



## Webster Township Planning Commission

July 18, 2018

### Commissioners Packets Table of Contents

1. Agenda
2. Draft Minutes of the June 14, 2018 Meeting
3. Draft Ordinance Language
  - a. Draft of Zoning Ordinance Changes Re Inoperable or Abandoned Vehicles
  - b. Draft of Amended Nuisances Ordinance
  - c. Draft of Zoning Ordinance Changes Re Farm Market Farmers Market
    - i. Malaika Whitney Letter
  - d. Draft of Definition of Seasonal Agri-tourism



# WEBSTER TOWNSHIP

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Webster Township Planning Commission

**July 18, 2018 7:00 PM**

Webster Township Hall  
5665 Webster Church Road  
Dexter, Michigan 48130

Agenda:

1. Call to Order
2. Take Attendance: Charles Estleman, George Goodman, Tammy Koch, Kay Stremmer, John Westman; Paul Zalucha; Andrea Zamansky
3. Approval of Agenda
4. Approval of Minutes for June 13, 2018 Meeting
5. Township Board Report
6. Zoning Administrator Report
7. PDR Report
8. Public Participation
9. Action Items:
  - (a) Public Hearing regarding proposed amendments to Webster Township Zoning Ordinance Sections 2.10, 13.105.A.(2) and 13.160.B.: Amendments regarding (i) inoperable, abandoned and junk motor vehicles and the parking and storage thereof, and (ii) the storage of junk, abandoned and discarded materials
  - (b) Public Hearing regarding proposed amendments to Webster Township Nuisance Ordinance Section 3.4: Revision of provisions regarding junk, abandoned and inoperable motor vehicles
  - (c) Public Hearing regarding proposed amendments to Webster Township Nuisance Ordinance Section 3.6.C.(iv): Revision of provisions regarding exceptions to specific noise violations
  - (d) Public Hearing regarding proposed amendments to Webster Township Zoning Ordinance Sections 2.10, 9.10.B.ii. and 9.35.B.viii, and the addition of new Zoning Ordinance Section 9.12.C.ix.: Amendments regarding Farm Markets and Farmer's Markets
  - (e) Public Hearing regarding proposed amendments to Webster Township Zoning Ordinance Sections 2.10 and 9.10.B.ix.: Amendments regarding Seasonal Agri-tourism
10. Discussion Items: none.
11. Public Participation
12. Informational Items / Correspondence
13. Adjournment

Draft Zoning Ordinance Changes Re: Junk / Inoperable Motor Vehicles

June 14, 2018

- **Section 2.10, Definitions:**

**Inoperable or ~~Junk~~Abandoned Motor Vehicle.** Any Motor Vehicle that either: (i) is intended to be self-propelled but is incapable of being propelled under its own power, whether by reason of dismantling, disrepair or other cause; or (ii) does not bear an affixed current license plate and current vehicle registration.~~wheeled vehicle that is self-propelled and intended to be self-propelled, and that by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.~~

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**Junk.** Any ~~M~~motor ~~V~~ehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, plastic, cordage or scrap materials that are damaged or deteriorated whether or not the same could be put to any reasonable use, except if in a completely enclosed building. Junk includes any ~~l~~inoperable or ~~Junk~~abandoned ~~M~~motor ~~V~~vehicle ~~that is not licensed for use upon the highways of the State of Michigan~~ and shall also include, whether ~~so~~ licensed or not, any ~~M~~motor ~~V~~vehicle that is inoperative for any reason and that is not in a completely enclosed building.

**Junk Yard.** An open lot or any accessory buildings where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, tires, wood, and bottles. The term junk yard shall ~~not~~ include automobile graveyards.

**Motor Vehicle.** “Motor Vehicle” means, but is not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles, but shall not include farm machinery, prominently displayed ornamental machinery, devices designed to be moved by human or animal power, or devices used exclusively upon stationary rails or tracks.

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• **Section 13.105, Parking and Storage of Vehicles/Trailers:**

**A. Occupied and Vacant Lots.** (Amended April 21, 2015)

(1) No recreation vehicle(s) as defined in Section 2.10, or utility trailer shall be parked or stored on any lot occupied by a residential dwelling unit unless such vehicle, apparatus, or trailer is owned by the resident of the lot or guest, currently plated and is stored in accordance with Section 13.95 (A) (3) and (B) (2) (b), or in a garage, enclosed in a building or is located within the rear yard or side yard of such lot a minimum of ten (10') feet from any rear or side property line. Such storage shall not be placed so as to cause a nuisance to abutting residential premises (as determined by the Zoning Administrator). No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, except for the occasional temporary use for personal recreation or to accommodate visitors, not to exceed a continuous period of two (2) weeks in any ninety (90) day period. No unoccupied mobile homes shall be parked on any lot.

