

BOARD OF TRUSTEES  
FOREST HOME TOWNSHIP  
ZONING ORDINANCE AMENDMENT  
ORDINANCE No.: \_\_\_\_\_

Draft

Boardmember \_\_\_\_\_, supported by Boardmember \_\_\_\_\_, moved the adoption of the following ordinance.

AN ORDINANCE TO AMEND SECTION 206 TO ADD A DEFINITION FOR FARM TOURISM FACILITY; TO AMEND SECTION 504 - A, TO LIST FARM TOURISM FACILITY AS A SPECIAL USE IN THE AG AND RR DISTRICTS; TO AMEND SECTION 602 TO LIST FARM TOURISM FACILITY AS A SPECIAL USE IN THE AG DISTRICT; TO AMEND SECTION 802 TO LIST FARM TOURISM FACILITY AS A SPECIAL USE IN THE RR DISTRICT; TO AMEND SECTION 1501, E, TO LIST PARKING REQUIREMENTS FOR A FARM TOURISM FACILITY; AND TO AMEND SECTION 1620 TO ADD REVIEW STANDARDS TO REGULATE SUCH USES.

THE TOWNSHIP OF FOREST HOME HEREBY ORDAINS AS FOLLOWS:

- 1. **Section 206, Definitions “F”**, is hereby amended to add the following defined terms in alphabetical as follows:

**Farm Tourism Facility:** A commercial enterprise related to, and operated in conjunction with a farm, operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products; and which may include (but not be limited to) farm product or produce picking, retailing and sampling; educational, entertainment and/or recreational programs or activities; farm tours/hayrides, corn mazes, ancillary food service facilities and similar activities.

- 2. **Section 504 - A, Summary Table of Land Uses and Regulatory Structure**, is hereby amended to list Farm Tourism Facility as a special land use (SLU) in the AG and RR Districts.
- 3. **Section 602 Special Land Uses in the Agriculture District**, is hereby amended to list Farm Tourism Facility as a special land use (SLU) in said District.
- 4. **Section 802 Special Land Uses in the Rural Residential District**, is hereby amended to list Farm Tourism Facility as a special land use (SLU) in said District.
- 5. **Section 1501, E, Minimum Parking Requirements**, is hereby amended to add, in alphabetical order, the following listing to the table of Parking Spaces by Type of Land Use,

TYPE OF USE	Minimum Parking Requirement
Farm Tourism Facility	A minimum of 8 spaces, plus any additional spaces needed for combinations of land uses, pursuant to section 1501, E, 1, as determined by the Planning Commission

6. Section 1620 is hereby amended to read as follows:

**Section 1620. Farm Tourism Facility.**

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Farm Tourism Facility shall meet the following specific Special Land Use standards.

- A. Purpose and Intent. The intent of this section is to establish standards to govern the use of lands in the Township for a Farm Tourism Facility as defined herein. The Planning Commission shall find that the Farm Tourism Facility shall comprise only a small part of the property, so that the farm use of the site is predominant and the Farm Tourism Facility use is secondary. The Planning Commission may approve a proposed departure from this requirement if it finds that the proposed Farm Tourism Facility and its activities are substantially farm-related and that the establishment and its activities would not have impacts on the vicinity similar to impacts generated by a commercial business, including consideration of traffic, light pollution, noise, blowing trash, signage, odor, and aesthetics.
- B. An application for an Farm Tourism Facility shall include a site plan in accordance with Section 1803 with detail on parking, sanitation, refuse and solid waste management, outdoor lighting, fencing, crowd control, on-site vehicular and pedestrian circulation, details on any public address system and equipment, signage and related existing and proposed facilities. In addition, the application shall include a complete written description of the proposed use, the services to be provided, the maximum number of patrons anticipated on site at any time, hours of operation, activities to be conducted and any other information necessary to properly convey the nature of the facility proposed. Such written description shall be considered a part of the special use permit application to be relied upon by the Planning Commission in granting any approval. A Farm Tourism Facility may include features or elements associated with similar types of special land uses, such as, but not limited to, Bed & Breakfast Facilities, Campgrounds or RV Parks, Craft Spirits Facilities, Places of Public Assembly, Privately-Owned Parks and Playgrounds, and Riding Stables. Private Recreation Centers. The Planning Commission may apply the special land use requirements for any and all similar types of special land use in considering an application for a Farm Tourism Facility.
- C. The Planning Commission shall evaluate the proposed Farm Tourism Facility and the activities proposed to determine whether it will be compatible with neighboring uses and other permitted uses in the vicinity and zoning district.
- D. The Planning Commission may impose requirements on the placement of the facility and its activities on the site to protect adjacent properties from its impacts and to maintain rural views from public roads. The facility and all of its outdoor ancillary structures and activities such as parking and gathering space shall be located at least 50 feet from property lines. The Planning Commission may approve a proposed departure from this requirement, if it finds that locational and layout attributes, buffers, adjacent uses and site configurations, and other features of the subject site and nearby property work together to

