

**TOWNSHIP OF SOLON
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Solon, Kent County, Michigan, held at the Township Hall, 15185 Algoma Avenue, N.E., Cedar Springs, Michigan, on the 10th day of April 2018, at 7:30 p.m.

PRESENT: Members: Robert Ellick, Fred Gunnell, Mark Hoskins, Mary Lou Poulsen

ABSENT: Members: Art Gerhardt

The following preamble and ordinance were offered by Member Ellick and seconded by Member Hoskins:

ORDINANCE NO. 18-5-Z

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE TOWNSHIP OF SOLON**

[Agritourism Event Business]

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Words and Terms Defined. Section 2.02 Definitions – A of the Zoning Ordinance of the Township of Solon is hereby amended by the addition of the following term and its definition:

Agritourism Event Business. A farm that may also generate additional farm income by promoting the use of the farm for agricultural events and programs and whose proprietor resides on the site in a single-family dwelling unit; and which may include educational and/or outdoor recreational programs, such as hay rides, petting farms, non-motorized bicycle, horse, and foot trails, corn mazes, and haunted trails and barns; a public accommodation use, such as weddings and banquets; farm tours; and substantially similar activities. An agritourism event businesses may, with Planning Commission approval, be conducted on a non-farm property if the standards of Section 16.04.KK are satisfied, including 16.04.KK.A.3.

Section 2. AR-1 and AR-2 Agricultural Districts. The Township Zoning Ordinance is hereby amended by the addition of “Agritourism event business” as a permitted use in new Sections 5.03.P and 5.03A.Q.

Section 3. Special Uses. Chapter 16 of the Township Zoning Ordinance is hereby amended by the addition of Section 16.04.KK thereto, which shall read in its entirety as follows:

16.04.KK. Agritourism Event Business. An agritourism event business may be permitted by the Planning Commission in the AR-1 or AR-2 Districts as a special use. No parcel may be used for such purposes in the Township unless the Planning Commission finds all of the following conditions and requirements are met:

1. Additional Information. An application for an agritourism event business, in addition to the requirements of Section 16.02, shall include a complete description of the proposed use, services, events, programs, and activities to be provided, proposed hours of operations, and any other information necessary to properly convey the nature of the agritourism event business proposed.
2. Minimum Parcel Size. The agritourism event business shall be located on a parcel of no less than 40 acres. The Planning Commission may modify the minimum acreage requirement for a particular use upon a finding that the use is compatible with adjacent or nearby properties and may be conducted in compliance with the other standards in the ordinance on less than 40 acres. The size and capacity of the buildings, parking area, and sanitation facilities shall be capable of safely handling the events on the property.
3. Use of Non-farm Property. While the agritourism event businesses are ordinarily intended to supplement farm businesses, an Agritourism event business may, with Planning Commission approval, be conducted on a non-farm property if the Planning Commission determines the property is (a) compatible with Section 5.02.A farm uses, (b) will not have a negative impact on nearby properties, (c) will not result in appreciable loss of usable farmland, and (d) satisfies the other requirements for an Agritourism event business.
4. Operation by Occupants. The person who operates the Agritourism event business shall have a primary residence on the property. This is not intended to prevent the use of caterers or others to perform functions under the supervision of the operator of the business. The Planning Commission may modify this requirement in cases where it determines that the applicant/operator lives in the vicinity and the applicant establishes that the property will be closely monitored during all events, in a manner

substantially the equivalent as oversight by a person living on the property. To assure continued compliance with this provision, notification of all transfers of property associated with an agritourism event business special land use shall be given to the Township Zoning Administrator 30 days prior to any such land transfer.

