



Antrim County Planning Commission



MEMBERS

Bill Bailey
12/31/2021

Barbara Bradford
12/31/2022

James Gurr
12/31/2022

Gary Lockwood
12/31/2022

Bruce Priemer
12/31/2021

Rick Teague
12/31/2021

Ron Tschudy
12/31/2020

Jason Helwig
term elected

Dawn LaVanway
term elected

ADVISORY

Stan Moore
MSU Extension

STAFF

Pete Garwood
County Administrator

Jeremy Scott
Deputy Administrator

Tina Schrader
Administrative Asst.

Margie Boyd
Secretary

OFFICE ADDRESS

P.O. Box 187
Bellaire, MI 49615

PHONE: 231-533-6265

FAX: 231-533-8111

SPECIAL ASSISTANCE

If you wish to attend a Planning Commission meeting and require special assistance, please contact the Administration and Planning Office.

The Antrim County Planning Commission meeting is scheduled for
Tuesday, September 1, 2020

Zoom Webinar:

<https://us02web.zoom.us/j/87682580485>

AGENDA ITEMS INCLUDE:

- 5:30 p.m. Call to Order
 - 5:31 p.m. Pledge of Allegiance
 - 5:32 p.m. Conflict of Interest Disclosure
 - 5:33 p.m. Public Comment
 - 5:35 p.m. Approval of Agenda (*pg. 2*)
 - 5:40 p.m. Approval of Minutes from August 4, 2020 (*pg. 2*)
 - 5:45 p.m. Torch Lake Township Zoning Ordinance Amendments (*pg. 3*)
 - Chapter 2 - General Provisions
 - Chapter 6 - Agricultural
 - 6:30 p.m. Discussion: 2021-2026 Capital Improvement Plan
 - 7:00 p.m. Various Matters
 - Correspondence to Banks Township (*pg. 14*)
- Adjourn

To join the meeting, click the following link:

<https://us02web.zoom.us/j/87682580485>

To join by telephone dial:

(646)876-9923 OR (301)715-8592

When prompted, enter 876 8258 0485 followed by the pound key (#)

If you have any questions, concerns, please contact the Administration and Planning Office at 231-533-6265.
We appreciate your cooperation in this matter. Thank you



Memorandum Administration Office

September 1, 2020

TO: Planning Commission

FR: Administration/Planning Office

RE: Approval of Agenda and Minutes

You should have received your agenda packets via electronic communication on August 26, 2020 and hard copies shortly thereafter. If there are no changes or additions to the agenda, please consider the following action:

Motion by _____ and seconded by _____ to approve the September 1, 2020 agenda as presented.

You received the minutes from the regular August 4, 2020 Planning Commission meeting electronically on August 26, 2020 and hard copies shortly thereafter. If there are no corrections to those minutes, please consider the following action:

Motion by _____, seconded by _____ to approve the minutes of the August 4, 2020 meeting as presented.



Memorandum Administration Office

August 26, 2020

TO: Planning Commission

FR: Administration/Planning Office

RE: Torch Lake Township Zoning Ordinance Amendments

On August 14, the Administration/Planning Office received three (3) proposed amendments to the Torch Lake Township Zoning Ordinance. The amendments (highlighted in red) would allow for the addition of no more than four (4) mobile homes per parcel on any farm to be used for housing farm workers where agricultural labor is in demand. The Planning Office found no inconsistencies with the Antrim County Master Plan.

As such, the following motion is presented for your consideration:

Motion by _____, second by _____, that the Antrim County Planning Commission finds no inconsistency between the proposed amendments to Chapter II: General Provisions and Chapter VI: "A" – Agricultural Zone in the Torch Lake Township Zoning Ordinance pertaining to tenant housing and the Antrim County Master Plan and recommends Torch Lake Township approve the proposed Amendments.

CHAPTER II

GENERAL PROVISIONS

General provisions apply to all zones except as noted therein. Where requirements of a general provision and a zone regulation differ, the more restrictive requirement shall prevail.

SECTION 2.01 - ALTERATION OR CONSTRUCTION OF STRUCTURES. Except and as hereinafter specified, no building, structure, premises, or piece and parcel of land in and throughout the Township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the zone in which it is located.

Exception located in Chapter 6 Agriculture Section 6.02J.

SECTION 2.02 - BASEMENT DWELLINGS PROHIBITED. Basement dwellings are prohibited in Torch Lake Township except as provided in SECTION 2.05.

