

**TORCH LAKE TOWNSHIP
Antrim County, Michigan**

Ordinance No. 2014-__

**AN ORDINANCE TO AMEND TORCH LAKE TOWNSHIP ZONING
ORDINANCE BY ADDING SECTION 6.02.M.5:
PERMITTED USES, AGRICULTURAL DISTRICT
AND THE ADDITION OF DEFINITIONS TO CHAPTER XXIII: DEFINITIONS**

TORCH LAKE TOWNSHIP ORDAINS:

SECTION 1. Amendments to Chapter XXIII: Definitions.

Section 23.01 of the Torch Lake Township Zoning Ordinance is amended to incorporate the following:

50 Percent of the Products Marketed - For purposes of determining the percentage of products being marketed, the primary measure will be 50 percent of the retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used. At least 50 percent of the gross sales dollars of products sold at the farm market need to be from products produced on and by the affiliated farm. For processed products, at least 50 percent of the products' main 'namesake' ingredient must be produced on and by the affiliated farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

Affiliated Agricultural Operation – Affiliated means a farm under the same ownership or control (e.g. leased) as the roadside stand or farm market, but the roadside stand, market or facility does not have to be located on the same property where their production occurs. However, the market must be located on land where local land use zoning allows for agriculture and its related activities.

Agriculture Enterprise, Retail - A use associated with an agricultural operation, such as: community-supported agriculture or CSA, u-pick operation or pick-your-own operation, farm market, agro-tourism, interpretive farm, beekeeping/honey production, maple syrup production, commercial hunting grounds, agricultural processing, riding stables, animal shows, crop mazes, sales of agricultural related products, farm vacations, crafts, firewood and similar uses.

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Agriculture Related Products – Agricultural, silvacultural and horticultural products that are raised or produced by an affiliated agricultural operation and offered for sale to the general public, such as: food products; baked goods; ice cream and ice cream-based desserts and beverages; locally produced wine and/or hard cider in compliance with state regulations; Christmas trees, firewood and similar items; as well as souvenirs, gifts, clothing and similar items that promote agriculture and farmland preservation.

Community Supported Agriculture (CSA) – A CSA is a marketing strategy in which a farm produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest. Typically the farm members receive their share once a week, sometimes coming to the farm to pick up their share; other farms deliver to a central point.

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

Farm Market - A place or an area where transactions between a farm market operator and customers take place. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured during a farm market’s season) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state, and federal regulations.

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

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Farm Vacation - Temporary residency on the premises by paying transient guests for the purpose of observing or participating in the ongoing activities of an agricultural operation and learning about agricultural life.

Processed Farm Product – A farm product or commodity may be processed, in accordance with state and federal laws, to convert it into a value-added product that is more marketable for direct sales. Processing may include packing, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, packaging, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale. These activities can be used to extend a farm market’s marketing season beyond its production season.

Roadside Stand - A temporary operation established in accordance with local ordinance and operated in compliance with Michigan P.A. 92 of 2000, as amended, where individuals may transport and sell fruits, vegetables or other agriculturally-related products grown or produced entirely on their own property.

U-Pick Operation – A U-pick operation is a farm that provides the opportunity for customers to harvest their own farm products directly from the plant. Also known as “pick your own,” these are forms of marketing farm products to customers who go to the farm and pick the products they wish to buy.

SECTION 2. Addition of New Section 6.02.M.5. Permitted Uses in Agricultural District: Retail Agricultural Enterprises.

Chapter VI, Section 6.02.M.5. Agricultural District, Permitted Uses of the Torch Lake Township Zoning Ordinance is amended to add the following:

Section 6.02.M.5. Permitted Uses: Retail Agricultural Enterprises

- A. **Purpose.** The purpose of these regulations is to promote and protect agriculture and agriculture related commercial enterprises within Torch Lake Township. These regulations seek to protect public safety while conserving farmland by promoting farming commerce.
- B. **Applicable requirements.** The requirements of this Section are in addition to and shall supplement those imposed on the same lands by provisions of the underlying Agricultural zoning district found within Section 6.0.

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C. Agriculture Related Enterprises.

