

**CHARTER TOWNSHIP OF VAN BUREN  
COUNTY OF WAYNE, STATE OF  
MICHIGAN ORDINANCE NO. 07-02-24**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE 5-2-17(2) AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO CREATE DEFINITIONS, REVIEW PROCESSES, AND REGULATIONS FOR AGRICULTURAL RETAIL AND TOURISM (AGRITOURISM) AND RELATED USES. THE AMENDMENTS WILL INCLUDE MODIFICATIONS AND ADDITIONS TO SECTION 2.102 (DEFINITIONS - SPECIFIC TERMS), SECTION 5.102 (DEVELOPMENT STANDARDS FOR SPECIFIC USES - AGRICULTURAL RETAIL SALES), SECTION 3.109 (ZONING DISTRICTS AND PERMITTED USES - AG, AGRICULTURAL AND ESTATE DISTRICT) AND SECTION 9.102 (PARKING, LOADING, AND ACCESS MANAGEMENT - MINIMUM NUMBER OF PARKING SPACES REQUIRED).**

**THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:**

**SECTION 1- ORDINANCE AMENDMENT**

Pursuant to this Ordinance, the following sections of the Charter Township of Van Buren Zoning Ordinance shall be amended in accordance with the below text upon the effective date of this Amendment:

**Article 2. Definitions.**

**Section 2.102, Specific Terms**

**(#) AGRICULTURAL RETAIL AND TOURISM:** Also known as ‘agritourism’ is the accessory use of a portion of agricultural land for the sale of goods and services related to the farming operation as a means of supplemental income, including but not limited to: U-pick operations, wineries and tasting rooms, corn mazes, and cider mills.

**(#) COMMUNITY SUPPORTED AGRICULTURE:** Also known as ‘community gardening’ is the practice of small-scale production of plants through the rental or donation of gardening plots for community use.

**(#) TRUCK GARDENING:** Also known as ‘market gardening’ is the practice of small-scale production of plants for sale directly to consumers using on-site farm stands or off-site methods such as farm markets or personal delivery services.

**Article 3. Zoning Districts and Permitted Uses.**

**Section 3.109 AG, Agricultural and Estate District**

<b>STATEMENT OF PURPOSE</b>	
<p>Areas in the Agricultural and Estates District are intended primarily to accommodate agricultural uses and residential development at a low density for residents who prefer exurban, estate living and are willing to assume the costs and effort of providing many of their own services and amenities. The standards in this district are intended to assure that the agricultural and residential uses are harmonious with each other. It is intended that developments in this district be designed to preserve significant natural features. Preservation of agriculture, open space, protection of flood prone areas, protection of wooded areas, and preservation of other natural features is encouraged.</p>	

<b>PERMITTED USES</b>	<b>SPECIAL LAND USES</b>
<ul style="list-style-type: none"> <li>• Single-family detached dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Kennels and Raising of Fur Bearing Animals</i></li> </ul>

<ul style="list-style-type: none"> <li>• Single-family farm dwellings related to agricultural operations</li> <li>• Commercial agriculture buildings and greenhouses</li> <li>• Commercial agriculture operations</li> <li>• Keeping of Pets and Livestock</li> <li>• Truck gardening</li> <li>• Greenhouses and Nurseries</li> <li>• Public and private stables, and riding academies</li> <li>• Veterinary/Animal Clinics and Hospitals</li> <li>• Swimming pools, private</li> <li>• Cemeteries</li> <li>• Temporary Produce Sales Building</li> <li>• Family day care home</li> <li>• Adult foster care, family home</li> <li>• Home Occupations</li> <li>• <u>Community Supported Agriculture</u></li> <li>• Accessory structures and uses customarily incidental to the above permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>• Day Care, Group Home</li> <li>• Mining, excavating, or other removal of sand, earth, minerals, or other materials naturally found in the earth</li> <li>• Agricultural Retail Sales</li> <li>• Golf Courses</li> <li>• Outdoor Recreation, Golf Driving Ranges</li> <li>• Outdoor Recreation, Private Parks</li> <li>• Country Clubs</li> <li>• Outdoor Recreation, Gun Clubs</li> <li>• Religious institutions</li> <li>• Child Care Centers</li> <li>• Adult day care centers</li> <li>• Planned Residential Developments</li> <li>• Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations but not including storage yards, when necessary to serve the immediate vicinity.</li> <li>• Wireless Communication Facilities</li> <li>• <u>Agricultural Retail and Tourism</u></li> </ul>
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The above list is a summary of uses permitted by right or special land use approval in the district. Refer to [Section 3.104](#) (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Section 3.104](#) (including footnotes), then [Section 3.104](#) shall prevail. Refer to [Article 2](#) for definitions of uses and refer to [Article 5](#) for development standards for specific uses.

