
**Fahey Schultz
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Event Barns: Avoid the Pitfalls

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Growing Trend in Agricultural Wedding Venues

- Numerous townships have seen an emerging trend where historic agricultural barns of the past are converted to provide a new venue for weddings, parties, community events, fundraisers, and even corporate retreats.
- Since these barns are often located in rural areas of townships, local zoning regulations do not address the new commercial operation of event barns and wedding barns.

Growing Trend In Agricultural Wedding Venues

POSITIVES

- Creates a diversity of demand for old barns.
- Offers customers more flexibility at a lower cost than many banquet halls and other urban venues.
- Generates revenue and exposure to rural areas.

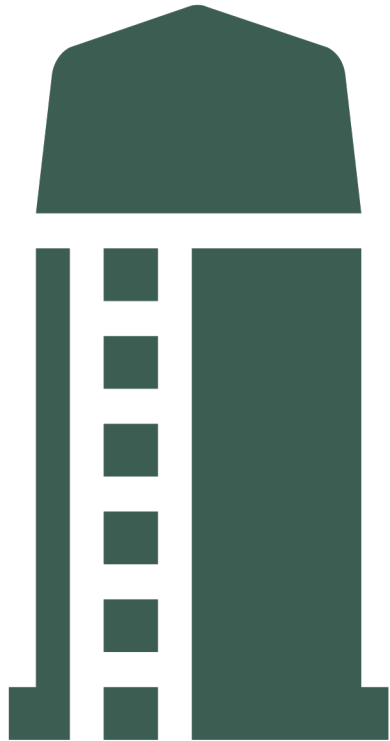
NEGATIVES

- May disturb adjoining property owners with noise, late night music, live bands, light pollution, excess traffic, trespassing and unsafe drinking conditions.



Options for Addressing Event Barns

Use Variances



- Event barns are typically found in agricultural or residential districts.
- An old barn is repurposed into an assembly hall for commercial purposes.
- When local zoning regulations do not provide for such use, some owners may seek use variances to permit conversion of the barn from a farming operation to a commercial operation.



Use Variances, Cont.

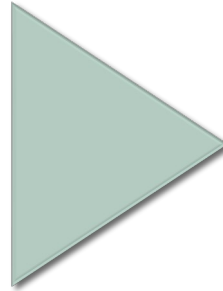


Problems:

- Michigan Zoning Enabling Act disfavors use variances.
- In most jurisdictions, a use variance will not be an available option.
- Conversion of an old barn in to an event barn may pose safety issues.



Owners of old barns have also suggested that the use of the barn as an event venue is an accessory use to the other structures or uses of the property.



An accessory use is defined as an activity that is clearly incidental to, customarily found in conjunction with, subordinate to, and located on the same zoning lot as a permitted use.

Accessory Use

1

*City of Muskegon
Heights v Wilson,*
363 Mich 263 (1961)

2

*Lerner v Bloomfield
Twp, 106 Mich App
809 (1981)*

Decisions
Analyzing an
Accessory
Use

Concerns Over References of Agritourism

- Landowner will claim their event barn is “agritourism.”
- Agritourism is a new and growing industry on farms.
- Agritourism involves leisure activities on farms and agricultural property.
- The issue with agritourism is that there is not a standard accepted definition.



Concerns Over References of Agritourism

- The Merriam-Webster dictionary - “the practice of touring agricultural areas to see farms and often to participate in farm activities.”
- The American Heritage dictionary - “tourism in which tourists board at farms or in rural villages and experience farming at close hand.”
- The Michigan Agritourism Association- “places where agriculture and tourism connect, or anytime a farming operation opens its doors to the public and invites visitors to enjoy their products and services.”
- Other farm organizations and associations suggest the term is much broader, which can pose issues with defining and regulating agritourism.



