

## **FARM MARKET ALCOHOL ZONING ORDINANCE CHANGES**

For reference, changes are shown in bold type within the zoning ordinance sections they modify.

### **Section 3.04 - District A (Agricultural)**

- A. Parcels 10 acres or greater (Permitted Uses – Agricultural)
- 5. Uses Permitted by Special Use Permit

The following uses shall be allowed when determined to be in conformance with the provisions of Sections 4.12 and 4.13 as applicable:

- a. Churches, schools, libraries, and publicly owned buildings.
  - b. Hospitals, clinics, sanitariums, convalescent homes, and similar structures designed for human care.
  - c. Public utility buildings.
  - d. Community country clubs, fraternal lodges and similar civic organizations when not operated for profit.
  - e. Land for parks, playgrounds, public and private swimming pools, and similar facilities for outdoor exercise and recreation when not operated for profit.
  - f. Food processing and packaging industries; farm equipment sales and services.
  - g. Oil and brine wells and storage facilities for same.
  - h. Bed & Breakfast operations.
  - i. An accessory building on a lot adjoining the principal residence.
  - j. Accessory buildings, structures and uses customary and incidental to any of the above permitted uses, such uses shall include temporary signs.
  - k. **Farm market activities which include sale of alcoholic beverages for on-premises consumption per Section 4.13T**
  - l. Outdoor Storage Facilities
  - m. Seasonal Storage in Existing Barns
  - n. Additional non-agricultural storage building beyond Section 3.04A(3f)
- B. Parcels 10 acres or greater (Permitted Uses – Agricultural)
  - 5. Uses Permitted by Special Use Permit
    - l. **Farm market activities which include sale of alcoholic beverages for on-premises consumption per Section 4.13T**

## Section 4.11 - Site Plan Review and Approval

### E. Review Process and Approval

2. The Zoning Administrator shall examine the site plan as to proper form and content and for compliance with all applicable requirements of this Ordinance. **Site plans with potential public safety concerns shall be reviewed by Fire Department and/ or Police personnel.** The Zoning Administrator shall either, forward the site plan for review and processing to the appropriate body at the next scheduled meeting or at the next meeting scheduled following any required public notice, or within fifteen (15) days shall return the application to the applicant along with a written explanation of why the site plan cannot be processed

### 5. CRITERIA

In the case of site plan review for **Special Uses**, multiple family, industrial or commercial uses or in other cases deemed appropriate by the Planning Commission, the Planning Commission shall consider among other factors:

- a. Noise
- b. Lighting
- c. Outside storage
- d. Possible blight or future maintenance
- e. Public safety
- f. Traffic patterns both on-site and on the adjacent roadway
- g. Drainage
- h. Screening and greenbelts, especially if the proposed use is adjacent to residential uses

## Section 4.12 - Special Use Procedures

### C. Special Use Review Requirements:

Special Uses shall be subject to the following special requirements in addition to the requirements and standards of the zoning district in order to prevent conflict with or impairment of the principal permitted uses of the zoning district. Such uses shall be deemed to possess characteristics of such unique form that to the district that each shall be considered on an individual case.

#### 1. Relationship to adjacent land and buildings:

The location and size of the use, the nature and intensity of the operations, the size of the site in relation to operations, and the location of the site with respect to existing or future roads and highways providing access to the site shall be in harmony with the orderly development of the district; and the location, nature,

and height of buildings, walls and fences, and shall not discourage the appropriate development and use of adjacent land and buildings nor impair their value.

## 2. Character of operations:

Operations shall not be more objectionable to nearby properties by reason of noise, traffic, safety, congestion, vibration, dust, fumes, smoke, or flashing lights than the operation of any permitted use.

## 3. Compatibility

**The proposed use shall be consistent with the vision and goals of the Township Master Plan. The proposed use shall not detract from the intent and purpose of the zoning district in which it will be located and shall not set precedents for development which could adversely affect the long term plans and policies of the Township.**

**The proposed use shall preserve the natural state of the environment by minimizing topographic modifications and removal of trees and soil.**

## 4. Facilities

**The location shall be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, water and sewage facilities and schools. The proposed use shall not create additional requirements at public cost for public facilities and services.**

## 5. Changes

**Township Board approval is required in the event previously approved activities are expanded. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of the community.**