minimize impacts of the proposed Farm Tourism Facility; provided, that dimensional requirements of Section 54, B and other regulations of the Zoning Ordinance are met.

- E. The Planning Commission may require submittal of a traffic impact study pursuant to Section 1811, B, the purpose of which shall be to analyze the effect of traffic generated by the proposed use on the capacity, operations, and safety of the public road system and to propose mitigation measures.
  - F. Tasting rooms and food service activities shall at all times comply with any and all requirements of the Antrim County Health Department, the Michigan Liquor Control Commission, the Michigan Department of Agriculture and Rural Development (MDARD) and/or other appropriate or successor agencies, and evidence of applicable agency review and approval shall be provided to the Planning Commission.
  - G. Failure to maintain proper licensure and/or to comply with the terms of any special land use permit granted may result in revocation of the special land use permit.
  - H. Periodic or permanent recreational or entertainment activities or facilities, such as but not limited to, rodeo competitions or demonstrations, tractor pull events, hay rides, corn mazes, concerts, haunted houses and similar features or events shall be clearly described in any application for special use permit approval and must be authorized in advance pursuant to this Section.
  - I. The Planning Commission may require landscaping and other features to screen the use from adjacent properties and the Planning Commission may impose limitations on the operation of the facility to protect adjacent properties from its impacts. Such limitations may pertain to hours of operation, outdoor lighting, outdoor activities, noise, and other elements.
  - J. The applicant shall demonstrate that all vehicular parking will occur on the site. A pervious parking surface is permitted, subject to demonstration by the applicant that dust would be controlled and an ongoing condition addressing the same.
7. **Severability.** If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.
8. **Effective Date.** This Ordinance shall become effective seven (7) days after publication.
9. **Publication.** Within fifteen (15) days of its adoption, this Ordinance or a summary thereof, as required by law, shall be published by the Township Clerk in a newspaper of general circulation in the Township.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

YEAS: Boardmembers \_\_\_\_\_

NAYS: Boardmembers \_\_\_\_\_

ABSTAIN: Boardmembers \_\_\_\_\_

ABSENT: Boardmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED**

Dated: \_\_\_\_\_, 2015

By: \_\_\_\_\_  
Terry Smith  
Township Supervisor

Dated: \_\_\_\_\_, 2015

By: \_\_\_\_\_  
Suzanne C. Mahan  
Township Clerk

**CERTIFICATION**

I, the undersigned Clerk of Forest Home Township, certify that the above Ordinance is a true and complete copy of an Ordinance adopted at a regular meeting of the Township Board of Trustees held on \_\_\_\_\_, 2015, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the \_\_\_\_\_ on \_\_\_\_\_, 2015. I further certify that the above Ordinance was entered into the Ordinance Book of the Township on \_\_\_\_\_, 2015, and was effective \_\_\_\_\_, 2015, seven (7) days following the date of its publication.

Dated: \_\_\_\_\_, 2015

By: \_\_\_\_\_  
Suzanne C. Mahan, Township Clerk

**BOARD OF TRUSTEES**

Draft

**FOREST HOME TOWNSHIP  
ZONING ORDINANCE AMENDMENT  
ORDINANCE NO.: \_\_\_\_\_**

Boardmember \_\_\_\_\_, supported by Boardmember \_\_\_\_\_, moved the adoption of the following ordinance.