<b>DIMENSION REGULATIONS</b>			
<b>Lot Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	43,560	Front Yard	50
Min. Lot Width (ft.)	150	Side Yard (one)	10
Min. Lot Depth (ft.)	<u>(C)</u>	Side Yard (total of 2)	25
Max. Lot Coverage (%)	15	Rear Yard	35
Min. Floor Area/Unit (ft.)	2,000 <u>(B)</u>		
Max. Building Height (ft.)	35		
Max. Building Height (stories)	2.5		

Footnotes: Refer to [Section 4.102](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Article 9. Parking, Loading, and Access Management.

### Section 9.102 Minimum Number of Parking Spaces Required.

The minimum number of parking spaces required for each use is stated in [Table 4](#) below.

Table 4. Minimum Number of Parking Spaces Required

<b>Minimum Number of Parking Spaces Required</b>	
<b>Land Use</b>	<b>Number of Parking Spaces Per Unit of Measure</b>
<b>(C) Business and Commercial</b>	
1. <b>Shopping Centers</b>	Four and a half (4.5) per one thousand (1,000) square feet of gross floor area.
2. <b>Vehicle Wash (Automatic)</b>	One (1) per employee on the largest work shift. Stacking for at least five (5) vehicles per car wash lane, plus two (2) parking spaces for each washing stall.
3. <b>Vehicle Wash (Self-Service)</b>	Two (2) stacking spaces per washing stall, plus two (2) drying spaces per washing stall.
4. <b>Beauty Parlor</b>	One (1) per employee plus two (2) per service chair.
5. <b>Bookstore</b>	One (1) per 225 square feet gross useable floor area.
6. <b>Bowling Alley</b>	Two (2) per bowling lane and one (1) per employee in addition to the requirements for each accessory use, such as a restaurant or bar.
7. <b>Dance Hall, Roller Skating Rink, Exhibition Halls, and Commercial Assembly Halls without Fixed Seats</b>	One (1) per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
8. <b>Standard Restaurant (Sit Down without Liquor License)</b>	One (1) per two (2) seats of legal capacity for the facility, plus one (1) per employee on the largest shift.
9. <b>Standard Restaurant (Sit Down with Liquor License)</b>	One (1) per two (2) seats of legal capacity for the facility, plus one (1) per employee on the largest shift.
10. <b>Bars, Taverns, Lounges, Nightclubs</b>	One (1) parking space per fifty (50) square feet of gross floor area.
11. <b>Fast Food Restaurants with Drive-Through</b>	One (1) per two (2) seats of legal capacity for the facility and one (1) per employee on the largest shift, plus five (5) stacking spaces between the pick-up window and the order station and ten (10) stacking spaces which do not conflict with access to required parking spaces per order pickup station. If located within one-half (1/2) mile of an expressway, at least two (2) of the required spaces shall be longer spaces designated for recreational vehicles and semi-trucks.
12. <b>Carry-Out Restaurants or Delicatessen</b>	Six (6) spaces plus one (1) space for each employee on peak shift. Parking areas devoted to the consumption of food on the premises shall be computed separately for such seating areas.
13. <b>Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Tradesperson or Decorator</b>	One (1) per eight hundred (800) square feet of gross floor area and one (1) per two (2) employees, plus one (1) per company/commercial vehicle.

<b>Minimum Number of Parking Spaces Required</b>	
<b>Land Use</b>	<b>Number of Parking Spaces Per Unit of Measure</b>
14. <b>Gasoline Service Station and Vehicle Service</b>	One (1) per gas pump, two (2) per service area or stall, and one (1) per employee on peak shift in addition to any other on-site uses such as retail. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or serviced or awaiting to be fueled or serviced.
15. <b>Laundromats and Coin Operated Dry Cleaners</b>	One (1) per two (2) washing and drying machines.
16. <b>Mortuary Establishments</b>	One (1) per fifty (50) square feet of gross floor space and one (1) per employee, plus one (1) per funeral vehicle stored on the premises.
17. <b>Motel, Hotel, or Other Commercial Lodging Establishment</b>	One (1) per guest or sleeping room and one (1) per employee in addition to the requirements for each accessory use, such as a restaurant or bar.
18. <b>Motor Vehicle Sales and Service Establishments</b>	One (1) per two hundred (200) square of gross floor space of interior sales room and two (2) per auto service stall in the service room. In no instance shall such a facility provide less than ten (10) parking spaces. Customer parking shall not be used for the storage or display of vehicles.
<b>19. Retail Stores (Individual Stores except as Otherwise Specified Herein)</b>	
<b>(a) Less than 25,000 square feet</b>	One (1) per 200 square feet of useable floor area.
<b>(b) 25,001 to 50,000 square feet</b>	One (1) per 200 square feet of useable floor area for the first 25,000 square feet plus one (1) per 250 square feet of useable floor area for the second 25,000 square feet.
<b>(c) Greater than 50,000 square feet</b>	One (1) per 200 square feet of useable floor area for the first 25,000 square feet, plus one (1) per 250 square feet of useable floor area for the second 25,000 square feet, plus one (1) per 350 square feet for each 25,000 square feet of useable floor area thereafter.
20. <b>Carry-Out Services (Excluding Restaurants) such as Dry Cleaner, Meat Markets, Bakeries, Clothing Repair, etc.</b>	One (1) per thirty (30) square feet of floor area devoted to customer assembly and/or waiting area and one (1) per employee on peak shift. Any carry-out with food consumption on the premises shall be classified as a Carry-Out Restaurant or Delicatessen
21. <b>Pool or Billiard Parlors, Card Rooms, Arcades, or Other Similar Establishments</b>	One (1) per three (3) persons of maximum occupancy as established by local, county, or state fire, building, or health codes, plus one (1) parking space per employee on peak shift.
22. <b>Drive-Through Establishments (Excluding Restaurants)</b>	Eight (8) stacking spaces per drive-through lane in addition to the requirements for other principal or accessory uses such as a bank or pharmacy.

