

**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
March 20, 2024, Special Meeting, *Draft Minutes*

Call to Order: Lindy Kellogg, Chair, called the meeting to order at 6:33 p.m.

Attendance: Lindy Kellogg, Joe Mosher, Mary Beeker, Rolf Von Walthausen

Absent: Noel Bielaczyc

- **Staff Present:** Township Planner, Chris Grobbel
- **Public attendance:** 4 in person

I. **Review Agenda**

a. Agenda reviewed by Chair Kellogg. The Commission decided to allow the public to give comment about the agenda and anything else at the beginning of the meeting.

II. **Approve** Agenda

ACTION: Mosher moved to approve the agenda of March 20, 2024 as presented and amended; supported by Beeker. Motion carried.

III. **Declaration of Conflict of Interest** - None

IV. **Public Comment**

Michelle Uhaze – She thanked the PC for their work. She thinks the Cleveland ordinance is a good example of ag-tourism. There should be language about the size limitations and the maximum footprint on the site. There should be a size limit on the camping structures and the number of people per site. There should be parking lot parameters: grass, gravel, or paved, and location. There should be noise considerations. She asked who would enforce.

Barclay Welch – He agreed with Michelle Uhaze. Privileges should be rescinded for people who don't comply. There should be rules about where camps are on the property and where to put fire rings. The PC efforts are greatly appreciated.

Bill Rastetter – He remarked that comments could become buried in the discussion. He thought there should be some minor modifications before it goes to Public Hearing. He spoke about building height. He referenced an email of February 13 about the need to review the Master Plan. A Master Plan has to be reviewed every 5 years. He asked for feedback before the Public Hearing and a review should be put in the minutes.

V. **Planning and Zoning Issues** – Continued review of Zoning Ordinance and suggested revisions

INTRODUCTORY COMMENTS – Chris Grobbel

Enforcement – If there is non-compliance of the site plan, the permit would get revoked. There has to be enforcement if a permit is given. Privilege is granted if it complies with the ordinance.

Discussion of the ordinance should include language for RV's and limiting the number of campsites. Considering the recent fire in the Pines in Traverse City, it would be important to discuss fires/fire pits in campgrounds and homeless areas.

AG-RELATED ENTERPRISES

Members were to review ag-related enterprises prior to the meeting. The Torch Lake example was given to the members to review. An Important concept to discuss is the percent of products offered that are from an affiliated operation. A typical ordinance would require that 50% of the products sold are directly from the farm and 50% of the products sold could be from an affiliated operation. A farm may have more than one facility (area) that is farm-related. All products can't be regulated, only those products that are on the shelves of an ag-related enterprise.

- The ordinance could be more explicit.
- Could require IRS information.
- There could be an acreage threshold before you can get the permit. (The Cleveland ordinance has an acreage threshold)
- A threshold of product value that entitles the enterprise to be a farm.

Some specificity is needed because you don't want glamping or a campground masquerading as a farm. There also needs to be a complaint mechanism.

Internet sales need to be considered. Whether it is on a shelf or online, it is still a sale. While considering glamping, consider that generally accepted agriculture management practices are exempt from nuisance complaints. Noise and lighting issues can be addressed in another section of the ordinance.

GAAMPs (Generally Accepted Agriculture and Management Practices) is only in Michigan. It is guidelines for farm management that help promote a positive image for Michigan. The current language for alcohol sales is hard to understand. There is a sliver of overlap between farming and alcohol. It is covered in the winery, cidery, distillery sections elsewhere in the ordinance.

It was decided to take out the section that addresses animal petting attractions and playgrounds.

There was discussion about hours of operation, currently 6 a.m. to 9 p.m. It could be dawn to dusk. It was decided to be 7 a.m. to 10 p.m.

There were questions about the prohibition of restaurants (whether food is consumed off-site or on-site in an agriculture district) and if lessees are regulated like farm owners.

C5 on page 64 was struck.

B1 on page 65 was struck.

There was a lot discussion about limiting the number of events and how many people in attendance at events. Grobbel advised that statement about events should be struck.

The members felt that a 7-day notification was not enough and events should be in compliance with other ordinances such as noise and parking.

Non-farm related income is prohibited. There was concern about solar energy: where solar panels are installed is generally called a solar farm. Grobbel will make it explicit that solar farms are not allowed.

The second paragraph of section 3.22.3 was struck.

The maximum number of campsites and people per campsite was discussed.

Parameters for types of campers and the size of campsites was also discussed.

It was decided to allow 4 campsites for 2 nights only.

