

Regular Meeting of Casco Township
Planning Commission
August 19, 2020

Members Present: Chairman Dave Campbell, Secretary Andy Litts, and ZBA Rep. Dave Hughes

Absent: Vice Chair Lewis Adamson, Township Board Rep. Judy Graff, PC members Dan Fleming and Greg Knisley

Also Present: Zoning Administrator Tasha Smalley, Kathy Stanton, Supervisor Allan Overhiser and Janet Chambers
Recording Secretary.

The meeting was not called to order due a lack of quorum and was cancelled at 6:15 PM.

The next meeting will be September 16, 2020.

Minutes prepared by Janet Chambers, Recording Secretary

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION
August 19, 2020

1. Call to order and review agenda
2. **Interested Citizens in the audience will be heard on items NOT on the Agenda & Public Correspondence received** (2 minutes each).
3. Accept minutes:
 - a. 7/15/2020 Public Hearing on Section Amendments: 208 G & N; 3.29A4; 3.30A and 15.03D (Attachment 1)
 - b. 7/15/2020 Regular Meeting (Attachment 2)
4. May 20, 2020 Calendar Review (Campbell)
5. Old Business:
 - a. Update: Bylaws posting at Casco website (Smalley)
 - b. Update: Board decisions on amendments voted out by PC following our July 15, 2020 Public Hearing.
 - c. ZO September Public Hearing Amendments (Campbell/Smalley) (See Campbell email of July 17, 2020 "to all" for Section 3.17, 3.23, 3.32 drafts discussed at July 15th meeting)
 - i. **Section 19 Signs (lawyer's draft discussed at July Meeting)**
 - ii. **Section 3.17 Outdoor Storage in Residential Districts**
 - iii. **Section 3.23 Projections into yards**
 - iv. **Section 3.32 Fences**
 - v. **Section 15.03.O Farm Market (Zoning Administrator)**
 - d. Administrative Zoning Ordinance links at Casco website (Campbell)
 - i. Issued Building Permits
 - ii. Issued Zoning Compliance Permits
 - iii. Zoning Administrator FAQs
 - e. Any old business that may come before the Commission
6. Administrative Reports
 - a. Zoning Administrator (Smalley) (Attachment 3)
 - b. ZBA Chair (Hughes)
 - c. Water/Sewer representative (Adamson)
 - d. Township Board representative (Graff)
7. New Business:
 - a. Any new business that may come before the Commission)
8. General Public Comment (2 minutes each)
9. Adjourn

Draft

Township Planning Commission
Public Hearing – via Zoom
Proposed Text Amendments to Zoning Ordinance
July 15, 2020, 6 PM

Members Present: Chairman Dave Campbell, Vice Chair Lewis Adamson, Secretary Andy Litts, ZBA Representative Dave Hughes, and PC members Dan Fleming and Greg Knisley

Absent: Board Representative Judy Graff

Also present: Zoning Administrator Tasha Smalley, and Janet Chambers Recording Secretary and Citizen John Kasishke, 720 Lakeview Ave, Miami Park, South Haven

1. **Call to order:** The meeting was called to order at 6:00PM.
2. **Review and Approve agenda:** Agenda was reviewed and approved.
3. **Public Comment – other than agenda items:** None
4. **Overview of the Public Hearing Notice (Attachment #1):**
5. **Open Public Hearing:** The public hearing was opened at 6:03. There was no public input.
6. **Close Public Hearing:** A motion by Hughes, supported by Knisley to close public hearing at 6:10 PM.
7. **Discussion and decision:**
 - a. **to add to Section 208 G Definitions: glare; 2.15 N Nuisance:** Litts asked what the reason for needing a definition of glare and/or nuisance.

Campbell said there was 9 places in the ordinance with "glare" mentioned, and 7 places where "nuisance" was mentioned and there was no definition for either. The Zoning Administrator suggested adding them.

Fleming said there are many words in the ordinance, we should use them based on their definition, we don't need to redefine them. Fleming suggested taking out the words "*unpleasant or obnoxious things or*" and taking out "*a cause or source of annoyance, especially a continuing or*".

Smalley said it would be a disservice not to define the words.

Campbell said this is not the time for wordsmithing. This has all been gone through and it is now time to say yes or no and move along.

Fleming asked what “generation of an excessive or concentrated movement of people” meant.

Campbell said it is pretty well set in stone, and we can’t get into wordsmithing or changing at this point.