- 1) Must be in compliance with Michigan Commission of Agriculture and Rural Developments' Generally Accepted Agricultural Management Practices (GAAMPS) for Farm Stands.
- 2) For the purposes of this Section, farm markets shall be considered to be retail agricultural enterprises and shall comply with this Section. Roadside stands as defined herein are exempt from this Section.
- 3) The use must be associated with an affiliated agricultural operation.
- 4) 50 percent of the products sold must be produced on or by the affiliated farm.
- 5) Must comply with all applicable regulations of the Antrim County Construction Code Department, including but not limited to Michigan building, electrical, mechanical and/or plumbing codes.
- 6) Is subject to review by the Zoning Administrator pursuant to this Section.
- 7) **Parking.** The following parking facilities shall be provided at retail agricultural enterprises: *(Insert in Section 16, Off-street Parking and Unloading)*
 - a. One parking space for 600 feet of retail space open to the public at greenhouses, nurseries and similar retail agricultural enterprises; or one parking space for each 60 square feet of retail floor space open to the public at all other retail agricultural enterprises.
 - b. Off street and out of a road right of way.
 - c. Serviced by a maneuvering area, turn around or circular drive out of the road right-of-way.
 - d. Shall conform to the requirements of the Table in Section 16.06 *(needs to be amended for Retail Ag Enterprises)*.
 - e. For any retail agricultural enterprise that is not listed in Section 16.06, the Planning Commission, in reviewing the site plan, shall determine appropriate off-street parking space requirements. In making this determination, the Planning Commission may request the applicant to

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- provide a parking study to ensure that adequate off-street parking spaces are provided to serve the use.
- f. Parking shall be allowed within the front yard setback, provided that no parking space shall be located less than 10 feet from the right-of-way line. All other parking shall conform to the requirements of Section 16.
 - g. To comply with parking standards, retail agricultural enterprises are encouraged to develop and maintain safe, grassed, paved, graveled and/or other suitable material and graded parking areas for temporary and/or overflow parking; utilize pervious pavements and minimize impervious parking surfaces.
 - h. Parking associated with a retail agricultural enterprise must possess, provide and maintain safe ingress and egress from and to a public road and obtain an ingress and egress permit from Michigan Department of Transportation (MDOT) jurisdictional roadways, including U.S. routes, State of Michigan routes, and interstate business connections and/or from the Antrim County Road Commission for ingress/egress from county or local roads.
- 8) Signs shall comply with Section 3.02.F. Farm Stand or Farm Market Signs and shall comply with MDOT regulations on MDOT jurisdictional routes and Antrim County Road Commission for county jurisdictional roads.
- 9) To promote and conserve the rural character of Torch Lake Township, there shall not be any landscaping requirements for retail agricultural enterprises.
10. **Lighting.** No rotating or flashing lights shall be permitted. All exterior lighting, including display lighting, shall be downward directed, shielded, and turned off each day after the close of business. Security lighting, as shown on an approved administrative site plan, shall be allowed after business hours. Greenhouse and other grow lights internal to retail agricultural enterprises are exempt from the lighting requirements of this Section.
11. The following are permitted as accessory uses to retail agricultural enterprises, accessory uses not listed are not allowed:
- a. Petting zoo and animal attractions.
 - b. Children's games and activities.
 - c. Crop mazes and pumpkin patches.

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- d. Holiday-oriented activities.
 - e. Food service if growing any portion of the food served, such as vegetables with a deli, fruit in desserts, etc.; however, no more than 4,000 square feet of gross floor area shall be dedicated to a food service operation.
12. If the retail agricultural enterprise includes farm vacations, no more than four (4) rooms within the site shall be provided for housing farm vacation guests.
13. Sales including but not limited to the following are not allowed at retail agricultural enterprises:
- a. Fuel or related products.
 - b. Tobacco products.
 - c. Alcoholic beverages unless the operation is licensed by the State of Michigan and 50 percent of the retail space used to display products for sale are produced on and/or by an affiliated farm.
 - d. Lottery tickets.
 - e. Vehicles or related products.
 - f. 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.
14. Any retail agricultural enterprise shall be owned and operated by the owner(s) of the affiliated agricultural operation or their designee(s) or employee(s) on the same premises.
15. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

SECTION 3. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. Conflicts.

If any provision of the Torch Lake Township Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

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SECTION 5. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. 2014-__ was adopted on the __th day of (month), 2014, by Torch Lake Township as follows:

Motion by:

Seconded by:

Vote: ____ aye ____ nay

TORCH LAKE TOWNSHIP

By: _____
Alan Martel, Township Supervisor

By: _____
Kathy Windiate, Township Clerk