SPECIAL LAND USE Page 103, section 14.3

Each item was read aloud and Grobbel explained what needs to be thought through and discussed about each item. Aesthetics is not part of the issue; you can't turn something down because of how it looks. A site plan review would require a special land use permit.

- Add dust and direct chemical spray to 14.3.5
- In 14.3.8, it is reasonable to provide documentation.
- Add vicinity to immediately adjacent to 14.3
- On p. 91, 14.4.2 a,b,c – 25% is high for a minor change. Remove c2, zoning administrator or site plan review.

FOR NEXT MEETING: Review site plan review and waterfront overlay.

VI. ANNOUNCEMENTS

Northgate dismissed the suit for damages this week.

The Annual Meeting of the Township Board is at 10 a.m. on March 23, 2024.

VII. Adjournment

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,
Cindy Kacin

WRITTEN PUBLIC COMMENT

Addendum to March 21, 2024, PC Special Meeting
Hello,

At the last Planning Commission meeting, Chris Grobbel mentioned that he thought the Cleveland Township ordinance is a good example for ag tourism. So I had a look at it, and I agree.

I attach that section, but you can also find it online as an addendum to the main ordinance.

You will see a lot of the same text as currently in ours. Notable observations:

1. Camping, glamping and other lodging is permitted, but a maximum of four units and 2 adults per unit;
2. The parcel has to be at least 10 acres;
3. The text about exclusion of alcohol businesses is the same as in ours;
4. The landowner or farm manager must live on site.

Unfortunately I will not be able to attend the 20 March meeting.

Thank you for your continuing work on this,

Steve Hamilton

**CLEVELAND TOWNSHIP
ZONING ORDINANCE**

(As amended)

An Ordinance in the Township of Cleveland, County of Leelanau, to establish land use and building occupancy districts; to govern nonconforming land uses and building occupancy; to establish the office of Zoning Administrator and a Board of Appeals, and to define their respective duties and authority for the administration of this Ordinance; to define certain terms used herein; to provide for the enforcement and to impose penalties for violation of this Ordinance.

An Ordinance enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271, et seq). The continued administration of this Ordinance, amendments to this

Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101, et seq).

Adopted: July 23, 2015

Effective Date: December 15, 2020

DRAFT corrected

CLEVELAND TOWNSHIP
LEELANAU COUNTY

ORDINANCE NO. 2022-1

AMENDMENT TO THE CLEVELAND TOWNSHIP ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE IX, AGRICULTURAL DISTRICT
SECTION 9.11 AGRICULTURAL TOURISM

CLEVELAND TOWNSHIP HEREBY ORDAINS:

Amendment of Article IX "Agricultural District" of Zoning Ordinance:

Add:

Section 9.11 Agricultural Tourism

1. Intent, Goals, Purposes, and Limits:

a) **Definitions**

- i. **Community supported agriculture (CSA):** A system in which a farm is supported by local consumers who purchase prepaid shares in the farm's output which they receive periodically throughout the growing season. (<https://www.merriam-webster.com>)
- ii. **Farmstay:** A building or place that provides temporary or short-term accommodation to paying guests on a Working Farm as a secondary business to primary production.
- iii. **Working Farm:** A parcel(s) actively devoted to agricultural use, on which an owner, farm manager and/or operator is engaged in the growing, raising and producing of farm products as their primary occupation, and on which less than fifty percent (50%) of the farm income is derived from non-Agricultural Tourism sales and or services over a 5-yr period. 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.

b) **Intent**

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 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 purchase, recreation, education, or 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 to supplement the primary income derived from the farm.

c) **Goals**

The goals of these provisions are:

- i. To maintain and promote agriculture and related activities.
- ii. To preserve open space and farmland.
- iii. To maintain the township's agricultural heritage and rural character.
- iv. To increase community benefits by having fresh, local agricultural products for sale and working classrooms to educate school children and other residents and tourists about agriculture and related activities.
- v. To increase agriculturally related businesses that contribute to the general economic condition of the area and region.

d) **Purpose**

The purposes of these provisions are:

- i. To provide standard definitions related to agricultural tourism uses.
- ii. To provide a list of permitted agricultural tourism uses for Working Farms.
- iii. To provide for a clear understanding of the expectations for agricultural tourism uses for farm operators, local residents, other businesses and local officials.

e) **Limits**

The limits of these provisions are:

- i. Agricultural tourism uses are allowed only on Working Farms.
- ii. 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.
- iii. 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.
- iv. 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.
- v. Documentation that an agricultural tourism use is operating within these limits must be made available to the township upon request.