AN ORDINANCE TO AMEND ARTICLE 2 DEFINITIONS TO ADD DEFINITIONS FOR ARTIST RESIDENCY FACILITY, ARTIST RESIDENCY LIVE/WORK/STUDY UNIT, ARTIST RESIDENCY FACILITY GATHERING STRUCTURE; TO AMEND SECTION 504 - A, TO LIST ARTIST RESIDENCY FACILITY AS A SPECIAL USE IN THE AG AND RR DISTRICTS; TO AMEND SECTION 602 TO LIST ARTIST RESIDENCY FACILITY AS A SPECIAL USE IN THE AG DISTRICT; TO AMEND SECTION 802 TO LIST ARTIST RESIDENCY FACILITY AS A SPECIAL USE IN THE RR DISTRICT; TO AMEND SECTION 1501, E, TO LIST PARKING REQUIREMENTS FOR AN ARTIST RESIDENCY FACILITY; AND TO AMEND SECTION 1603 TO ADD REVIEW STANDARDS TO REGULATE SUCH USES.

THE TOWNSHIP OF FOREST HOME HEREBY ORDAINS AS FOLLOWS:

1. **Section 201, Definitions “A”**, is hereby amended to add the following defined terms in alphabetical as follows:

**Artist Residency Facility:** An establishment that serves groups of artists, scholars, and creative individuals providing temporary residential accommodations, studio, exhibit and performance space, and which provides facilities for instruction, study, practice, production, office work, artist, scholar, and community gathering, and artist exhibition, or similar purposes authorized by this Zoning Ordinance. For the purposes of this land use, the terms “art” or “artist” are broadly construed, including without limitation visual, mixed media, and performance art; writing; design; and similar creative endeavors.

**Artist Live/Work/Study Unit:** A building or structure within an Artist Residency Facility used by an occupant for living and working quarters on a temporary or long-term basis, including for study, instruction, practice, or production of art, scholarship, and other self-study or similar purposes authorized by this Zoning Ordinance.

**Artist Residency Gathering Structure:** A building or structure within an Artist Residency Facility used as a gathering place by the public and owners or occupants of an Artist Residency Facility for purposes of: commercial or non-commercial study, instruction, office

space, exhibition, rehearsal, production, or practice of art, scholarship, and other self-study or similar purposes authorized by this Zoning Ordinance.

2. **Section 504 – A, Summary Table of Land Uses and Regulatory Structure**, is hereby amended to list Artist Residency Facility as a special land use (SLU) in the AG and RR Districts.
3. **Section 602 Special Land Uses in the Agriculture District**, is hereby amended to list Artist Residency Facility as a special land use (SLU) in said District.
4. **Section 802 Special Land Uses in the Rural Residential District**, is hereby amended to list Artist Residency Facility as a special land use (SLU) in said District.
5. **Section 1501, E, Minimum Parking Requirements**, is hereby amended to add, in alphabetical order, the following listing to the table of Parking Spaces by Type of Land Use,

TYPE OF USE	Minimum Parking Requirement
Artist Residency Facility	1 space per each for each dwelling unit or sleeping quarter or live/work/study unit, plus a minimum of 10 spaces for a Artist Residency Gathering Structure, plus 1 space for each 300 sq. ft. in excess of 1,000 sq. ft. in such Gathering Structure

6. **Section 1603** is hereby amended to read as follows:

**Section 1603. Artist Residency Facility.**

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Artist Residency Facility shall meet the following specific Special Land Use standards.

- K. Purpose and Intent. The intent of this section is to establish standards to govern the use of lands in the Township for an Artist Residency Facility as defined herein. Such facility shall have as its primary purpose the provision of space and facilities for artists, scholars, and creative individuals for use in quiet reflection, study, research, presentation and/or production within a community of scholars and creative individuals. The standards of this section are intended to permit flexibility in regulation of land development to further these purposes by allowing artists and scholars to temporarily reside, live, study, and work in individual or multi-family dwelling units or temporary buildings or structures, with shared gathering spaces for purposes including instruction, study, office work, artist, scholar, and community gathering, and artist exhibition, all in keeping with the character of the underlying zoning district and the immediate vicinity.
- L. Use Requirements. In addition to uses permitted by right in the zoning district, or otherwise permitted and authorized by the Planning Commission, an Artist Residency Facility may include the following uses:
  1. Artist Live/Work/Study Units, as defined herein, including single-family, duplex, or multiple dwellings; boarding, lodging, and rooming houses; or temporary dwelling units or sleeping quarters such as tents and cabins. All such residential units shall meet the requirements of Section 304, unless modified by the Planning Commission