(2) ~~Inoperable or Junk Motor Vehicle vehicles or trailers~~ shall not be parked or stored other than (i) in completely enclosed, permanent structures or (ii) otherwise in a manner that is not visible from surrounding properties or from any public place. Notwithstanding the foregoing, the following are exempt from the provisions of this Section 13.105.A.(2);

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(a) Any Inoperable or Junk Motor Vehicle that is not visible from a public or private street or road, or from other public or private property;

(b) Up to two Inoperable or Junk Motor Vehicles that are in the process of restoration, and that are recognized by national vehicle organizations such as the Vintage Motor Car Club of America, the Specialty Equipment Market Association or the Classic Car Club of America as an antique, vintage, historic, classic, or muscle or special interest vehicle. Such vehicles, when located in public view prior to or during the restoration process, shall, upon request by the Zoning Administrator, be moved to a storage or work area not readily visible by the general public;

(c) Up to two Inoperable or Junk Motor Vehicles for which the landowner can show current registration in his or her name, and for which (s)he submits a declaration expressing his or her intent to bring the same into operating condition within one year from the date of the declaration, and which are not parked on public roads or shared easements; and placed so as minimize public view, and which are kept free of accumulating garbage and other health hazards; and

(d) With respect to agricultural farm operations located in the

Agricultural zoning district, one Inoperable or Junk Motor Vehicle shall be permitted on each such farm operation, provided that the vehicle is either operable, or not readily visible from any public place or from surrounding private property.

- (3) No recreation vehicle(s) as defined in Section 2.10, or utility trailer shall be parked or stored on any vacant lot unless such vehicle, apparatus, or trailer is owned by the owner of the lot, currently plated and meets all required yard setbacks. Such storage shall not be placed so as to cause a nuisance to abutting properties (as determined by the Zoning Administrator).

**B. Commercial Vehicles.** Automotive vehicles, trucks or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Further, in residential zones, it shall be illegal to park commercial vehicles (except those permitted in Section 13.95.A.3 herein) outside of a garage or other approved accessory building.

• **Section 13.160, Storage of Rubbish, Scrap, Unused Items and Similar Materials:**

A. Garbage, trash and similar refuse to be stored outside a building in the Commercial (C), Office (O) and Industrial (I) Districts shall be stored within lidded containers and said containers shall be stored within a screened enclosure. The enclosure shall be constructed of an opaque material, such as wood, concrete blocks, or bricks, and shall be enclosed on at least three (3) sides. The fourth side may be open for access or access may be provided by one or more gates. The storage area shall have a concrete floor at least four (4") inches thick.

B. The location and storage of abandoned, discarded, unused, unusable, or inoperative appliances; furniture; equipment; vehicles (including Inoperable or Junk Motor Vehicles); boats; trailers; cars; vans; trucks; junk; or materials such as wood, metal, plastic, glass, rubber and synthetic materials shall be regulated as follows, except for junk yards, in which case the regulations pertaining to junk yards shall apply.

(1) ~~On any lot or parcel in any Agriculture District (AG), Rural Residential District (R-1), Urban Residential District (R-2), Multi-Family District (R-3), Mobile Home Park District (MHP), Commercial (C) District, Office District (O) Industrial District (I), Public Lands District (PL) or Planned Unit Development District (PUD),~~ unless otherwise specifically provided as part of a special use or site plan approval, the owner or tenant shall locate and store such materials within a completely enclosed structure. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.

(a) Notwithstanding the foregoing Section 13.160.B.(1), with respect to Junk or Inoperable Motor Vehicles located on a property dedicated exclusively to residential use (and provided that such property does not constitute or contain a junk yard as defined in this Ordinance), the provisions of Section 13.105.A.(2) shall control and govern with respect to the storage of such Junk or Inoperable Motor Vehicles on such residential property.

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(2) On any lot or parcel in any Industrial District (I), the owner or tenant shall locate and store such materials:

(a) Within a completely enclosed building, where required; or

(b) Where outdoor storage is permitted, within an area surrounded by a solid, non-pierced fence or wall at least seven (7') feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for said districts.