2. Agricultural tourism uses, within the limits set above, permitted by right for Working Farms in the Agricultural 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:

- i. Roadside stands
- ii. On-farm market
- iii. Direct to customer sale and distribution including Community-supported agriculture (CSA)

- iv. Value-added (other than alcohol products) processing of products grown on the farm
- v. Baking for sale at the on-farm market or local farmers markets
- vi. Corn & hay mazes
- vii. Sleigh & hay rides
- viii. Horse rides
- ix. U-Pick operations
- x. Petting farm and/or animal displays
- xi. Educational-uses such as tours of the site, exhibits, classes, lectures, seminars, etc.
- xii. Nature trails
- xiii. Open air or covered picnic area with restroom(s) and adequate trash receptacles
- xiv. Farmstays; including glamping options
- xv. Playground or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides)

3. Other agricultural tourism use(s) accessory to a Working Farm's operation may be approved subject to site plan review per Article IV, Section 4.16 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. Uses envisioned under this section include: Farmstays 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.

- a) Uses proposed under this Section require a Site Plan Review approved by the Planning Commission. Information and allowable conditions required in the Site Plan (Zoning Ordinance Section 4.16) includes but are not limited to:
 - i. Description of activity or event
 - ii. Number of people involved in activity or event
 - iii. Frequency of activities or events
 - iv. Structures to be utilized
 - v. The operation is on a single parcel of 10 acres or greater, with only one Farmstay or Homestead operation allowed on a parcel.
 - vi. Maximum of four (4) camp sites or rooms. Maximum occupancy of two (2) adults per room or site, excluding minor children.
 - vii. Acceptable accommodations on camp sites includes: a tent defined as a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors, or a vehicular-type structure, 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 which is self-powered is permitted on camp sites.

- viii. Food may only be served to registered guests with meal costs included in the registration fee.
 - ix. A seventy-five foot (75') open set back buffer shall be provided on all sides of the property not abutting a roadway. Where feasible, crops or wood lots shall remain within the buffer to maintain the agricultural character of the parcel.
 - x. Parking plans: may be located on a grass or gravel area and must be clearly designated. Parking shall not be in the designated set back buffer.
 - xi. Any place for recreational fires must be noted and be contained within fixed pits or rings.
 - xii. Lighting plans in compliance with existing ordinances and rural character.
 - xiii. Noise control plans in compliance with existing ordinances and rural character.
 - xiv. Quiet hours are to be enforced, 10 p.m. to 7 a.m.
 - xv. The septic system must be adequate to accommodate additional occupancy (part of the health department approval).
 - xvi. A site or room may not be occupied by a party for more than 30 days.
 - xvii. The parcel owner, and or farm manager/operator must reside on the property and is responsible to enforce all conditions above.
- b) A Land Use Permit shall only be granted if the Planning Commission determines the applicant has submitted evidence demonstrating the following standards are met:
- i. The farm is a Working Farm
 - ii. 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.
 - iii. The use will be buffered both visually and acoustically from neighbors.
 - iv. The use meets other applicable township ordinances, including but not limited to signage and lighting.
 - v. Traffic loads and road access (ingress and egress) have been reviewed and approved by the County Road Commission.
 - vi. Activity structures, locations and access routes have been reviewed and approved by the fire chief for safety and emergency access.
 - vii. Structures will meet building codes.
 - viii. A parcel owner shall provide a potable water supply in accordance with Act No. 399 of the Public Acts of 1976, as amended, being §325.1001 et seq. of the Michigan Compile Laws, and rules promulgated under the act, being R 325.10101 et seq. of the Michigan Administrative Code.
 - ix. A parcel owner and person preparing plans shall comply with all applicable statutes and rules regulating the methods and facilities for the collection, treatment, and disposal of sewage and other wastewater. A parcel owner shall ensure that the nature, capacity, maintenance, and operation of the methods and facilities do not create unlawful pollution of the waters of the state, a nuisance condition or a menace to health or safety.
 - x. Disposal of garbage and refuse shall be in accordance with state and local law, ordinances, and rules. A sufficient number of containers shall be provided for the

storage of garbage and other refuse. Garbage and refuse shall be collected and disposed of as often as necessary to prevent overflow, nuisance or odor, but not less than once each week. Containers shall be maintained in a clean and sanitary condition.

- xi. An electrical installation on a parcel shall comply with applicable codes and ordinances including, but not limited to, the state electrical code. Not more than 1 recreation unit shall be served by 1 electrical outlet.
- xii. Health department has reviewed and approved plans for water, food preparation, bathroom facilities and sanitation.

Effective Date:

This Ordinance shall become effective thirty (30) days after publication in accordance with law.

