potential parties, noise, traffic, overcrowding, trespassing, smoke and more.

Under Section 3.21.2 – Agriculture related enterprises letter A – in addition to what is listed in the current draft, more specific language regarding farm stay guidelines should include:

1. Maximum Size of each camp site should be defined
2. Maximum occupancy of campsite - recommend using language that states "2 adults per site, excluding minor children"
3. 80-foot setback from neighboring property
4. No gas or diesel generators
5. Quiet hours defined
6. Farm Manager/operator reside or be available 24/7

Thank you for the opportunity to provide our feedback and hope you will continue to refine the zoning ordinance to meet the needs of not only our farmers but residents in Centerville Township.

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