

**Kearney Township**  
**Ordinance No. \_\_-\_\_-2024**

AN ORDINANCE TO AMEND THE KEARNEY TOWNSHIP ZONING ORDINANCE CONCERNING COMMERCIAL EVENT FACILITIES.

THE TOWNSHIP OF KEARNEY TOWNSHIP HEREBY ORDAINS:

**Section 1: Amendment of Section 1.04**

Section 1.04 (Definitions) of the Kearney Township Zoning Ordinance is hereby amended to add the following definition:

**Commercial Event Facility.** A designated open area on a lot; a tent, gazebo, or barn; and other specifically designed structures within which weddings, parties, meetings, family reunions, and corporate events are held for a fee. Also known as Convention Centers, Conference Centers, Banquet Halls, Wedding Venues, or Wedding Barns.

**Section 2: Amendment of Section 4.01 (Agricultural District)**

Section 4.01B (Uses Permitted by Special Use Permit) of the Kearney Township Zoning Ordinance is hereby amended to add the following:

11. Commercial Event Facilities

**Section 3: Amendment of Section 4.05 (Commercial District)**

Section 4.05B (Uses Permitted by Special Use Permit) of the Kearney Township Zoning Ordinance is hereby amended to add the following:

K. Commercial Event Facilities

**Section 4: Amendment of Section 4.09 (Resort Residential District)**

Section 4.09 of the Kearney Township Zoning Ordinance is hereby amended to add a new subsection 4.09D, which shall read in its entirety as follows:

**Section 4.09D USES PERMITTED BY SPECIAL USE PERMIT.**

1. Commercial Event Facilities

**Section 5: Amendment of Article 5 (Special Use Permits)**

Article 5 of the Kearney Township Zoning Ordinance is hereby amended to add a new Section 5.01N, which shall read in entirety as follows:

**Section 5.01N COMMERCIAL EVENT FACILITIES.**

1. Intent. The intent of this Section is to define minimum standards for Commercial Event Facilities because these facilities have a high potential of impacting surrounding properties.
2. Standards. The Planning Commission shall grant a special use permit for a commercial event facility when it finds the proposed commercial event facility complies with the general standards for a special use permit as provided in Section 5.01C and it complies with all of the following requirements:
  - A. Parking. No vehicles associated with the event shall be permitted to be parked on public or private roadways. All vehicle parking shall be maintained "on site." "On-site" is defined as at least one hundred (100) feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service. The use of off-site parking may be granted if it is determined that there is not sufficient space on the lot for on-site parking and that the use of a transportation service will provide a safe method of transportation.
  - B. Setbacks. The commercial event facility shall comply with the following applicable setback requirements:
    1. If the commercial event facility is a designated open space on the lot or is in a structure without hard walls such as a tent or gazebo, then there shall be a 300 feet setback from all property lines and from all public or private road rights-of-way.
    2. If the commercial event facility is a type of completely enclosed structure, then there shall be a 100 feet setback from all property lines and from all public or private road rights-of-way.
  - C. Location of Activities. Except for parking, all activities associated with the commercial event facility should be located within the facility itself. In addition, all activities shall be subject to current and future noise ordinances enacted by the Township.
  - D. Hours of Operation. -Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of

the application. For purposes of this Section, "termination" shall mean the departure of all attendees from the facility with the understanding that the clean up process may occur after termination of the event.

- E. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM and shall be terminated by 11:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site upon a finding that due to the remote location of the site, the physical characteristics of the site, and/or the vegetation or other effective buffers on the site the modified time limits for amplified sound will not cause a substantial detrimental impact on neighboring properties. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Sound of from the facility shall not, because of its frequent occurrences, volume, or sound vibration, annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities on any adjacent property.
- F. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles.
- G. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall comply with the existing State of Michigan fire code.
- H. **Sanitary Facilities.** The applicant shall obtain approval for the required sanitary facilities from the District Health Department.
- I. **Year Round Operations and Number of Events.** Events within a commercial event facility may occur at all times of the year. The Planning Commission, however, may limit the number of events allowed each year based on a finding that due to the close proximity of the commercial event facility to dwellings, the physical characteristics of the site, and/or a lack of vegetation or other effective buffers on the site an unlimited number of events could cause a substantial detrimental impact on neighboring properties.
- J. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles subject to approval of the Fire Department.
- K. **Buffers.** The Planning Commission may require buffers between the Commercial Event Facility and adjoining properties after evaluating the size of the parcel, the natural topography, and vegetative cover. If required, buffers shall be of sufficient depth and height to reduce the impact of noise on adjacent properties and reduce the impact of outdoor lighting on adjacent properties.
- L. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

### 3. Submittal Requirements.

- A. In addition to the requirements in Section 5.02C.2 (Data Required in Application), the site plan must show the following:
1. Area of the event including indoor and outdoor areas.
  2. Parking location and number of parking spaces.
  3. Temporary structures.
  4. Sanitation facilities.
  5. Areas for food trucks or food vendors including proposed setback from property lines including the maximum number of food trucks or food vendors planned.
  6. Areas for trash receptacles and schedule for trash pick-up.
  7. Location of firepits.
  8. Location of outdoor lighting and light levels.
- B. Event Management Plan. An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include all of the following:
1. Type and number of events expected.
  2. Provisions for traffic and parking management.
  3. Hours of operation including setup and takedown times.
  4. Provisions for noise abatement and expected sources of noise including location of speaker systems and similar sources of noise.
  5. Toilet facilities.
  6. Expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
  7. Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
  8. Public safety plans.
  9. List of contacts for emergency situations.
  10. Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.
  11. List of other permits and licenses required and proof that said permits are being applied for.
- C. Coordination with Other Agencies. Upon receipt of the completed application, the Zoning Administrator shall forward a copy of the application to the police department and/or county sheriff department, fire department, county road commission, and MDOT (if applicable). Each department may review the application and return it, with any comments or recommendations, to the Zoning Administrator within 10 working days of receipt.

## Section 6: Severability

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**Section 7: Effective Date**

The ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. \_\_\_ - \_\_\_ -202\_\_ was adopted on the \_\_\_ day of \_\_\_\_\_, 202\_\_, by the Kearney Township Board as follows:

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

\_\_\_\_\_  
Michelle D. Valuet, Clerk

\_\_\_\_\_  
Edward Niepoth, Supervisor

I certify that this is a true copy of Ordinance No. \_\_\_ - \_\_\_ -202\_\_ that was adopted at a regular meeting of the Kearney Township Board on \_\_\_\_\_, 202\_\_ and published in the Antrim Review on \_\_\_\_\_, 202\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michelle D. Valuet, Clerk