- pursuant to its authority pursuant to Subparagraph C, hereof. Accordingly, the Planning Commission may authorize departures from the requirements of Section 304, C, pertaining to temporary residential units, if approved as part of a special land use permit and if the finds evidence that such departures will serve the purpose of this Section while protecting the health, safety and welfare of occupants of the Artist Residency Facility and the citizens of the Township.
2. Artist Residency Gathering Structures.
  3. Other uses of the facilities and structures of an Artist Residency Facility for purposes compatible with or furthering the intent of this Section, if the Planning Commission determines the uses are similar in character and impact in terms of:
    - a. The generation of traffic and congestion;
    - b. The production of noise;
    - c. The production of fumes or odors;
    - d. Potential aesthetic impacts on the vicinity;
    - e. The production of dust or other debris; and,
    - f. The consistency with the intent of the district in which it is located.
  4. Uses, buildings, and structures accessory to the above approved by the Planning Commission as part of the Special land Use Permit, including without limitation artist studio space; shared kitchen, bathroom, and other facilities; and incidental retail.
- M. Zoning Requirements. Except as specifically modified by the Planning Commission in response to an application for special land use approval for an Artist Residency Facility, all requirements of this Zoning Ordinance shall be satisfied by any such application. In considering any proposed modifications, the Planning Commission shall find evidence that any modified requirements will better serve the purposes of this Zoning Ordinance while protecting the health, safety and welfare of occupants of the Artist Residency Facility and the citizens of the Township.. Provided, however, that any single-family dwelling unit incorporated as part of an Artist Residency Facility shall be sited on land of sufficient area and appropriate dimensions to meet the minimum lot standards for the Zoning District.
- N. Other Special Land Uses. An approved Artist Residency Facility shall not be considered a Studio for the Performing and Graphic Arts or a Place of Public Assembly. Provided that for proposed public assemblies exceeding 50 people, the applicant shall disclose the nature of activities to be conducted on the site, including the frequency of such gatherings, the proposed hours of operation, typical measures to manage on-site circulation and parking of vehicles, and the Planning Commission may require additional buffering or isolation distance from neighboring uses to mitigate impacts.
- O. Access. An Artist Residency Facility site shall be accessed from an all-season county road.
- P. Other Licenses or Permits. An Artist Residency Facility shall, at all times, remain in compliance with all relevant local, county or state laws, rules and ordinances.

Q. The Planning Commission may establish, as a condition of approval, hours of operation for public assembly, parking requirements, and buffering requirements.

- 7. **Severability.** If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.
- 8. **Effective Date.** This Ordinance shall become effective seven (7) days after publication.
- 9. **Publication.** Within fifteen (15) days of its adoption, this Ordinance or a summary thereof, as required by law, shall be published by the Township Clerk in a newspaper of general circulation in the Township.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

YEAS: Boardmembers \_\_\_\_\_

NAYS: Boardmembers \_\_\_\_\_

ABSTAIN: Boardmembers \_\_\_\_\_

ABSENT: Boardmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED**

Dated: \_\_\_\_\_, 2015

By: \_\_\_\_\_  
Terry Smith  
Township Supervisor

Dated: \_\_\_\_\_, 2015

By: \_\_\_\_\_  
Suzanne C. Mahan  
Township Clerk

**CERTIFICATION**

I, the undersigned Clerk of Forest Home Township, certify that the above Ordinance is a true and complete copy of an Ordinance adopted at a regular meeting of the Township Board of Trustees held on \_\_\_\_\_, 2015, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the \_\_\_\_\_ on \_\_\_\_\_, 2015. I further certify that the above Ordinance was entered into the Ordinance Book of the



Artist Residency Facility Proposed Amendment

Township on \_\_\_\_\_, 2015, and was effective \_\_\_\_\_, 2015, seven (7) days following the date of its publication.

Dated: \_\_\_\_\_, 2015

By: \_\_\_\_\_  
Suzanne C. Mahan, Township Clerk