Litts said before voting, the PC should look at each area in the ordinance the words are used and see if there is a risk that the changes zoning in any of those areas in the book.

Smalley said it would not change the zoning.

Fleming asked Hughes (previously an English teacher) about the 4th line in the Nuisance definition. “...which can be perceived by or effects of a human being...”

Hughes thought it was ok.

Campbell said he felt this had all been discussed and this is not a time for wordsmithing. There has been plenty of time for discussing and should move on to a vote.

A motion by Adamson, supported by Knisley to approve the addition of “Glare” as Sec 2.08G and “Nuisance” as 2.15N. Roll call vote: Campbell-yes; Adamson-yes; Litts-No, Hughes-yes; Fleming-No; Knisley-yes. Motion carried with a 4:2 vote.

- b. **Section 3.29A4 Rental of single-family dwellings, add “and have a setback of 25’ from a property line”**: Knisley asked Hughes, as ZBA Chair, if this is adopted, could someone go to the ZBA for a variance if there was a circumstance were this is an impossibility. It was determined they could.

Campbell said there are a number of situations where fire pits are right on the property line thus 15’ from the home next to them.

Knisley asked if this applied only to rentals.

Campbell said yes. He added that rentals also have restrictions on signs, so this is not unprecedented.

A motion by Hughes, supported by Campbell to approve the proposed additions of Sec. 3.29A4 Rental of single-family dwellings adding “*and have a setback of 25’ from a property line*”. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Motion carries with a unanously.

- c. **Section 3.30 Excavations add A. in part..... to protect properties from drainage and water run-off from adjacent properties:** A motion by Knisley, supported by Hughes to approve an amendment to Section 3.30 Excavations. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-no; Knisley-yes. Motion carried with a vote of 5 to 1.
- d. **Section 15.03D, Special Use, Bed and Breakfast, update the provisions:** Fleming asked why the 750' distance between Bed & Breakfasts is being dropped in the proposed amendment. It has been there a lot of years. We owe it to the people who have worked around it to explain why it is no longer important. Fleming also questioned the reason a guest room could not have a sink. Fleming questioned the reason for having a Bed & Breakfast ordinance if it is regulated by the state.

Campbell said we have been working on this and approved it September 18, 2019. We have been dealing with taking out the 750' from the beginning. We are beyond opening that part of the discussion. We already have rental units on top of one another. The Bed & Breakfast amendment has been on the table for over a year.

Adamson said, regarding the 750' part, he had to jump through hoops when they bought Martha's Vineyard and don't want others to have to do the same. Adamson added it takes 12 or 15 rooms to make a living with a Bed & Breakfast. That is why he suggests taking the 750' from nearest B&B out of the ordinance.

Adamson said the no sink idea was to prevent setting up a residence. A bathroom sink is allowed the reason for a B&B ordinance is to control the special use.

A motion was made by Hughes, supported by Litts to approve the proposed Amendment to 15.03D Special Use, Bed & Breakfast. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-no; Knisley-yes. Motion carries with a 5:1 vote.

8. Adjournment of Public Hearing: Adjourn at 6:42.

- Attachment #1: Notice of Public Hearing
- Attachment #2: Definitions of Nuisance and Glare proposed amendment
- Attachment #3: Section 3.29A4 Firepits in rental homes proposed amendment
- Attachment #4: Section 3.30 Excavations proposed amendment
- Attachment #5: Section 15.03D B&B proposed amendment

Draft

Regular Meeting of Casco Township Planning Commission
July 15, 2020 Immediately following Public Hearing

Members Present: Chairman Dave Campbell, Vice Chair Lewis Adamson, Secretary Andy Litts, ZBA Representative Dave Hughes, and PC members Dan Fleming and Greg Knisley

Absent: Board Representative Judy Graff

Also present: Zoning Administrator Tasha Smalley, Kathy Stanton Deputy Clerk and Janet Chambers Recording Secretary.