5. Food and Beverage Service. Food and beverage service shall be provided by caterers, and not at a full-scale kitchen on the premises. Alcohol service is permitted by licensed caterers in compliance with the Michigan Liquor Control Code. This is not intended to prevent warming, storage or other equipment to assist the caterers in their operation.
6. Time of Events. All events shall be completed by 11:00 p.m. and guests, employees, contractors and maintenance staff shall also vacate the premises not later than 11:00 p.m. Alcohol service shall be concluded not later than 10:00 p.m. The Planning Commission may impose more restrictive hours of operation if appropriate to protect neighboring properties or land uses.
7. Attendees. The maximum number of attendees allowed as part of any special land use permit shall be specified by the Planning Commission, subject to the further limitation of the maximum capacity of the buildings as permitted by the Michigan Building Code. The Planning Commission may also impose supplemental restrictions, such as a limit prohibiting more than one event with an attendance greater than a specified number of persons in any weekend or limiting the total number of events permitted in a week. For this purpose, a weekend shall be measured as the time between midnight Thursday and the following midnight Sunday.
8. Amplified Music. Any speakers for amplified music shall be permitted only inside a fully enclosed building or structure. Amplified music may not be played later than 10:00 p.m. and shall comply with all Township noise ordinance requirements. In no event shall such music, amplified or not, be reasonably detectable off the property after 10:00 p.m.
9. Parking. Parking shall be provided as shown on the site plan submitted with the special land use application. The Planning Commission shall provide a maximum number of permitted vehicles, shall require appropriate screening, fencing or other landscaping, shall prohibit the parking of vehicles within a specified distance from the right-of-way line of adjacent streets and provide other regulations to assure that vehicles are arranged in a safe manner, consistent with neighboring lands and uses. Any temporary banners, sawhorses, cones or other devices used to mark parking areas and direct traffic will be installed no more than 48 hours before an event and removed no later than 48 hours after an event. No parking whatsoever shall occur on the adjacent street, all event parking to be off-street parking.

10. Parking Surface. Limited seasonal uses may retain the parking area as a grass surface if maintained in a dust and mud free condition. For more permanent parking, Chapter 15 shall control, except that the Planning Commission may grant a parking modification with respect to the amount of parking area required to be paved, and allow (or require) parking on gravel, crushed concrete, grass, and similar areas, upon finding that paved parking would result in unnecessary amounts of paved parking area for the particular needs of the proposed use and that adequate parking for the agritourism event business on non-paved areas as clearly designated on the site plan, is safe, and is compatible with adjacent or nearby properties. Loss of usable farmland for parking, drives or other aspects of an agritourism event business shall be discouraged, and the Planning Commission shall require the applicant to demonstrate that no more than a minimal amount of tillable or usable farmland will no longer be usable as farmland. Dust and mud conditions shall, in all events, be controlled and avoided.
11. Lighting. Small lantern lights not over eight feet above ground may be used to supplement existing lights. Additional exterior lighting shall only be in compliance with the Zoning Ordinance and shall require the approval of the Township Zoning Administrator. No lighting shall shine onto adjacent properties. Supplemental exterior lighting shall only be used during scheduled events.
12. Temporary Structures. Any tent or other temporary structure which is constructed in addition to the existing buildings and structures, so as to accommodate an event, shall be installed no more than 48 hours before an event and shall be dismantled and removed no more than 48 hours after an event.
13. Signage. A permanent sign shall be permitted in the same manner as allowed for agricultural uses in the district. Temporary signage providing additional identification of the location and parking areas may be used on the day of the scheduled event.
14. Toilets and lavatory facilities. Toilets and lavatory facilities shall be provided in accordance with the Michigan Building Code, including handicap accessibility when required, but in no event shall less than two separate toilets and lavatory facilities be provided. The applicant may use portable facilities which, if used, shall be located as shown on the site plan.
15. Trash and Refuse. All trash and refuse resulting from events will be removed by the event sponsor or caterer. No dumpster or similar commercial trash receptacle shall be located on the property.
16. Responsible Party. The property owner shall maintain responsibility for operations at the site. The applicant shall designate to the Township a responsible party, who is one of the owners or residents of the property, as

a contact in case there are problems during the course of an event. The contact person shall at all times be available on the property during an event or shall designate to the Township the person who shall be at the site, available by phone and responsible (in addition to the named property owner) during an event. The property owner agrees to be responsible for compliance with the conditions of this special land use approval, regardless of whether violations are actually committed by employees, contractors or others.