At a regular meeting of the Township Board for Cleveland Township held on the 10th day of May, 2022, Todd Nowak moved for adoption of the foregoing ordinance and Jan Nowak supported the motion.

Voting for: Jan Nowak, Todd Nowak, Tim Stein, Tanelle Budd, Angie Diotte

Voting against: 0

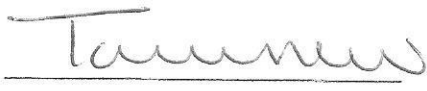
The Township Supervisor declared the ordinance adopted.



Tim Stein, Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2022-2 which was enacted by the Township Board for the Cleveland Township at a regular meeting held on May 10, 2022.



Tanelle Budd, Township Clerk

published May 26, 2022

From: **Derenda LeFevre** <derendalefevre@gmail.com>

Date: Sat, Mar 9, 2024 at 7:14 PM

Subject: Public Comment for March 20th PC Meeting - Site Plan Review & Ag Tourism

To: Lindy Kellogg <kelloggcentervillepc@gmail.com>, Joe Mosher <moshercentervilletwp@gmail.com>, <rolf.centervillepc@gmail.com>, <mbeekercentervillepc@gmail.com>, <noel.bielaczyc@gmail.com>

Hi everyone!

I saw that the ADA statement has been included in the Requirements for Site Plan main description. That's great!

I'm recommending additional language to be included in this section as well as the Ag Tourism section. It's really important to include ADA where other areas of compliance and their respective approval bodies are identified.

We don't collectively understand what it means to prioritize access in our built environments. This is why we have historically built and continue to live in such inaccessible spaces. This is also why ADA language needs to be seen in multiple areas of our planning documents. Not only does this help to guide the applicant toward compliance with the ADA, but it makes it explicit in your approval process.

The Disability Network of Northern MI is a local organization that can provide the review and approval for ADA, which takes the guesswork out of the process for both the applicants and, with their designation of approval, for you as commissioners. You don't have to interpret ADA, but can help strengthen its impact by requiring the applicant to complete this approval process.

Additional ADA language needed:

Section 13.1.B. a.

15. Written accessibility statement relative to site design, structures and amenities, parking, pathways and connectors, entrances, signage, lighting, service plans, employment practices, communications, private or public passenger vessels, parking, etc. This required accessibility statement shall also detail how the proposed site plan complies with the Americans with Disabilities Act of 2010, as amended, Title III, Standards for Accessible Design, and Standards for Effective Communication which prohibits the discrimination on the basis of disability in public accommodation and commercial facilities including services and site design, and ensures that communication with people with vision, hearing or speech disabilities is equally effective as communication with people without disabilities.

Section 13.1.B.b.

27. Identification of accessible features including but not limited to structures and amenities, parking, pathways and connectors, entrances, signage, lighting, service plans, employment practices, communications, private or public passenger vessels, etc. Proof of Review and Approval by a qualified professional, of ADA compliance in site design and services in the form of a seal, official letter, etc.

Section 13.1.G.a.

18. The site plan has been reviewed for ADA compliance by the Disability Network of Northern Michigan.

Section 13.1.L.a.

8. A significant reduction in accessibility features as originally provided.

Site Plan Review Definitions:

Accessible/Accessibility - Refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

Disability - A person is considered to be an individual with a disability covered by the ADA, as amended, when he or she has a physical or mental impairment which substantially limits one or more major life activities; has a record of having such an impairment; and/or is regarded as having such an impairment.

Effective Communication - Ensures that communication with people with disabilities is equally effective as communication with people without disabilities. (Braille, contrast, sign language, screen reader compatible materials, etc.).

Accessible Design - minimum requirements – both scoping and technical – for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities.

Moving on to Ag Tourism...

Is there a requirement in GAAMPS that processed foods need to be prepared in a licensed kitchen? If so, the MI Cottage Food Law should be included as well with the same understanding that 50% of products used must be produced on the working farm. The MI Cottage Law allows for certain processed foods to be made and sold from a home kitchen.

Section 3.22.2.A.

Include Cleveland Twp Ag Tourism Language...

13. Educational Uses (tours, workshops)

14. Recreational Uses (picnic areas, trails)

15. Farmstays limited to # per site/occupancy limits # adults per room per site/duration of stay AND the farm owner must reside on the property.

Ag Tourism Definitions to consider:

Farmstay - A building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production

Temporary or Short-Term accommodation - cabins, tent sites, yurts, shelter domes, drive-in RV/camper sites, bed & breakfasts

Thank you,
Derenda LeFevre
2197 S Popp Road

DRAFT corrected