1. **Call to order and review agenda:** The meeting was called to order at 6:45. A motion made by Knisley, supported by Litts to approve the agenda. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Agenda approved 6:0.
2. **Interested Citizens will be heard on items not on agenda:** None
3. **Accept minutes:**
 - A. **6/17/2020 VanWagoner Special Events Site Plan Amendment (Attachment #1):** A motion by Adamson, supported by Campbell to approve minutes of 6/17/2020 special meeting. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Minutes approved as printed 6:0.
 - B. **6/17/2020 Regular Meeting (Attachment #2)** A motion by Knisley, supported by Adamson to approve minutes of 6/17/20 regular meeting. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Minutes approved as printed 6:0.
4. **May 20, 2020 Calendar Review** (Campbell): August 19th is the next regular meeting. Smalley has not received any requests for an August special meeting.
5. Old Business:
 - A. **Bylaws posting at Casco Website** (Campbell/Smalley): Campbell said previously the last revision to the bylaws was in 2005 or 2006, so we revised them. Campbell would like to consider having them posted on the website. If there is no objection to having them posted to the website Campbell would like to request the township post them. Hearing no objection Campbell asked Smalley to work with Kathy Stanton to get them posted.
 - B. **Potential ZO September Public Hearing Amendments** (Campbell / Smalley)
 - i. **Section 19 Signs:** (Attachment #3) Campbell asked Smalley to explain the law limiting townships from prohibiting contents.

Smalley said we can not set regulations for signs based on content.

Smalley said the attorney updated the sign ordinance; taking out and adding some wording. She said the red text is what has been removed, and the blue text is what has been added.

Campbell said he would like to work on the Chapter 19 Sign Requirements in August. Some of the attorney's text changes were legal, and the rest is just house cleaning.

Adamson asked why there is such a difference in the size of signs. It is 8 times what it was. It went to 32 sq. ft. in the proposed text. Smalley will look at that.

Fleming asked what data is used to determine the size a sign should be.

Smalley said the PC can put whatever size they want.

Adamson said people really do not want huge real estate signs by their houses.

Fleming said we are trying to protect safety and general welfare, why these numbers?

Smalley said the attorney picked these numbers. The PC can change it to whatever they want.

Campbell said the current text has a maximum of 4 sq. ft. in size.

Adamson said going from 4 to 32 sq. ft. is a big jump.

Commissioners will think about it during the next month and discuss in August.

- ii. **Section 15.03 Farm Market:** Smalley said Farm Markets cannot require a SLU. Farm Markets would go into the general provisions Section 3. There is nothing to do except take it out of the Special Use section and put the same text into General Provisions 15.03 Farm Market. Smalley will give it a number and show the PC what it will look like. The 2020 Farm Market GAAMP regulates farm markets. Smalley will look at it.

Fleming said they should also be thinking about whether to allow different sizes in various districts as opposed to lumping them all together.

Campbell acknowledged it was a good point to consider sign sizes by districts.

Campbell said if anyone has thoughts on signs, they should get their points to Smalley.

iii. **Section 3.17 Outdoor Storage in Residential Districts** (Attachment #4): Campbell asked if there are any changes other than in #3 and the indented section under #4. Section 4 will be replaced with the indented section under #4. Also, Section C on overnight tent camping. Overnight camping is prohibited on vacant land and the beach along Lake Michigan.

Hughes asked what is meant by "vacant land".

Smalley said land with no building. People may own some land and want to put a tent on it for the weekend. That is not allowed.

Campbell said property owners have had a home on one lot and bring a popup trailer, leave it all summer, and rent it.

Hughes asked if Smalley is saying a person owns a lot in a subdivision and are not going to build but want to camp for the weekend, they cannot.

Smalley said that is not allowed in Casco.

Fleming asked if that applies to rural residential.

Smalley said it is not allowed in Casco. She added it is Casco's Ordinance, you can choose to allow camping without a dwelling if you like. Currently you cannot bring a camper or a tent unless there is a dwelling on the property. That is the principal use of the property.

Hughes asked if you have vacant land, what is the principal use of it?

Smalley said vacant land is no use, just vacant. When you do something to it, it must be allowed by the ordinance.

Knisley said a building without a residence is not allowed except for AG use.

Smalley said if the ordinance does not permit something, it is prohibited. She added there is so much trouble with people camping, it needs to be in the ordinance as allowed or not allowed.

iv. **Section 3.23 Projections into yards** (Attachment #5): Smalley said she is proposing sections with the indent to replace 3.23 D and add 3.23E.

Smalley said there are 3 topics and she would like to separate them. Deck, outdoor stairs and storage buildings should be three separate paragraphs.

Campbell asked Smalley's professional opinion what the setbacks should be.

Smalley said with beach stairs, most setbacks are 10' and it would protrude 5' into the setback.