## WEBSTER TOWNSHIP PUBLIC NUISANCES ORDINANCE

Ordinance No. 2011-1

*An ordinance to promote the health, safety, and welfare of the people of Webster Township, Washtenaw County, Michigan, by defining and prohibiting public nuisances; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se; providing the procedure for abatement of public nuisances, enforcement of this ordinance, and recovery of costs incurred by Webster Township; and repealing all ordinances or parts of ordinances in conflict with this ordinance.*

THE TOWNSHIP OF WEBSTER, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

**SECTION 1: TITLE.** This ordinance shall be known and cited as the Webster Township Public Nuisances Ordinance.

**SECTION 2: PUBLIC NUISANCE DEFINED AND PROHIBITED.** The term “*Public Nuisance*” means whatever annoys, injures, or endangers the safety, health, welfare, comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs, or renders dangerous any street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance.

**SECTION 3: PUBLIC NUISANCES *PER SE*.** The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be public nuisances *per se*:

1. No person shall throw, place, or leave; or permit the throwing, placing, or leaving any of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shell, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, sweepings, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:
  - a. On the premises of another without permission.
  - b. On any public street, highway, lane, road, alley, public place, square, sidewalk, sewers, or any lands within the boundaries of the Township owned by the Township or other municipal corporation.

- c. In any river, lake, stream, or other body of water.
  - d. No person shall maintain or permit to remain on their premises, so owned, occupied, or possessed by another, substances that constitute a dangerous condition or are detrimental to the public health, safety, or welfare or may cause sickness or attract flies, insects, rodents, or vermin.
2. The emission of noxious fumes or gas, smoke, ashes, or soot in such quantities as to render occupancy of property dangerous to a person of ordinary sensibilities.
  3. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused, or discarded icebox, refrigerator, or any airtight container of any kind which has a snap latch or other locking device thereon without first removing the snap latch or other locking device or the doors from such icebox, refrigerator, or other such airtight container.
  4. Abandoning, leaving, keeping, or maintaining ~~a junk or abandoned~~ an Inoperable or Junk Motor Vehicle, as provided in the Michigan Vehicle Code (MCL 257.1 et seq.), unless such ~~Inoperable or Junk Motor Vehicle or chassis~~ is either (i) enclosed stored in a completely enclosed, permanent building, or (ii) or is not visible from surrounding properties or from any public place. For purposes of this section:
    - a. “Inoperable or Junk Motor Vehicle” means a Motor Vehicle that either: (i) is intended to be self-propelled but is incapable of being propelled under its own power, whether by reason of dismantling, disrepair or other cause; or (ii) does not bear an affixed current license plate and current vehicle registration.
    - b. “Motor Vehicle” means, but is not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles, but shall not include farm machinery, prominently displayed ornamental machinery, devices designed to be moved by human or animal power, or devices used exclusively upon stationary rails or tracks.

Notwithstanding the foregoing, the following are exempt from the provisions of this Section 3.4:

- (1) Any Inoperable or Junk Motor Vehicle that is not visible from a public or private street or road, or from other public or private property (including, without limitation, any Inoperable or Junk Motor Vehicle that is completely enclosed within a permanent, fully enclosed building);
- (2) Up to two Inoperable or Junk Motor Vehicles that are in the process of restoration, and that are recognized by national vehicle organizations such as the Vintage Motor Car Club of America, the Specialty Equipment Market Association or the Classic Car Club of America as an antique, vintage, historic, classic, or muscle or special interest vehicle. Such vehicles, when



located in public view prior to or during the restoration process, shall, upon request by the Zoning Administrator, be moved to a storage or work area not readily visible by the general public;

(3) Up to two Inoperable or Junk Motor Vehicles for which the landowner can show current registration in his or her name, and for which (s)he submits a declaration expressing his or her intent to bring the same into operating condition within one year from the date of the declaration, and which are not parked on public roads or shared easements; and placed so as minimize public view, and which are kept free of accumulating garbage and other health hazards; and

(4) With respect to agricultural farm operations located in the Agricultural zoning district, one Inoperable or Junk Motor Vehicle shall be permitted on each such farm operation, provided that the vehicle is either operable, or not readily visible from any public place or from surrounding private property.

5. The registered owner or lessee of a vehicle from which litter is thrown, dropped, dumped, deposited, placed or left is presumed to be the person responsible for littering.

6. Violating the following noise regulations:

A. General Regulation. It shall be unlawful for the owner of any premises within the Township of Webster, or for the occupant or person in possession of any premises within the Township of Webster, or for any person to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged, unusually loud noise, which is clearly audible from nearby properties, within the limits of the Township of Webster.