<b>Minimum Number of Parking Spaces Required</b>	
<b>Land Use</b>	<b>Number of Parking Spaces Per Unit of Measure</b>
23. <b>Mini-Warehouse Facility</b>	Two (2) for the manager's residence plus one (1) per twenty-five (25) storage units, to be located at the office at the storage complex. In no instance shall less than five (5) parking spaces be provided on-site.
24. <b><u>Agricultural Retail and Tourism (Outdoor Operations)</u></b>	<u>One (1) space per 800 square feet of area for said retail or tourism activity.</u>
25. <b><u>Agricultural Retail and Tourism (Indoor Operations)</u></b>	<u>One (1) space per 200 square feet of usable floor area for said retail or tourism activity.</u>

**Article 5. Development Standards for Specific Uses.**

**Section 5.102. Agricultural Retail and Tourism.**

- (A) Intent.** It is the intent of the township to allow, through a special land use permit, uses of a retail/tourism nature that are complementary and accessory to the primary agricultural land use in the AG zoning district. It is also the intent to:
- o Promote and maintain local farming and the provision of open space within the township.
  - o Maintain rural character; Van Buren Township has an established 'greenbelt' of agricultural land suited to a rural lifestyle – proposed retail or tourism activities shall not detract from its preservation, but instead highlight and complement such uses.
  - o Encourage new agriculturally based businesses that contribute to the general economic conditions of the township and surrounding region.
- (B) Purpose.** The purpose of this designation is to provide a clear understanding of the expectations for agricultural retail/tourism businesses for operators, residents, other businesses, and local officials.
- (C) The following agricultural retail/tourism uses may be permitted after special land use review, pursuant to Article 12, Chapter 3 of this ordinance.**
1. Cider mills or wineries subject to the State of Michigan's wine maker or small wine maker licensing requirements.
  2. Seasonal outdoor mazes of agricultural origin such as straw bales or corn fields.
  3. Bed and breakfast operation in accordance with Section 5.106 of this ordinance and the State Construction Code, Act 230 of 1972.
  4. The processing, storage, and retail or wholesale marketing of agricultural products into a value-added agricultural product of a farming operation.
  5. U-pick operations.
  6. Uses (1) through (5) listed above may include any or all the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the total site area occupied by these ancillary uses is less than 50 percent of the total area occupied by agricultural retail or tourism activities.
    - a. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides), unless such equipment occupying more than 50 percent of the total area occupied by agricultural retail

or tourism activities is approved by the Planning Commission based on finding that this is compatible with the intent in subsection (A).

- b. Petting farms, animal display, and pony rides.
  - c. Wagon, sleigh and hayrides.
  - d. Nature trails.
  - e. Open air or covered picnic area with restrooms.
  - f. Educational tours, classes, lectures, seminars.
  - g. Historical agricultural exhibits.
  - h. Kitchen facilities, for the processing, cooking, and/or baking of goods
  - i. Gift shops for the sale of agricultural products and agriculturally related products.
  - j. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts.
7. Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property, including but not limited to:
- a. Small-scale entertainment (e.g., music concert, car show, art fair),
  - b. Organized meeting space (e.g., for use by weddings, birthday parties, and corporate events),
  - c. Designated, permanent parking for more than 20 vehicles.