Campbell said with small lots you could have a 20' back yard setback. Someone could have a 15' projection would be 5' from the property line.

Smalley said she is proposing to rearrange. She did not know why a person could not have beach stairs close to their property line. Also, if you have a deck or storage area, how close should that be to the OHWM or the side yard. A pool may need its own setback because of noise.

Litts asked if the State regulated setbacks on waterfront. He asked if you need a permit for stairs. Smalley said no permit is required by the State for beach stairs.

Campbell said there is a map that shows the township and where the high erosion areas are. It starts at approximately Lake Ridge Road and goes north.

Smalley said one little section not regulated by EGLE. Structures are regulated. We need setbacks for the area that is not regulated.

Fleming asked how close to the side yard stairs be, and what if two neighbors wanted to share stairs on the property line.

Smalley said it was a good point and would be helpful to the dunes to have one less set of stairs going down. She will explore language for that.

Adamson said it could be done on one property and access allowed to the neighbor.

- v. **Section 3.32 Fences:** Smalley is proposing new wording for section B with the current ordinance saying a fence can only be 3' high in any front yard setback. Why (in AG) does it have to be back 50' when 20' would not be in the line of sight from the road. Why have a fence if you have to be back 50' from the property line? 20' is 2 car lengths. Any fence within 20' of the front line would be 4'. After that it could be 7'. On some of these residential subdivisions on nonconforming lots the setback is 25'. It would only be 5' closer. They would be changed in all districts. Would apply to every parcel in every district. After 20' you can have a 7' fence. LDR is 30' and non-conforming is 25'.

Fleming asked if Smalley is saying perpendicular to the street you could have a 4' fence 20' back from the road?

Campbell said 4' would be 1' higher than it is right now. Knisley asked if that would pertain to shrubbery.

Smalley said no. There is some text about clear vision in 3.19.

Fleming said that would supersede a Corvette. A van would have no problem.

Knisley said clear view mainly pertains to corner lots.

Fleming recalled discussion about putting fences on a berm. It did not seem to be a problem. Fleming questioned the fact that a permit is required for a 7' or higher fence.

Smalley said most townships allow 8 or 10' fences. Even if they do not regulate at all, they do not have a problem. Right now, you could not build an 8' fence. We could go to 10' or have no limit at all.

Knisley said the State is not limiting height at all, just requiring a permit. A house on North Shore had a solid, regulation height fence on a berm with a gap under. The State only regulates the fence, not the berm or gap between the boards and ground. Average grade would have to be addressed to control the height of the top of the fence. Signs in section 19 is limited height from grade. Someone could get around a height restriction. You have to say measured from the bottom of the fence or measured from average grade.

Smalley said some want a fence for privacy and they want a 10' fence. You need to specify what height you want.

Knisley said you have to say overall height and specify where you will take the measurement from.

Campbell said section D is new.

Smalley said Section F is already in there, she just added 8' in AG.

Smalley asked what height commissioners would like.

6. Administrative Reports: (Attachment #7)

- A. **Zoning Administrator (Smalley):** Smalley answered questions on items in her report including: 146 Bluestar. Used to be a motel or gas station. They want to do something commercial. It was once commercial and want to know what can be done with the property. It has been used for residential the last 20 years. People have been asking if they can camp on vacant property. On 68th Street they are expanding a pond and have a boardwalk down the length of it.
- B. **ZBA Chair Hughes:** no meeting
- C. **Water / Sewer representative Adamson:** Rates will be going up 9.7%.
- D. **Township Board representative Graff:** Absent

7. **New Business:** None

8. **General Public Comment:** John Kasishke , 7250 Lakeview Avenue, South Haven in Miami Park was asked if he had a comment. He commented on the fence situation. If you start letting residential areas put up a 15' fence, they will. They will be blocking the view on Lakeview. A neighbor put in 33 juniper trees and that will eventually block the view on Lakeview. Kasishke is in favor of limiting the height of fences.

9. **Adjourn:** The meeting was adjourned at 8:21 PM.

Attachment #1: Minutes of 6/17/2020 Special Events Site Plan Amendment

Attachment #2: Minutes of 6/17/2020 Regular Meeting

Attachment #3: Chapter 19 Proposed text changes Sign Requirements

Attachment #4: 3.17 Outdoor storage of RVs

Attachment #5: 3.23 Projection into yards

Attachment #6: 3.32 Fences

Attachment #7: ZA's June Report

Minutes prepared by Janet Chambers, Recording Secretary

Signs

I was able to speak with attorney regarding the size change for signs: political & real estates signs are currently 4 sq ft, proposed 32 sq ft.