## 6. Violations

**Deviations from zoning requirements or any Township ordinance or from the site plan or conditions established for any Special Use Permit shall be considered violations of that Special Use Permit. Violations shall be documented in writing and provided to the applicant by the Zoning Administrator or other designated Township official.**

**Uncorrected violations of any Special Use Permit shall serve as grounds for revoking the permit and causing activities controlled by that permit to be stopped. Notices of violation shall allow 30 days for resolution. Action on uncorrected violations will be taken by the Township Board at a regularly scheduled or special meeting as described on the violation notice.**

## **7. Closure**

**Special Use Permits shall be considered closed if the approved use is superseded by another activity, discontinued for more than 12 months or as otherwise requested by the applicant or property owner.**

**As noted above, Special Use Permits may be revoked for cause as determined by the Township Board.**

**Special Use Permits shall be continued if the approved use continues following the sale of the affected property.**

## **Section 4.13 - Special Use Conditions**

**T. Farm market or restaurant activities which include sale of alcoholic beverages for ~~off-premises and~~ on-premises consumption**

- 1) The location for the proposed use shall front upon paved main roads adequate for the expected traffic.**
- 2) In the Agricultural District, maximum coverage of structures and parking shall not exceed 35% of parcel area within minimum allowable lot size. In addition, all outdoor activities that include alcohol consumption shall take place at least two hundred (200) feet from any lot line that abuts residential property.**
- 3) Approved public restrooms and water supply shall be constructed commensurate with the participation level of the proposed use and public safety. Facilities shall be properly maintained.**
- 4) Rubbish disposal shall be handled in way that avoids any littering, noise, odor or dust to adjoining properties and that ensures timely removal.**
- 5) In the Agricultural district, off-street parking shall be provided in areas**

which minimize adverse effects on adjoining property owners. Parking shall be separated from adjacent residential uses by a minimum of 75 feet unless determined otherwise by the Planning Commission. Parking spaces shall be sufficient for peak periods of use.

6) All outdoor lighting shall be directed away from or shaded from adjacent residences and public roads so the source of the light is not distracting.

7) Separation of buildings or activities from roads and adjoining properties beyond that required by setbacks shall be supplemented by screens, vegetation barriers and fences to address public safety and adjacent residential concerns as established by the Planning Commission.

8) Alcoholic beverage sales for ~~off-premises~~ and on-premises consumption shall be in accordance with Michigan Liquor Control Commission regulations. All necessary licenses, permits and employee training required for the control of alcoholic beverages shall be obtained and in force as a condition for conducting activities under this Special Use.

9) For fire safety purposes, on-premises water supply shall be available. Water supply locations and floor plans of all public structures shall be on file with the Township Fire Department.

10) On-premises consumption of alcoholic beverages is permitted only within the principal structure or within designated areas having controlled access outside the principal structure. Consumption of alcoholic beverages outside those areas is not permitted.

11) In the Agricultural District, alcoholic beverages shall include Michigan farm produced beer, hard cider and wine. Alcoholic beverages shall only be served if food is ordered for dining on premises.

12) Special Use Permit applications shall include the following additional information:

- a) Proposed hours of operation
- b) Measures to be implemented to keep underage or overindulged patrons from purchasing and consuming alcoholic beverages.
- c) Measures to be implemented to ensure consumption of alcoholic beverages takes place only in designated areas.

- d) **Locations on the Site Plan for all activities involving on-premises alcohol consumption. Each location will be clearly identified with the affected parcel number on the applicant's property.**

## **Section 8.02 - Procedure**

Each proposed amendment not originating with the Planning Commission shall be referred to the Planning Commission for its consideration and recommendation.

A. Filing of Applications: All petitioners shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the Township Clerk.

B. All petitions for amendments to this ordinance, without limiting the right to file additional material, shall contain the following:

- 1) The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person, firm, or corporation having a legal or equitable interest in the land.
- 2) The nature and effect of the proposed amendment.
- 3) All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

**C. The Planning Commission shall examine the proposed change as to proper form and content and for compliance with all applicable requirements of this Ordinance. Within 30 days of its receipt from the Township Clerk, the Planning Commission shall either schedule a Public Hearing per Subsection 8.03 below or return the proposed change to the applicant along with a written explanation of why the proposed zoning ordinance cannot be processed.**

D. Public Hearing: Before submitting its recommendation on the petition to amend, the Planning Commission shall hold at least one public hearing, notice of which shall be given in conformance with Subsection 8.03, below.