SECTION 2.03 - DAMAGED OR TOTAL DESTRUCTION OF NON-CONFORMING BUILDING. Any building or structure, whether it is nonconforming because of the building itself or the lot on which it is located, may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosive, fire or other acts of God, if completed within eighteen (18) months after the damage or destruction. Prior to reconstruction, the owner must have the sewage disposal system and water supply evaluated by the District Health Department Number Three.

SECTION 2.04 - MOBILE HOMES.

- A. A mobile home may be used in any zone in which a 1-unit dwelling is permitted without application for special approval if the mobile home complies with the definition of "dwelling, 1-unit" as defined in this ordinance. **Exception located in Chapter 6 Agriculture Section 6.02J.**
- B. Under-skirting shall be provided from the floor level to the ground level around the entire perimeter of the mobile home.
- C. All mobile homes shall be secured to a minimum of four (4) tie downs; two (2) tie downs per side or according to HUD requirements, whichever are stricter.
- D. A mobile home which does not meet the definition of "dwelling, 1-unit" shall not be permitted in any zone within the township except in a seasonal trailer park or mobile home park located in the "PRD or PUD"

zone and established pursuant to state law applicable thereto and approved by the Planning Commission or unless used for temporary purposes as hereinafter provided. A variance may be secured from the Zoning Board of Appeals to use a mobile home as a temporary residence for a period not to exceed one (1) year; provided that the ability and intent to erect a home on the premises is shown; provided that the mobile home is located on premises having running water and sewage facilities; and provided further that on expiration of the one (1) year period, the Zoning Board of Appeals may renew the permit for an additional period of one (1) year upon sufficient showing that the house construction could not be completed in said one (1) year, but has substantially progressed during such period. Said Board may require a performance bond conditioned upon the removal of the mobile home from the premises from the time limited in an amount satisfactory to said Board. **Exception located in Chapter 6 Agriculture Section 6.02J.**

SECTION 2.05 - TEMPORARY DWELLINGS. No cabin, garage, basement, tent or other temporary structure shall be used in whole or in part for dwelling purposes in any zone provided that such structure may be used for a temporary dwelling for a period not to exceed six (6) months upon application to and approval of a permit for such occupancy by the Zoning Administrator upon determination that the following conditions exist and are met (The six month time period may be extended for no more than one additional six month time period by the zoning administrator provided reasonable justification is provided):

- A. The permanent dwelling of the resident applicant has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.
- B. Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.
- C. Adequate provision is made for temporary public or private water supply and sewage disposal to and from said structure.
- D. The structure is constructed so as to meet the minimum requirements for the health, safety and welfare of those occupants and the surrounding neighborhood.

SECTION 2.06 - ACCESSORY BUILDING. The front, side and rear yard requirements of each zone shall apply to the location of accessory buildings within each zone.

SECTION 2.07 - STORAGE OF VEHICLES AND EQUIPMENT. No area within any zone shall be used for the open space storage, dismantling, accumulation, or abandonment of dismantled, disabled, wrecked or discarded motor vehicles or

CHAPTER VI"A" - AGRICULTURAL ZONESECTION 6.01 – PURPOSE

The purpose of the Agricultural Zone is to encourage agricultural activities as a viable component of our economy. This encouragement will result from regulations that protect productive farmlands from encroachment by non-compatible uses, provide for a range of activities that are agriculturally oriented, and provide opportunities for development of both traditional and non-traditional agricultural activities. This zone will also allow for pockets of land that are not suitable for agricultural usage to be developed for 1-unit residential use in a manner that protects the agricultural activities from the residential development and nuisance complaints from any resulting non-agricultural activities or development. **Exception located in Chapter 6 Agriculture Section 6.02J.**

SECTION 6.02 - PERMITTED USES. No building or part thereof shall be hereafter used, erected, or altered, or land used, in whole or in part, in the "A" - Agricultural Zone except for:

- A. Farms for both general and specialized farming, together with farm dwellings and buildings, and other installations usual to such farms, including roadside stands selling crops normally grown on the property, which are situated so as to provide adequate off-highway parking for customers.
- B. Greenhouses, nurseries, orchards, groves and vineyards, apiaries, farms for breeding of domestic animals, and sanctuaries for wild birds and animals provided the sanctuaries shall be approved by the Michigan Department of Natural Resources.
- C. Agricultural warehouses and storage plants, milk processing plants, primary processing plants for non-animal farm products.
- D. Fruit washing, sorting, processing and storage facilities. These uses may include the production of juice and wines.
- E. Forest preserves and wood lots including the rough milling of wood produced on the property at which the processing takes place.
- F. Parks and playgrounds (with necessary service buildings and structures) of a scale and magnitude that provides for the recreational needs of the immediate area within which the park is located. The immediate area shall not be construed to extend beyond the boundaries of the Township.