With new case law, a sign cannot be called anything; political, real estate, directional, business, etc. All signs are to be the same size.

19.07 Districts

Each district has size and setbacks

The size of sign should be discussed for the districts.

Proposed text amendment

Tasha proposed text

For meeting 8-19-20

UNDERLINE is changed proposed text

Section 3.17 Outdoor storage in residential districts

Recreational vehicle storage or parking in residential districts

A. The outdoor storage or parking of recreational vehicles in all residential districts shall be subject to the following minimum conditions:

1. Any recreational vehicle parked outside shall not be located in any required front or required side yard setback area. Not more than one recreational vehicle shall be stored on a lot or parcel, except as allowed under Subsection 4 below.

2. Recreational vehicles stored outside shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.

3. Storage or parking of recreational vehicles shall be limited to a lot or parcel upon which a principal building is located. The lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a residential district other than a licensed campground.

4. It shall be lawful for only non-paying guests at a dwelling in a residential district to occupy one recreational vehicle, parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding 72 consecutive hours. The total number of days during which a recreational vehicle may be occupied under this Subsection shall not exceed 14 in any calendar year.

4. It shall be lawful for only non-paying guests to occupy one recreational vehicle on a lot or parcel upon which a principal building is located and parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding 72 consecutive hours. The total number of days during which a recreational vehicle may be occupied under this Subsection shall not exceed 14 in any calendar year.

5. Recreational vehicles and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied, except as otherwise permitted in Subsection 4 above, and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas.

6. Notwithstanding the provisions above, a recreational vehicle may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

B. The storage of recreational vehicles not owned by the primary resident shall be permitted within an approved and fully enclosed accessory building or farm building on property within the AG and RR Districts.

C. Overnight tent camping is prohibited on vacant land and the beach along Lake Michigan.

Proposed Text amendment
Tasha proposed text
For meeting 8-19-20
UNDERLINE is changed proposed text

Section 3.23 Projection into yards

A. Architectural features may project a maximum of four feet into a front or rear yard setback area, but shall not project into the side yard setback.

B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on three sides, unenclosed, and uncovered and project six inches or more above the surrounding grade:

1. May project a maximum of ten feet into a front yard setback area.
2. May project a maximum of 15 feet into a rear yard setback area.
3. Shall not project into a side yard setback area.
4. An open deck or patio less than 30 inches in height may be five feet from any side or rear property line.

C. If these structures are permanently enclosed on any side or covered in any manner they shall be considered part of the main building and shall comply with the setback requirements of the main building.

D. Yards, projections into. Notwithstanding other provisions in this Section, outdoor stairways shall be permitted, to allow access over natural features such as dunes or wetlands, if all applicable State regulations are satisfied, whether or not the stairways are connected to the principal building on the lot. A storage area, not used for human habitation, shall be permitted under such stairway or deck, even if the storage area includes walls and a roof. Stand-alone accessory structures such as decks, pools, and gazebos, as well as storage sheds with less than 225 square feet, are permitted in the waterside front yard of waterfront lots.

D. Notwithstanding other provisions in this Section, outdoor stairways shall be permitted, to allow access over natural features such as dunes or wetlands, if all applicable State regulations are satisfied, whether or not the stairways are connected to the principal building on the lot. Stairways to a lake shall not be closer than 5 feet to side property line or 50 feet to the OHWM. Stairway or walkway for other uses shall not be closer than 5 feet to side or rear property line.

E. A storage area, not used for human habitation, shall be permitted under such stairway or deck, even if the storage area includes walls and a roof shall not be closer than 10 feet to side property line or 50 feet to the OHWM.

F. Stand-alone accessory structures, not connected to a stairway, such as a shed under 225 sq ft, deck, pool, gazebo, pergola are permitted in the waterside front yard of waterfront lots. Structures, except for a pool, shall not be closer than 10 feet from side property line and 50 feet to the OHWM. Pool shall not be closer than 100 feet to the OHWM and shall meet the side and rear (if not on Lake Michigan) setback of the zoning district.

SEE additional comments

3.23 more comments

Does this *Project into Yard* apply to 3.28 non-conform properties?
It should be clarified if it does or doesn't.