B. Specific Noise Violations. The following recurring noise disturbances are hereby declared to be a violation of this Ordinance provided, however, that the specification of the same is not to be construed to exclude other violations of this Ordinance not specifically enumerated below:

- (i) The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument.
- (ii) Yelling, shouting, singing or other noise making at any time or place.
- (iii) The keeping of any animal, bird or fowl that emanates frequent or extended noise such as allowing or permitting any dog to bark repeatedly.

- (iv) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Section.
- (v) The sounding of any unreasonably disturbing horn unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- (vi) The construction, excavation, demolition, alteration or repair of any building or premises in any part of the Township, including the streets and highways, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. Urgent necessity would include snow plowing, utility repairs, and similar situations.
- (vii) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose..
- (viii) The operation of any machinery, equipment or mechanical device, so as to emit unreasonably loud noise or frequent noise.
- (ix) The operation of any race track, proving ground, testing area or obstacle course for vehicles of any kind or nature in any area of the Township.

C. Exceptions. None of the prohibitions enumerated above shall apply to the following:

- (i) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- (ii) Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Webster Township, or the County of Washtenaw, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- (iii) Warning devices emitting sound for warning purposes as authorized by law.
- (iv) Activities permitted by Township actions. One-time or short-term temporary uses permitted under Section 12.30 of the Webster Township

Zoning Ordinance, provided that all terms and conditions of the permit are complied with by the permit holder.

- (v) Home owners performing ordinary property maintenance (i.e. lawn mowing, general repairs, gardening, snow removal...etc)

#### **SECTION 4: ABATEMENT; NOTICE; CIVIL INFRACTIONS AND CIVIL PROCEEDINGS; AUTHORITY OF OFFICERS TO ABATE PUBLIC NUISANCES.**

1. Public Nuisances on Township Property. Whenever any public nuisance described in Sections 2 or 3 shall exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township, such public nuisance may be abated by the Township Zoning Administrator or his/her agent without notice and the cost of abatement charged as provided in Section 6.

2. Public Nuisances on Private Property. Except as provided in the Michigan Vehicle Code (MCL 257.1 et seq.) for junk or abandoned motor vehicles, whenever any public nuisance shall exist on private premises within the Township, the Township Ordinance Enforcement Officer or his/her agent shall give notice in writing by certified mail, return receipt requested, addressed to the owner or occupant of the property where the public nuisance exists or to the person otherwise responsible for such public nuisance. Such notice shall specify the location and nature of the public nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate, or otherwise remove the public nuisance within ten days of the receipt of the notice. Following the issuance of such notice, the Township Ordinance Enforcement Officer or his/her agent may proceed to initiate civil infraction or other civil proceedings permitted by law to abate the public nuisance.

3. Civil Infractions. Any person or other entity who causes or permits to continue a public nuisance as prohibited by the Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

4. Abatement by Township Officials. If the Township intends to abate the nuisance by entering the property and causing the work to be done to repair, tear down, abate, or otherwise remove the nuisance and charge the cost thereof to the property owner, such intent, and the advisement of the owner or occupant that a hearing may be requested within the ten-day period pursuant to section 5 of this ordinance, shall be done. If no hearing is requested in the time allotted, or following a hearing held pursuant to Section 5, such nuisance may then be repaired, torn down, abated, or otherwise removed by the Township Ordinance Enforcement Officer or his/her agent and the cost thereof charged as provided in Section 6. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of such notice upon a conspicuous part of the property where the public nuisance is located and by mailing a copy of such notice by certified mail, return receipt requested, addressed to the

owner or party in interest at the address shown on the Township tax records at least 10 days before further action by the Township Ordinance Enforcement Officer.

**SECTION 5: HEARING.** If, after notice provided under Section 4(4), the recipient of the notice requests a hearing as therein provided, a hearing shall be held before the Township Supervisor or a hearing officer appointed by the Township Supervisor to determine whether a violation of this Ordinance has or is occurring on the property in question. The Township Supervisor or his appointed hearing officer shall make a decision with written findings of fact based upon his investigation and evidence presented at the hearing as to whether the condition in question violates the provisions of this Ordinance. If the Township Supervisor or his/her appointed hearing officer determines that the condition violates the provisions of this Ordinance, he/she shall order the person requesting the hearing or owner or occupant of the premises in question to repair, tear down, abate, or otherwise remove the nuisance in question within a reasonable time, but not less than five days. If the public nuisance is not repaired, torn down, abated, or otherwise removed within the period allowed in the order, the Township Ordinance Enforcement Officer or his/her agent may repair, tear down, abate, or otherwise remove such public nuisance and charge the cost thereof as provided in Section 6.