- G. Public-owned buildings excluding sewage treatment plants, solid waste disposal facilities, warehouses or storage yards.
- H. Those uses permitted in the "R-I" - Residential Zone under the terms provided for such uses, except as altered in this Chapter.
- I. Additional dwellings on any farm for the use of farm or domestic employees of the owner or his lessees, provided there is only one (1) such tenant house in addition to the main dwelling for each ten (10) acres of farm land, and provided that each such tenant house is surrounded by sufficient land to provide a future separate lot of two (2) acres and a minimum width at the building line of two hundred (200) feet.
- J. Addition of mobile homes on any farm for use as housing for farm workers of the owner is acceptable provided the mobile homes are placed in a manner that provides adequate space for separation of at least 50 feet apart, no more than 4 mobile homes are allowed on any parcel. Septic, drain fields and wells must be approved by the Antrim County Health Department. All housing must be rent free to farm workers. Such mobile homes cannot be sold separately and may remain as long as farm owners that placed the structures remain owners and farming operation continues. If property is sold, farm worker housing shall be removed prior to the completion of sale unless the Zoning Administrator approves the transfer to be maintained as a farm. Minimum parcel size is 40 acres.
- K. Housing for seasonal usage by migrant employees of the farm, and provided the migrant housing meets all requirements of the Northwest Michigan Community Health Agency and applicable regulations of the Michigan Department of Agriculture, other State and Federal rules and regulations.
- L. Home occupations.
- M. Licensed upland game bird hunting preserve.
- N. Commercial kennels.
- O. Wineries, wine production facilities, wine storage facilities and wine tasting rooms. (*Amendment effective July 15, 2015*).
- P. Cideries, cider production facilities, cider storage facilities and cider tasting rooms. (*Amendment effective July 15, 2015*).
- Q. Meaderies, mead production facilities, mead storage facilities and mead tasting rooms. (*Amendment effective July 15, 2015*).

- R. Retail Agricultural Enterprises (*Amendment effective June 17, 2014*).
1. Purpose. The purpose of these regulations is to promote and protect agriculture and agriculture related commercial enterprises within Torch Lake Township. These regulations seek to protect public safety while conserving farmland by promoting farming commerce.
 2. Applicable requirements. The requirements of this Section are in addition to and shall supplement those imposed on the same lands by provisions of the underlying Agricultural zoning district found within Section 6.0.
 3. Agriculture Related Enterprises.
 - a. Must be in compliance with Michigan Commission of Agriculture and Rural Developments' Generally Accepted Agricultural Management Practices (GAAMPS) for Farm Stands.
 - b. For the purposes of this Section, farm markets shall be considered to be retail agricultural enterprises and shall comply with this Section. Roadside stands as defined herein are exempt from this Section.
 - c. The use must be associated with an affiliated agricultural operation.
 - d. 50 percent of the products sold must be produced on or by the affiliated farm. Must comply with all applicable regulations of the Antrim County Construction Code Department, including but not limited to Michigan building, electrical, mechanical and/or plumbing codes.
 - e. Is subject to review by the Zoning Administrator pursuant to this Section.
 - f. Parking. The following parking facilities shall be provided at retail agricultural enterprises:
 - 1) One parking space for 600 square feet of retail space open to the public at greenhouses, nurseries and similar retail; or one parking space for each 60 square feet of retail floor space open to the public.
 - 2) Off street and out of a road right of way.
 - 3) Serviced by a maneuvering area, turn around or circular drive out of the road right-of-way.
 - 4) Shall conform to the requirements of the Table in Section 16.06
 - 5) For any retail agricultural enterprise that is not listed in Section 16.06, the Planning Commission, in reviewing the site plan, shall determine appropriate