17. Setback Requirements. All buildings and structures on the site shall conform to the minimum setback requirements of the district in which it is located, unless the Planning Commission imposes a greater setback requirement. An existing legal non-conforming building and structure shall not be used for the Agritourism Event Business if such building or structure does not meet the current minimum setback requirements.
18. Traffic Control and Security. If necessary to ensure that traffic entering or exiting the property moves promptly and safely into and out of the parking area, personnel shall be supplied by the property owner to direct traffic. Also, security personnel shall be provided by the property owner to the extent necessary to ensure good order and safety are maintained during all events.
19. Compatibility of Uses. The business shall not be incompatible with other allowed uses in the vicinity, as determined by the Planning Commission. The agritourism event business shall not alter the residential or agricultural character of the site, or have such an impact on adjacent lands, as determined by the Planning Commission.
20. Accessory Buildings. Accessory buildings shall comply with Section 3.07, and may include, but are not limited to: pavilions, gazebos, picnic facilities and restroom facilities.
21. Noise. An agritourism event business, and all uses, events, programs or activities connected with the agritourism event business, shall not create, assist in creating, continue or permit the continuation of any excessive or unnecessarily loud disturbances.
22. Compliance with Laws and Regulations; Permits and Insurance. All required federal, state, county and local permits for each use, event, program or activity, shall be secured and maintained by the applicant, including but not limited to the following:
 - a. All buildings, including but not limited to barns, used in the agritourism event business, shall be insured. In addition, buildings, including but not limited to barns, shall not be used in the agritourism event business until documentation is provided to the

Township from a certified engineer that the building so used is structurally sound and safe for the proposed activity. In addition, all buildings used in the agricultural event business shall be inspected by and shall pass inspection by the Township building and electrical inspectors for all proposed uses of the building for the agricultural event business.

- b. Food provided for the agricultural event business shall be prepared offsite by a licensed caterer in accordance with Kent County Health Department requirements.
 - c. Alcoholic beverages shall not be provided unless the permit holder secures and maintains an appropriate license from the Michigan Liquor Control Commission.
 - d. Kent County driveway permits are necessary for ingress and egress from the site.
 - e. All buildings and structures shall be kept in compliance with applicable building and construction codes.
23. Inspections, Fees and Escrow. The applicant shall submit an escrow fee, in an amount determined by the Township Board, which shall be deposited in the Township's General Fund, or in such other Township fund as is established for other zoning fees. The Township Board shall also establish an inspection fee by resolution. Each time the applicant's property is inspected, the Township may apply the escrow funds to the inspection fee. The Township Board may also apply the escrowed funds to any costs incurred by the Township in consultation with the Township engineer, building or electrical inspector or similar consultant costs. Upon expenditure by the Township under the terms of this section, the Township may notify the applicant, in writing if the escrow funds are depleted below \$500, in which case the applicant shall pay to the Township promptly, but in any event not later than 30 days after such notification, sufficient additional escrow monies so as to increase the amount of the escrow fund to the amount specified by the Township. The applicant hereby expressly grants the Township and its representatives, including inspectors, access to the property, including access before, during and after events, so as to assure compliance with the requirements of this section, including but not limited to issues concerning noise, hours of operation, traffic, security, trash and refuse, availability of a responsible party, and other matters.
24. Schedule of Events. The applicant shall submit to the Township Board, no less than 14 days in advance, a schedule of events to be conducted on the property. This shall be an ongoing requirement. The applicant shall include the nature of the event, the time, date and approximate hours the event is expected to take place, and the approximate number of persons expected to be on site for such event.

25. Additional Requirements. The Township Zoning Administrator shall be expressly authorized to impose additional conditions and limitations upon the operation of the business concerning traffic, traffic patterns, parking arrangements, noises and disturbances and other operational aspects based on experience with the operation.

26. Violations. Violation of the conditions of an approving resolution for a special land use under this subpart shall constitute a violation of the Township Zoning Ordinance. Repeated or serious violations of the conditions of the approving resolution are grounds for revocation of the special land use, following notice and public hearing by the Planning Commission. The requirements of this section all be incorporated into the approving resolution for the special land use and compliance herewith shall be a continued requirement for operation of the special land use.

Section 4. Publication; Effective Date. This Ordinance shall become effective seven (7) days after its publication or seven (7) days after publication of a summary of its provisions in a local newspaper of general circulation in the Township, as provided by law.

AYES: Members: Hoskins, Gunnell, Ellick, Poulsen

NAYS: Members: none

ORDINANCE DECLARED ADOPTED.

 Mary Lou Poulsen, Clerk
 Township of Solon

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Solon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

 Mary Lou Poulsen, Clerk
 Township of Solon