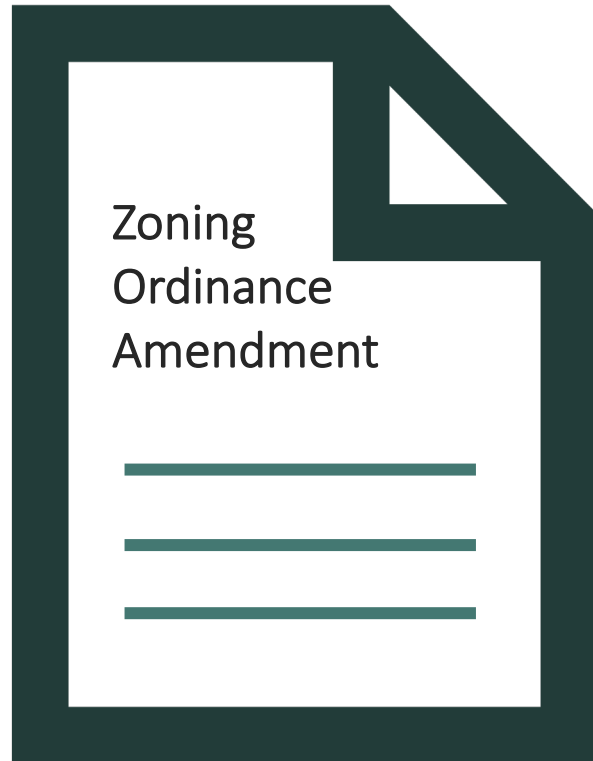
Permitting Agritourism

- Townships that permit agritourism can face the question whether an event barn could be considered agritourism.
- If the term agritourism is used, it is important to be very specific about the uses that would be included, such as corn maze, Christmas tree farms, pumpkin patches, U-pick farms, and event barns.
- Alternatively, you may define the factors that encompass agritourism, such as:
 - Open to the public
 - Connected to a farm product
 - Operation generally during daylight hours
 - Dispersed traffic patterns



Ordinance Amendments: What to Consider

Ordinance Amendment



- Townships can amend zoning ordinances to explicitly allow the uses, specify the district in which the uses can operate, and provide the conditions under which the use will be required to operate.
- These amendments should consider whether agritourism is an appropriate term to be used in the ordinance and if so, whether the definition of agritourism clearly sets forth the type and intensity of the activities that the township is authorizing.



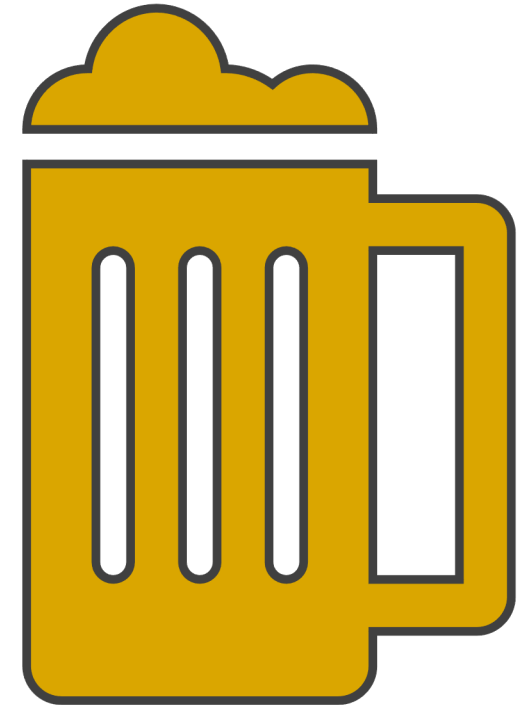


Things to Consider

- Allowing specific uses only or allowing broad categories of uses.
- Limiting the maximum number of attendees.
- Limiting the maximum number of events that may be conducted annually.
- Limiting the hours of operation.
- Addressing parking requirements, such as size and surface.
- Installing lights for parking, visibility, but limiting impacts on neighbors.
- Restricting noise based upon the reasonable person of normal sensitivities.
- Restricting live bands and operating hours of amplified music.

Things to Consider

- Addressing the type of food preparation and necessary licenses for preparation.
- Requiring security personnel and staff present to address security, traffic, parking, and guests.
- Addressing the consumption of alcoholic beverages.





Things to Consider

- Restricting the number of accessory structures that may be coupled with the event barn.
- Requiring sufficient off-street parking and trash removal.
- Requiring insurance for purposes of an injury or accident.
- Determining whether it is permitted by right or as a special use.



Questions

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