**SECTION 6: ABATEMENT; COSTS.** All expenses incurred by the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible therefor, the occupant of the land in question, or the person who appears as owner or party in interest upon the last local tax assessment records of the Township. If such person fails to pay the charge within 30 days after a statement therefor is mailed to him or her, the amount of expenses incurred by the Township in repairing, tearing down, abating, or otherwise removing the public nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which the expenditures were made on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

**SECTION 7: PUBLIC NUISANCES; EMERGENCY ABATEMENT; COSTS.** The Township Ordinance Enforcement Officer may act to abate a public nuisance without giving notice as specified in Section 4, if the public health, safety, or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 6.

**SECTION 8: SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION 9: REPEAL.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance.

**SECTION 10: EFFECTIVE DATE.** This ordinance shall take effect 30 days after publication as required by law.

The above ordinance was offered for enactment by Koch and was supported by Estleman at a regular meeting of the Webster Township Board, held at the Webster Township Hall, on the 24<sup>th</sup> day of May, 2011, at 6:30p.m., the vote being as follows:

YEAS: Koch, Estleman, Kingsley, Heller, Westman

NAYS: Kleinschmidt, Whitney

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

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John Kingsley, Webster Township Supervisor

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Webster Township Board at a meeting held on May 24, 2011, pursuant to the procedures required by law.

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Mary Dee Heller  
Webster Township Clerk

Draft Zoning Ordinance Changes  
June 14, 2018

ZO PROVISIONS REGARDING FARM OR FARMERS' MARKETS:

- **Section 2.10 - Definitions:** Add the following new defined terms:

**Affiliated Farm.** A Farm Operation: Crops or Farm Operation: Animals under the same ownership or control (e.g. leased) as the applicable Farm Market in question, whether or not said Farm Market is located on the farm property where production occurs.

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**Farm Market.** An on-farm location upon a Farm Operation: Crops or Farm Operation: Animals, established and operated in accordance with local, state and federal laws, where an individual Farm operator may sell to the public fruits, vegetables and other Farm Products. This includes Roadside Stands. A Farm Market may operate seasonally or year-round. At least 50 percent of the products marketed and offered for sale at the Farm Market must be produced on and by the Farm in question, or by an Affiliated Farm. Other activities and services designed to attract and entertain customers while they are at the Farm Market shall not constitute the "Farm Market" (or part thereof), and must be separately and independently allowed under specific provisions of this Zoning Ordinance. (For example, bed & breakfasts, beer breweries, bonfires, camping, carnival rides, concerts, etc. shall not be deemed to be a "Farm Market" or part thereof, and must be separately, independently and specifically permitted under this Zoning Ordinance.)

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For processed products, at least 50 percent of the products' main 'namesake' ingredient must be produced on and by the Affiliated Farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc. For purposes of determining the percentage of products being marketed at a Farm Market, the primary measure will be 50 percent of the retail space used to display products offered for retail sale during the affiliated Farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the Farm Market will be used. The Farm Market operator is responsible for collecting and maintaining documentation of products produced on and by his/her Farm operation, and the percentage of the retail space used to display products offered for retail sale within their Farm Market; and when applicable, maintain records of gross sales for products sold at their Farm Market.

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**Farmer's Market.** A location established and operated in accordance with local, state and federal laws, where farmers and related vendors transport and sell directly to the public the fruits, vegetables or other Farm Products produced by such farmers and vendors. The Farmer's Market may be indoors or outdoors and may consist of booths, tables or stands where farmers and related vendors sell their agricultural products to customers. Other

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activities and services designed to attract and entertain customers while they are at the Farmer's Market shall not constitute the "Farmer's Market" (or part thereof), and must be separately and independently allowed under specific provisions of this Zoning Ordinance. (For example, carnival rides, concerts, etc. shall not be deemed to be a "Farmer's Market" or part thereof, and must be separately, independently and specifically permitted under this Zoning Ordinance.)