- off-street parking space requirements. In making this determination, the Planning Commission may request the applicant to provide a parking study to ensure that adequate off-street parking spaces are provided to serve the use.
- 6) Parking shall be allowed within the front yard setback, provided that no parking space shall be located less than 10 feet from the right of way line. All other parking shall conform to the requirements of Section 16.
 - 7) To comply with parking standards, retail agricultural enterprises are encouraged to develop and maintain safe, grassed, paved, graveled and/or other suitable material and graded parking areas for temporary and/or overflow parking; utilize pervious pavements and minimize impervious parking surfaces.
 - 8) Parking associated with a retail agricultural enterprise must possess, provide and maintain safe ingress and egress from and to a public road and obtain an ingress and egress permit from Michigan Department of Transportation (MDOT) jurisdictional roadways, including U.S. routes, State of Michigan routes, and interstate business connections and/or from the Antrim County Road Commission for ingress/egress from county or local roads.
- g. Signs shall comply with Section 3.02.F. Farm Stand or Farm Market Signs and shall comply with MDOT regulations on MDOT jurisdictional routes and Antrim County Road Commission for county jurisdictional roads.
 - h. To promote and conserve the rural character of Torch Lake Township, there shall not be any landscaping requirements for retail agricultural enterprises.
 - i. Lighting. No rotating or flashing lights shall be permitted. All exterior lighting, including display lighting, shall be downward directed, shielded, and turned off each day after the close of business. Security lighting, as shown on an approved administrative site plan, shall be allowed after business hours. Greenhouse and other grow lights internal to retail agricultural enterprises are exempt from the lighting requirements of this section.
 - j. The following are permitted as accessory uses to retail agricultural enterprises, accessory uses not listed are not allowed.
 - 1) Petting zoo and animal attractions
 - 2) Children's games and activities

- 3) Crop mazes and pumpkin patches
- 4) Holiday oriented activities
- 5) Food service - If growing any portion of the food served, such as vegetables with a deli, fruit in desserts, etc., no more than 4,000 square feet of gross floor area shall be dedicated to a food service operation.
- k. If the retail agricultural enterprise includes farm vacations, no more than (4) rooms within the site shall be provided for housing farm vacation guests.
- l. Sales including but not limited to the following are not allowed at retail agricultural enterprises.
 - 1) Fuel or related products
 - 2) Tobacco products
 - 3) Alcoholic beverages unless the operation is licensed by the State of Michigan and 50 percent of the retail space used to display products for sale are produced on and/or by an affiliated farm.
 - 4) Lottery tickets
 - 5) Vehicles or related products
 - 6) Fireworks as defined by the Michigan Fireworks Safety Act, P.A. 256 of 2011, as amended, including but not limited to consumer, novelty, low impact and display fireworks.
- m. Any retail agricultural enterprise shall be owned and operated by the owner(s) of the affiliated operation or their designee(s) or employee(s) on the same premises.
- n. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

- S. All uses other than crop and/or livestock production allowed in the Agricultural Zone shall submit site plans meeting the criteria required in Section 18.04, with the standards shown in Section 18.07 being used to base the granting of approval of the site plan.

SECTION 6.03 – SPECIAL USES (Amendment effective May 3, 2019)

- A. The following uses may be permitted within the "A" - Agricultural Zone upon approval as a Special Use by the Planning Commission pursuant to Section 17.01:
 - 1. Chicken hatcheries, poultry farms, processing plants for dressing of poultry and domestic animals, farms or breeding of poultry and breeding and boarding kennels.
 - 2. Bed and breakfast establishments providing the following

conditions are met in addition to those required in Section 17.01:

- a. The property is suitable for transient lodging facilities.
 - b. The impact of the bed and breakfast establishment on neighboring properties is not greater than that of a private home.
 - c. Adjoining land shall not be subject to trespass.
 - d. The residence shall be owner-occupied and owner operated at all times during use as a bed and breakfast establishment.
 - e. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Not more than three rooms in the residence may be used for rental purposes. The rental rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants and an additional thirty (30) square feet for each additional occupant to a maximum of four (4) persons per room.
 - f. Bed and breakfast establishments shall not be located less than three thousand (3,000) feet apart.
 - g. The owner shall not offer for rent independently or incidental to the lodging, recreational equipment or vehicles.
 - h. The residence shall have a minimum of two (2) exits to the out-of-doors and a smoke alarm in each room that will be used for rental purposes.
 - i. No more than one (1) sign identifying the establishment, non-illuminated, not exceeding nine (9) square feet in area, set back a minimum of fifteen (15) feet from the right-of-way shall be allowed. This sign is permitted in lieu of any signs permitted in Chapter III.
 - j. Two (2) parking spaces must be provided per dwelling with one (1) additional parking space per rental room.
 - k. Bed and breakfast establishments shall be directly accessible by roads meeting Antrim County Road Specifications.
 - l. Torch Lake Township reserves the right to inspect the premises to ensure compliance with the provisions of the special use permit approval and this ordinance.
 - m. No parties or receptions shall be given for, or by, the guests residing at the bed and breakfast establishment.
3. Sexually Oriented Businesses.
 4. Private events such as weddings, corporate picnics, birthday parties, conferences, etc. provided the following conditions are met in

addition to those required in Section 17. 01 (Effective May 3, 2019):