As I keep reading D. I feel this is referring specifically to lots on Lake Michigan. I assume the intent is to give relief for structures down the bluff and on the waterside in general.

My draft is for all lots, which makes it a little confusing with 2 sets of rules.

I would like to discuss...

Proposed text amend
Tasha proposed text
For Meeting 8-19-20

Underline is changed proposed text

Section 3.32 Fences

A. Fences shall not be constructed in any public right-of-way.

B. Unless provided for elsewhere in this Ordinance, a fence may not exceed a height of three feet within any required front yard setback area, or a height of seven feet in any other area. For waterfront lots, a fence may not exceed a height of three feet within any front or rear yard setback area, or a height of seven feet in any other area.

Unless provided for elsewhere in this Ordinance, a fence within a setback of 20 feet from ROW shall not be greater than four feet in height, or a height of seven feet in any other area. For waterfront lots, a fence may not exceed a height of four feet within the front yard or waterfront yard setback, or a height of seven feet in any other area.

C. Fence height shall be measured from average grade on the ground to top of fence.

D. No fence shall contain any barbed wire or electrification unless necessary for agricultural or industrial purposes. Barbed wire may be used for security in a nonresidential district, or for the protection of public utility buildings or improvements. The barbed portion of the fence shall be at least six feet from the ground, in which case the height of a fence may extend to a maximum of seven feet.

E. Razor wire is prohibited in the Township.

F. In the case of a double frontage (through) lot in any residential district, a fence up to seven feet in height may be erected in the rear yard, as determined by the Zoning Administrator, but shall not block clear vision for area driveways or roadways.

G. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque. Fences used for agricultural purposes shall not exceed eight feet in height.

Proposed Text amend
Tasha proposed text
For meeting 8-19-20

15.03 O – **move to 3.43**

3.43 Farm Market

Farm markets shall be subject to the Generally Accepted Agricultural and Management Practices (GAAMPs)—see definition for farm markets.

1. A single-family dwelling may be located on the property.
2. The principal product(s) processed or sold on the premises shall be primarily produced in the agricultural operation.
3. Farm market activities may include entertainment functions associated with the farm including, but not necessarily limited to, cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
4. No activity or structure shall be located within 50 feet of the public road right-of-way.
5. The maximum floor area devoted to display and sales shall not exceed 3,000 square feet.
6. Access to the use shall be located in accordance with County Road Commission requirements.
7. Access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection, and shall be located a minimum of 50 feet from any property line.
8. Farm markets shall be located no closer than 100 feet from any lot line which abuts a residential zoning district or dwelling unit.
9. Suitable containers for rubbish shall be placed on the premises for public use.
10. Storage structures shall be permitted.
11. Hours of operation shall be limited between the hours of 7:00 a.m. and 10:00 p.m.
12. One ground sign, not exceeding 20 square feet, and one wall sign, not exceeding 12 square feet, may be erected on the property. Such signs shall otherwise meet the requirements of Chapter 19 where applicable.

**This may need to be updated to be in compliance with the
GAAMP and sign ord.
Current GAAMP attached**



Generally Accepted Agricultural and Management Practices for Farm Markets

June 2020

Michigan Commission of Agriculture & Rural
Development
PO BO 30017
Lansing, MI 48909



In the event of an agricultural pollution emergency such as a chemical/fertilizer spill, manure lagoon breach, etc., the Michigan Department of Agriculture & Rural Development and/or Michigan Department of Environment, Great Lakes, and Energy should be contacted at the following emergency telephone numbers:

Michigan Department of Agriculture & Rural Development: 800-405-0101

Michigan Department of Environment, Great Lakes, and Energy: 800-292-4706

If there is not an emergency, but you have questions on the Michigan Right to Farm Act, or items concerning a farm operation, please contact the:

Michigan Department of Agriculture & Rural Development (MDARD)

Right to Farm Program (RTF)

P.O. Box 30017 Lansing, Michigan 48909 517-284-5619

877-632-1783

517-335-3329 FAX

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PREFACE

The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981, as amended) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). These practices are written to provide uniform, statewide standards and acceptable management practices based on sound science. These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of the practices. The GAAMPs are reviewed annually and revised as considered necessary.