- **Section 9.10, Agriculture District (AG) – Section B, Permitted Uses:**

- ii. Farm ~~or Farmer's~~ Market

- **Section 9.12, Agribusiness District (AB) – Section C, Special Uses:** Add the following new subsection (ix):

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- ix. Farmer's Market

- **Section 9.35, Commercial District (C) – Section B, Permitted Uses:**

- viii. ~~Farm or~~ Farmer's Market

Letter to Planning Commission written by Malaika Whitney:

As a farmer in Webster Township I would like to express my concern about defining the terms Farm or Farmer's Market in the Zoning Ordinance. As it stands, Farm or Farmer's Markets are listed as permitted uses in the agriculture district, agribusiness district, and commercial district.

This is as it should be. Trying to specifically define what a Farm Market is verse a Farm Stand or Farmer's Market will only lead to confusion and create limitations for farmers in Webster Township. The Webster Township Zoning Ordinance needs wording that supports farmers being successful, in order for Webster Township to remain a viable rural agricultural community. In order to be successful farmers need to be able to sell and market their goods in a variety of different ways.

Below I have outlined how these terms can be used in a variety of settings, to highlight why it would be a mistake to try to match a specific term to a specific zoning district.

Farm Stand or Farm Market or Farmer's Market:

These three titles are not defined by what they sell or where they are located, but rather by the scale of the operation. They can be:

- A place where multiple farmers and producers gather together at a set time to market their own goods and products
- A stand or structure on a farm where the farmer sells goods or products grown or produced at their farm.
- A stand or structure on a farm where the farmer sells predominately goods or products grown or produced at their farm, in addition to other related goods and products.
- A retail store such as Jenny's Farm Stand or Alexander's Farm Market. Both of these establishments are on commercially zoned land, grow and sell a portion of their own goods, as well as buy produce and products from many other places.

Again, the difference between Jenny's Farm Stand, located on commercially zoned land, and a Farm Stand or Farm Market, located agriculturally zoned land, is scale. The term a specific operations decides to use is not relevant, as nationwide these terms are used in a variety of different ways...from tiny seasonal roadside markets to the grocery store chain Country Market.

Jenny's Farm Stand is clearly a retail commercial store that extends way beyond a family farm selling produce and goods from their farm. From my understanding, the zoning of Jenny's farm market was changed from agriculture to commercial when Don Zeeb was Township Supervisor.

Under the intent description of the agribusiness district in the zoning ordinance it says that **"requests for rezoning to this district will be evaluated on a case-by-case basis based on the potential impacts on the surrounding uses."**

Changing the zoning on Jenny's Farm Stand is a perfect example of a case by case basis where the store's activities were going beyond the scope of what is permitted in agriculture or agribusiness zoned districts.



## DEFINITION OF "SEASONAL AGRI-TOURISM"

Draft dated June 14, 2018

1. Amend Section 9.10.B.ix. as follows:

"ix. Seasonal Agri-tourism, ~~including but not limited to hay rides, pumpkin patches, corn mazes, and Christmas tree farms.~~"

2. Add a definition of "Seasonal Agri-tourism" to Section 2.10:

**"Seasonal Agri-tourism"** means seasonal, community-oriented activities for education and enjoyment that involve participation or involvement in the farming activities of a Farm Operation: Crops or Farm Operation: Animals, and which otherwise meet all of the following criteria:

- (i) are inherently connected with the agricultural activities of the Farm Operation;
- (ii) are closely associated with agricultural products of the Farm Operation;
- (iii) take place on the premises of the Farm Operation, primarily in an outdoors setting;
- (iv) are connected with a specific agricultural or harvest season;
- (v) primarily produce sounds and noise traditionally associated with agricultural activities;
- (vi) are open to the public;
- (vii) have traffic patterns that are widely dispersed throughout the entire day's operation (as opposed to concentrated traffic patterns at the start and end of events);
- (viii) have traffic patterns consisting primarily of passenger vehicles (as opposed to a material amount of commercial traffic for vendors, service providers or other commercial vehicles); and
- (ix) primarily occur during daylight hours.

"Seasonal Agri-tourism" is intended to include activities such as hay rides, sleigh rides, corn mazes, farm tours, pumpkin patches, u-pick operations, Christmas tree farms, and similar seasonal agricultural activities. "Seasonal Agri-tourism" as defined herein is not intended to include uses or activities such as the following, none of which shall constitute "Seasonal Agri-tourism" for purposes of this Ordinance: event barns, wedding barns or other facilities that host parties, receptions or special events; restaurants or cafes; lodges, bed and breakfasts, campgrounds or other facilities hosting overnight guests; concerts, fairs or festivals; game shooting/hunting preserve; and other activities not meeting the criteria included within the above definition of "Seasonal Agri-tourism." The listed activities are not exhaustive of all possible included or excluded uses.