

## SECTION 3.20 AGRICULTURAL TOURISM

### Section 3.20.1 Intent, Goals, Purposes, and Limits

The intent of this zoning provision is to support the economic sustainability and resiliency of local farming by allowing flexibility for a farmer to meet changes in market, social and environmental conditions through agricultural tourism initiatives that are ~~and accessory uses~~ compatible with the rural character of the township. Agricultural tourism means the practice of visiting an agricultural operation for the purposes of the **direct purchase of farm products**, recreation, education, **hospitality, outdoor recreation, or entertainment**. ~~active involvement in the operation; not as a contractor or employee of the operation. For farms that are actively growing products for sale, agricultural tourism uses can provide improved sales, marketing and additional income opportunities.~~

**As agricultural tourism is a place of public accommodation, Title III of the Americans with Disabilities Act applies to these facilities and services as well as the Standards for Accessible Design, and Standards for Effective Communication.**

#### A. The goals of these provisions are:

1. To maintain and promote agriculture and 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 local educational opportunities to foster continued agricultural economy for ~~working classrooms to educate school children and other~~ residents and tourists.
5. To increase agriculturally related businesses that contribute to the general economic condition of the area and region.

#### B. The purposes of these provisions are:

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

#### C. The limits of these provisions are:

1. Agricultural tourism uses are allowed only on working farms. Working farms are those operations which are providing 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 farmed and income/expense documentation such as sales receipts, IRS Schedule F, or other documentation that the township agrees is satisfactory.
2. A farm's size must be adequate to accommodate any agricultural tourism use 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 space, and adequate parking areas.

3. Agricultural tourism uses must meet all township zoning ordinances plus all health, building, road, safety and all other applicable local, state and federal regulations and codes.
4. Agricultural operations whose gross revenues are solely or primarily derived from alcoholic products are not included under 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.
5. Documentation that an agricultural tourism use is operating within these limits must be made available to the township upon request.
6. **Agricultural tourism must be farmer owned and operated. 3rd party non-agriculture related and commercial contracts do not apply under the agricultural tourism ordinance.**
7. **Commercial resorts with campgrounds, glamping facilities, RV parks, or cabins are not permitted under Agricultural Tourism.**

Section 3.20.2 Agricultural tourism uses, within the limits set above, permitted by right for working farms in any zoning district.

A. Agriculturally related 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~~ **Direct sale of products through Roadside Stands, On-farm Markets, U-pick Farms, Local Farmers Markets, and Community Supported Agriculture**
2. ~~On-Farm Market~~ **Michigan Cottage Industry Law products for direct sale at the Roadside Stands, On-Farm Market or Local Farmers Markets (baked goods, preserves, soaps, etc.)**
3. ~~Direct to customer sale and distribution~~ **Recreational activities including Corn/Hay Mazes, Sleigh/Hay/Horse Rides, etc.**
4. ~~Value-added (other than alcohol products)~~ **Outdoor recreation experiences including Farm Tours, Tastings and Field Dinners, etc.**
5. ~~Baking for sale at the on-farm market or local farmers markets~~ **Hospitality experience including Farm Stays, Harvest Host Stays, etc. (under 5 units)**
6. ~~Corn & hay mazes~~ **Educational experiences including Workshops, Classes, etc.**
7. ~~Sleigh & hay rides~~ **Entertainment including Agricultural Festivals & Special Event Hosting (Northern MI Small Farm Conference, Bioneers, etc.)**
8. ~~Horse rides~~
9. ~~U-pick farms, etc.~~
10. ~~Agriculturally-related camping. Campgrounds, glamping facilities and similar uses.~~

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

1. Under 100 people and no more than **12** events per month with a total of no more than 6 per year
2. Subject to notification to the Zoning Administrator at least **fourteen (14)** ~~seven (7)~~ 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 fully comply with Section 9.6.9 of this Zoning Ordinance.
4. **Public events must fully comply with Title III of the American with Disabilities Act and all applicable standards, including Accessible Design and Effective Communications.**

Section 3.20.3 Other agricultural tourism use ~~or uses accessory to a working farm's operation~~ may be approved subject to site plan review per Article 13 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, **music festivals**, ~~lodging options such as inns and cabins, restaurants, and~~ **non-motorized outdoor recreation opportunities including snowshoeing and hiking trails, etc.** ~~homestead~~ and extended workshops and farm experiences that including **temporary** 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.

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 or event
2. Number of people involved
3. Frequency of events or activity
4. Hours of operation
5. Structures to be utilized
6. Parking plans
7. Setbacks and buffering from neighbors 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.

- b. The farm has adequate space to hold parking away from the road and provide adequate setback and buffers to neighbors.
- c. 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.
- d. The use will be buffered both visually and acoustically from neighbors.
- e. The use meets other applicable township ordinances, including but not limited to signage and lighting.
- f. Traffic loads and road access have been reviewed and approved by the road commission.
- g. Activity structures, locations and access routes have been reviewed and approved by the fire chief for safety and emergency access.
- h. Structures will meet building codes.
- i. Health department has reviewed and approved plans for food preparation, bathroom facilities and sanitation.
- j. **The site design, structures and amenities, pathways and connectors, service plans, employment practices, communications, signage, lighting, private or public passenger vessels, parking, etc. adhere to the ADA and have been reviewed and approved by a qualified professional.**

(The Disability Network of Northern Michigan shall be the approval body.  
<https://www.disabilitynetwork.org/absolutely-accessible-michigan>)

#### **Definitions:**

**Farm Stays** - A “farm stay” means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option and focus for guests to participate in such activities. Farm Stay accommodations must be in the primary residence or guest house on the property. The owner, or tenant farmer, must reside on the property.

Sources: <https://agriculture.vermont.gov/content/what-farm-stay>,  
[https://ucanr.edu/sites/CESonomaAgOmbuds/Agricultural\\_Farm\\_Stay/](https://ucanr.edu/sites/CESonomaAgOmbuds/Agricultural_Farm_Stay/)

**Guest House** - An accessory ~~defined as~~ a dwelling detached from the owner-occupied main residence, however on the same property; which handles an overflow of company that is visiting said residence for a limited period of time. A guest house will not be used as a rental income producing structure **unless the property qualifies under the Agricultural Tourism ordinance.**

**Harvest Hosts** - Harvest Hosts is an RV membership program that allows self-contained travellers to overnight at unique locations around the country including farms, wineries, museums, breweries, etc. Farmers receive payment in the form of the direct purchase of farm products.

Source: <https://harvesthosts.com/>

**Temporary Lodging** - lodging options that are brought in for an extended workshop or event and that are removed immediately following the event.