The GAAMPs that have been developed are as follows:

- 1) 1988 - Manure Management and Utilization
- 2) 1991 - Pesticide Utilization and Pest Control
- 3) 1993 - Nutrient Utilization
- 4) 1995 - Care of Farm Animals
- 5) 1996 - Cranberry Production
- 6) 2000 - Site Selection and Odor Control for New and Expanding Livestock Facilities
- 7) 2003 - Irrigation Water Use
- 8) 2010 - Farm Markets

These practices were developed with industry, university, and multi-governmental agency input. As agricultural operations continue to change, new practices may be developed to address the concerns of the neighboring community. Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act.

The Web site for the GAAMPs is <http://www.michigan.gov/righttofarm>.

DEFINITIONS

Affiliated – “Affiliated” means a farm under the same ownership or control (e.g. leased) as the farm and does not need to be on the same parcel of land.

Expanding Farm Market – An addition to an existing farm market that increases the square footage of the farm market.

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

Farm Market – A farm market is a year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. While the location must take place on property controlled by the affiliated farm, it does not have to be a physical structure such as a building. Fresh products as well as processed products may be sold at the farm market. At least 50% of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50% of the average gross sales for up to the previous 5 years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50% of the product’s primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

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.

Marketing – Promotional and educational activities at the farm market incidental to farm products with the intention of selling more farm products. These activities include, but are not limited to, farm tours (walking or motorized), demonstrations, cooking and other classes utilizing farm products, and farm-to-table dinners.

Processed – A farm product or commodity that has been converted into a product for direct sales. Processing may include, but is not limited to, packing, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, packaging, cutting, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale.

INTRODUCTION

As farmers look for ways to keep their businesses economically viable, many have chosen to shift their operations from a farmer-to-processor to a direct market business model. This includes selling raw and value-added products directly to the consumer through on-farm establishments, farmers markets, and other agricultural outlets. This allows farms to take advantage of consumer interest in agritourism, the “buy local” movement, and a desire for a connection with farmers and food production. These activities have far-reaching economic impacts. Many regions have capitalized on the growth of farm markets by developing regional farm market and culinary trails, and tourism promotion based on authentic culinary experiences offered by local farm markets. Farm markets provide the opportunity for visitors to meet a farmer, learn about modern agricultural practices, and gain access to fresh, local, nutritious food. Finally, farm markets and the associated farm, help maintain green space adding to the quality of life. Thriving farmland enhances the beauty of communities, retains residents and attracts visitors. As farm operations engage in direct sales and on-farm activities, conflicts have arisen regarding oversight of these businesses.

Michigan is a Right to Farm (RTF) state and the RTF Act defines a “farm operation” as meaning the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. This definition includes, but is not limited to, marketing produce at roadside stands or farm markets. Farm markets offer farm related experiences and farm products through a variety of agritourism activities. The experience in turn promotes sale of more farm products and provides an added income stream to support the farm business, the farm family, and surrounding communities; and keeps farmland in production.

Although the RTF Act includes farm markets in the definition of a farm operation, this definition does not define a farm market or describe specific marketing activities. These GAAMPs for Farm Markets were developed to provide guidance as to what constitutes an on-farm market and farm market activities.

PHYSICAL CHARACTERISTICS OF A FARM MARKET

Use of space

A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market must be located on property owned or controlled (e.g. leased) by the producer of the products offered for sale at the market. A new or expanding farm market greater than 120 square feet must meet a minimum setback of 165 feet from all non-farm residences and all new or expanding farm markets are not authorized under this GAAMP on platted lots within a subdivision created under the Michigan Land Division Act (Act 288 of 1967, MCL 560.101, *et seq.*) or preceding statutes and on condominium units within a condominium (sometimes referred to as “site-condos”) created under the Michigan Condominium Act (Act 59 of 1978, MCL 559.101, *et seq.*); however, farm markets are permitted in such areas if authorized by association rules or pursuant to a local ordinance designed for that purpose, unless prohibited by association rules. A farm market should have a written site plan for potential MDARD review that preempts local government regulations.

Buildings

If the farm market is housed in a physical structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), the structure must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), including road right-of-way areas and ingress and egress points.

Parking and Driveways

Parking and driveway surfaces may be vegetative, ground, pavement, or other suitable material. However, other parking and driveway requirements must comply with all applicable regulations.

Vehicle Ingress and Egress

Any farm market and affiliated parking operating along a public road must obtain all appropriate ingress and egress permits.