- a. The property has sufficient parking to support event.
- b. All food or beverages must be prepared off site.
- c. Any music or entertainment provided must be for background purposes and not a featured item of the activity. Noise emanating from any event shall not result in the unreasonable interference with the comfortable use and enjoyment of another's property.
- d. Outside activities shall be completed during daylight hours.

SECTION 6.04 - HEIGHT, AREA AND YARD RESTRICTIONS

- A. Every lot in this district shall have:
 1. A minimum area of two (2) acres and a width at the front lot line and at the building line of at least two hundred (200) feet.
 2. A front lot line setback having a minimum distance of thirty-five (35) feet.
 3. One (1) side lot line setback on each side of the lot with the two (2) totaling at least forty (40) feet, the smallest having a minimum distance of fifteen (15) feet.
 4. A rear lot line setback having a minimum distance of twenty-five (25) feet.
 5. Building height shall not exceed forty-one (41) feet measured from the peak or highest part of the roof to the lowest grade level of the ground within fifteen (15) feet of the building. The height of the uppermost floor capable of being used for human occupancy shall not exceed twenty-one feet measured from the lowest grade level to a distance within fifteen (15) feet of the building. Buildings used solely for the storage of farm equipment, products or feed (i.e. silage, corn, hay, etc.) shall be allowed a maximum height not to exceed seventy (70) feet.
 6. Properties bordering water bodies shall contain a minimum of one hundred (100) feet of water frontage per dwelling unit.
 7. Condominium Units being developed under the Condominium Act shall contain road frontage as well as the necessary square footage as is specified above for a lot in this zone district.
- B. The front and rear lot line setbacks shall be maintained across the entire width of the lot.
- C. Every dwelling shall have a minimum useable floor area of nine hundred and sixty (960) square feet. The minimum width shall not be made up of additions of a dissimilar type or quality of construction or materials. At least one section of the dwelling shall contain a core living area having minimum horizontal dimensions of twenty (20) feet by twenty (20) feet.

SECTION 23.01 - DEFINITIONS. Unless otherwise specified herein, the terms used in this Ordinance shall be defined as follows:

Mobile Home - A movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a 1-unit dwelling. Provided, however, that the term mobile home shall not include motorhomes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water facilities.

Mobile Home Park - Any site, field or tract of land upon which three or more mobile homes are harbored, either free of charge or for revenue purposes excluding mobile home sales at which none of the mobile homes are allowed to be occupied. **Exception located in Chapter 6 Agriculture Section 6.02J.**

Tenant House – means a single-family residential dwelling which is leased by a farming entity for farm labor for the purpose of providing farm worker housing where agricultural labor is in demand.



County of Antrim Planning Department

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August 5, 2020

Mr. Ruben Shell, Project Planner
535 W. William St., Suite 101
Ann Arbor, MI 48103
[sent via email to: rshell@bria2.com]

Dear Mr. Shell:

At their regular meeting on August 4, 2020, the Antrim County Planning Commission discussed the proposed Banks Township zoning ordinance changes regarding Agricultural Tourism & Events and Outdoor Recreational Establishments. The Commission chose to make no recommendation by approving the following motion:

Motion by Gary Lockwood, seconded by Dawn LaVanway, that the Planning Commission to make no recommendations on the proposed amendments to the Banks Township Zoning Ordinance.

Roll call:

Yes – Lockwood, Helwig, LaVanway, Bradford, Bailey

No – Teague, Tschudy, Priemer, Gurr

However, upon reviewing the Agricultural Tourism & Events proposed amendment, the Planning Office recommends that Banks Township consider an acreage limit to Agricultural Assembly Space. This along with the proposed percentage limit would be consistent with farmland preservation as stated in the existing Banks Township Zoning Ordinance. A draft copy of last week's minutes has been included for your convenience.

If you have any questions, please do not hesitate to call.

Sincerely,

Jeremy Scott
Deputy Administrator