**(D) Supplemental regulations.**

1. Minimum lot area of ten acres.
2. The uses listed in subsections (C)(1), (2), (6), and (7) of this section must have direct access to one of the following road types as described in the functional road classification of the township master plan:
  - a. Rural minor collector.
  - b. Rural major collector.
  - c. Rural minor arterial.
  - d. Rural other principal arterial.All other uses permitted by this section, not noted above, may have access on any road type within the township with the condition that the increase in traffic shall not create a nuisance to nearby residents by way of traffic or noise, or increase the public cost in maintaining the roadway.
3. A 200-foot open buffer shall be provided on all sides of the property not abutting a roadway. For a property that meets the minimum lot size but has a width 500 feet or less, the buffer width may be reduced to no less than 100-feet, if the Planning Commission finds that such reduction in buffer width would still meet the intent of providing protection for uses on abutting parcels. The area within the buffer may be used for growing of crops, agritourism activities limited to u-pick operations, nature trails or any such activity that in the determination of the Planning Commission helps to maintain the agricultural character of the site. In no case shall any agritourism activity be located closer than 50 feet from any property line.
4. Buffer plantings shall be provided along the property line where there is an existing abutting residence. Greenbelt plantings are intended to screen views of the proposed operation from the adjacent home or property. Buffer plantings shall meet the standards of Section 10.102 (E), whereas the exemption for agricultural lots in the case of commercial/tourism uses is forfeited. Dwelling structures built on adjacent properties after an agritourism use has been established first, can install a greenbelt buffer on their property. Agritourism use will not be required to install the greenbelt buffer in such case.
5. Must provide off-street parking to accommodate use(s) as outlined in Section 9.102 (C).

- a. Parking facilities shall be paved or otherwise defined by dustless, non-erodible materials (e.g., asphalt millings, tar and chip, pavers) and must be clearly marked with incidental signage.
  - b. The Planning Commission may consider 'soft' off-street parking surface materials, such as lawn grass, provided such materials are sufficiently demonstrated to the Township Engineer to be compactible and well-drained to accommodate parking in all weather conditions.
  - c. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
  - d. Paved or unpaved parking areas shall not be located in required setback or buffer areas. Paved parking areas must meet all design and landscape screening requirements as set forth in this zoning ordinance.
  - e. Required barrier-free parking spaces shall be in compliance with the current standards of the Americans with Disabilities Act (ADA) surfaced.
  - f. Access routes for emergency services shall be maintained on dustless, non-erodible materials.
6. Food and beverage service and/or retail sales facilities shall be subject to the following provisions:
- a. The maximum permitted building size for food service and/or retail sales facilities shall not exceed a gross floor area of one (1) percent of the entire site, including agricultural production and agricultural retail/tourism uses.
  - b. All ingress to and egress from the site shall be located at least fifty (50) feet from the intersection of any two (2) streets, measured from the right-of-way and one hundred (100) feet from an adjacent residential driveway located on the same side of the street.
  - c. The Planning Commission shall consider conditions to ensure that the principal use of the site remains to be agricultural production.
7. The following additional operational information must also be provided as applicable:
- a. Ownership of the property.
  - b. Months (season) of operation.
  - c. Hours of operation.
  - d. Anticipated number of customers.
  - e. Maintenance plan for disposal, etc.
  - f. Any proposed signs.
  - g. Any proposed lighting.
  - h. Maximum number of employees at any one time.
  - i. Restroom facilities.
  - j. Verification that all outside agency permits have been granted, i.e., federal, state and local permits.
8. All areas of the property to be used, including all structures on site, must be clearly identified.

## **SECTION 2 - SEVERABILITY**

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

## **SECTION 3 - REPEALER**

All other provisions of the Zoning Ordinance, or Ordinances or parts of Ordinances, in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**SECTION 4- SAVINGS CLAUSE**

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Zoning Ordinance, or any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**SECTION 5 - EFFECTIVE DATE**

The provisions of this Ordinance are hereby ordered to take effect seven (7) days after publication of the notice of adoption in a newspaper of general circulation within the Township. This Ordinance shall be immediately recorded by the Township Clerk in the Township Ordinance Book as soon as it is adopted, which record shall be authenticated by the signatures of the Supervisor and Clerk and shall be published in a newspaper of general circulation in the Township within fifteen (15) days of passage.

A copy of this Ordinance may be purchased or inspected at the Clerk's Office, 46425 Tyler Road, Van Buren Township, MI 48111 during normal business hours.

**SECTION 6 - ADOPTION**

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren at a meeting duly called and held on the 16<sup>th</sup> day of July, 2024, and ordered to be given publication in the manner prescribed by law.

I hereby approve the foregoing Ordinance,

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Leon Wright, Clerk

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Kevin McNamara, Supervisor

Adopted: July 16, 2024  
Published: July 25, 2024  
Effective: August 1, 2024