Signage

The operator of the farm market must comply with all applicable state and federal regulations for signs. A minimum of one roadside sign is allowed pursuant to local sign ordinance setbacks, lighting, height and size requirements.

For further information concerning this GAAMP you may contact the Michigan Department of Agriculture and Rural Development or Michigan State University Extension.

REFERENCES

State of Michigan. *Report of Recommendations*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January, 2007.

State of Michigan. *Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January, 2007.

Michigan Commission of Agriculture & Rural Development. *Final Report to the Michigan Commission of Agriculture & Rural Development*. Report of the Michigan Farm Market Task Force. Task Force report to the Michigan Commission of Agriculture & Rural Development. September, 2008.

State of Michigan. Michigan Department of Transportation. Directory of Offices by Region.
http://www.michigan.gov/mdot/0,1607,7-151-9623_26662_26679_27267_48606-182161--,00.html.

ADVISORY COMMITTEE

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Michigan Township Services Allegan

Invoice

111 Grand
Allegan, MI 49010

Date	Invoice #
8/10/2020	3554

Bill To
Casco Township 7104 107th Ave South Haven MI 49090

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Zoning July 2020		
0.25	7-6 Christina Norland, Jaqua realty, 380-169-00 building and setback questions	48.00	12.00
2	7-7 office hours	48.00	96.00
0.5	7-8 zoning permits 2 properties sheds <i>7250 Lincoln</i> <i>7230 Miami</i>	48.00	24.00
0.25	7-8 Gorin Simic, 1060 64th min dwell regs	48.00	12.00
1	7-8 Planning commission packet 7-15-20	48.00	48.00
0.25	7-8 Nicole Edwards, 1001 Ravine, review file for past lot combo approval	48.00	12.00
0.25	7-10 Steve Barry 7116 Lake fence and shed regs	48.00	12.00
0.25	7-10 Akmed, more questions MacBeth, lot 65 ft deep, variance questions	48.00	12.00
0.25	7-10 Steve Smith, general min dwell regs	48.00	12.00
0.25	7-14 Nate Fleming 1144 68th Zoning permit	48.00	12.00
2	7-15 office hours	48.00	96.00
0.5	7-15 May 20 2020 approved minute packet for website	48.00	24.00
0.5	7-15 Bowie illegal spit, 027-013-00; memo	48.00	24.00
2.5	7-15 Planning Commission meeting	48.00	120.00
0.25	7-16 Kim Stokes 7218 Orchard, division questions	48.00	12.00
		Total	

Michigan Township Services Allegan

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Allegan, MI 49010

Invoice

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Casco Township 7104 107th Ave South Haven MI 49090

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
0.25	7-17 Melissa Trine 146 Blue Star, 4 cottages on property, can be restored and used; questions	48.00	12.00
0.25	7-17 Tonya, 1190 Cherry St, general building questions	48.00	12.00
0.25	7-27 John Zimmerman 408 60th St, wetland questions	48.00	12.00
0.25	7-27 Mike Noack Const Eaton Dr, setbacks for addition	48.00	12.00
0.25	7-27 Brian Dillman 488 Solace, lot combo information	48.00	12.00
0.25	7-27 Wes Arnold Beechview Dr 380-172/173-00 lot combo info	48.00	12.00
0.25	7-27 Erin Welker 6106 105th pole barn regs	48.00	12.00
0.25	7-28 Art Hartman 150-071-00, demo'd house, rebuild questions	48.00	12.00
2	7-28 Office hours	48.00	96.00
0.25	7-28 Amy, Artscape, Miami park patio question,25%	48.00	12.00
0.25	7-28 Wes, 380-172/173/169-00 more questions, setbacks	48.00	12.00
0.75	7-28 Will Morton Solace / Maple / Beach building questions, 3 fronts	48.00	36.00
0.25	7-29 Shelly Coulter 7210 Lakeview pool regs	48.00	12.00
0.25	7-29 Lisa, Lighthouse Title, 760-050-00 BLA questions	48.00	12.00
0.25	7-29 Jaimi, Nederveld,003-007-11, setback verification form	48.00	12.00
0.25	7-29 Sareh 062-002-12 lots for sale, general building questions	48.00	12.00
Total			

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111 Grand
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Date	Invoice #
8/10/2020	3554

Bill To
Casco Township 7104 107th Ave South Haven MI 49090

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
0.25	7-30 Jasmine, realtor, Miami Park, min dwell regs	48.00	12.00
Total			\$840.00