

To: Peninsula Township Board & Peninsula Township Planning Commission

From: Michelle Reardon, Planning & Zoning Department

Re: Winery/Food Processing proposed changes

Date: May 3, 2016

Based on multiple inquiries staff felt it important to outline and highlight the changes as proposed within Sections 6.110, 6.123, 6.138 and 6.139 of the DRAFT Ordinance. Please use this information in conjunction with your review of the above mentioned sections.

Food Processing Plant (Section 6.110)

1. Setbacks increased (Front 50', Side/Rear 100', pre-existing residential structure 200') unless it is in a pre-existing structure.
2. Majority of produce processed shall be grown on the land owned or leased for the specific farm operation. Data and records submitted to the Township annually to verify.
3. Allow natural disaster provisions.
4. Special land use permit required.

Local Food Production Facility (Section 6.123) **NEW USE**

1. Focused on non-alcohol food production with smaller acreage requirements (5 acres or legal non-conforming ag parcel).
2. Building footprint limited to 6,000 square feet. Impervious surface max of 5% of the subject parcel. Retail area limited to 1,500 square feet with additional restrictions.
3. Majority of produce processed and sold shall be grown on the land owned or leased for the specific farm operation. Data and records submitted to the Township annually to verify.
4. Allow one residential dwelling unit on the parcel either within the structure or stand alone.
5. Retail activity shall end by 9:30 PM.

Winery, Use by Right formerly Farm Processing Facility (Section 6.138)

1. Alcohol related.
2. 75% of the host site shall be arable land and 65% of that arable area shall be "used for the active production of *perennial* crops that can be used for wine production".
3. Not less than 85% of the grapes utilized to make the wine, processed, tasted and sold shall originate from Peninsula Township.

4. Majority of produce processed and sold shall be grown on the land owned or leased for the specific farm operation. Data and records submitted to the Township annually to verify.
5. Increased building size maximum from 6,000 sf to 12,000 sf above finished grade; consisting of single or multiple structures.
6. Tasting room limited to 2,000 sf; outside tasting room allowed in addition to interior not to exceed the size of the interior tasting room,
7. Retail sales allowed outside of tasting room limited to lesser of 500 sf or 25% of tasting room size.
8. Allows limited Guest Activity Uses; max of 50 people, end by 9:30 PM, agriculture related, max of 20 per calendar year with not more than 2 within a calendar week, no amplified music, no temporary structures.

Winery-Chateau (Section 6.139)

1. Increased required frontage to 330'.
2. 75% of the host site shall be arable land and 65% of that arable area shall be "used for the active production of *perennial* crops that can be used for wine production".
3. Majority of produce processed and sold shall be grown on the land owned or leased for the specific farm operation. Data and records submitted to the Township annually to verify.
4. Limit outdoor tasting room to not greater than 4,000 sf.
5. Retail sales allowed outside of tasting room limited to lesser of 1,000 sf or 25% of tasting room size; 50% of this area shall be for products produced and processed on site, 20% of the retail area allows for loco merchandise and additional merchandise shall be products related to the consumption and use of the fresh and/or processed agriculture produce sold on site.
6. Agricultural accessory structures are allowed in addition to the Winery-Chateau building size limitation.
7. Guest Activity Uses must be agricultural related and allow no more than 115 guests. Alcohol shall be served with food. Can occur outdoor in areas specifically approved for guest activity uses with no amplified music allowed, and shall conclude by 9:30 PM.

Feel free to contact me should you have any questions.

Michelle Reardon

RECEIVED
MAY 03 2016
BY [Signature]

From: mmorg@emcnet.org
Sent: Tuesday, May 03, 2016 1:34 PM
To: officemanager@peninsulatownship.com; planner@peninsulatownship.com
Subject: Zoning ordinance rewrite - feedback

Good afternoon

I understand that there is a meeting this evening on the zoning ordinance, specifically on how to regulate commercial activity of our wineries. I have read some of the proposed changes, and while I do not have the time to read/understand the zoning ordinance documents in their entirety, I did want to give my general feedback.

My husband and I moved to the Peninsula because of it's rural character and it's beauty. We also moved here to get away from the hustle and bustle of Southeastern Michigan suburb/city life - especially the traffic. Since living here, many changes are occurring within Traverse City proper that are quickly changing it's character from a sleepy little berg to another Ann Arbor. Not all changes are bad, but the traffic flow is awful and the feeling of Southeastern Michigan is quickly coming to this charming community.

I breathe a sigh of relief every time I head up Center Road, knowing that I am getting away from the

congestion and "city life". I hope that whatever ordinance changes are made, that they are evaluated against protecting what we have here.

Traverse City already has, and will continue to have, more than enough frustration by motorist and citizens alike. It is growing too fast and it's roadway's cannot accommodate the growth.

Please, please, please keep our Peninsula sane and pristine!

Thank you so much for allowing me to give feedback!

Best regards,

Mary Morgan

13264 Blue Shore Drive

Michelle Reardon

From: Jon Kinne <jhkinne@charter.net>
Sent: Monday, May 02, 2016 9:40 PM
To: supervisor@peninsulatownship.com; clerk@peninsulatownship.com; treasurer@peninsulatownship.com; trustee@wikop@gmail.com; Penny Rosi; marktrustee@peninsulatownship.com; Jill Byron; planner@peninsulatownship.com; zoning@peninsulatownship.com; keithleak@gmail.com; ajc@runningwise.com; dsh 44@yahoo.com; wunschis23@gmail.com; rocki1323@yahoo.com; Monnie Peters (Neah, Election)
Subject: Structure Height
Importance: High

RECEIVED
MAY 01 2016
BY: *JK*

Dear Board and Commission,

We see that there is discussion surrounding the elevation allowed for structures, and it seems to my wife and me that regardless of the argument over whether to measure from one side of a structure or the other, one basic principle must be followed: BEFORE any grading or soil movement is allowed, the person seeking permission to build the structure must submit a certified survey (signed and bearing the surveyor's seal), showing the elevations of the **undisturbed** land and the location and elevation of the base of the first floor (not the basement floor) of the structure to be built. Before framing is approved by the Inspector, the surveyor must certify, using a reference elevation from the initial survey, that the structure does not exceed the height restriction as defined in the Ordinance.

This would preclude the type of artificial grading and backfilling that produced the structure known today as Bonobo. And one additional element in any Ordinance revision would be helpful: codify enforcement procedures so that when another "Bonobo" submits a tasteful plan that the Commission approves, and then proceeds to build something else, the builder is either held to the approved plan, or the structure is torn down.

Thank you for your consideration.

Sincerely,

Dr. & Mrs. Jon Kinne

Michelle Reardon

From: Jon Kinne <jhkinne@charter.net>
Sent: Monday, May 02, 2016 9:20 PM
To: supervisor@peninsulatownship.com; clerk@peninsulatownship.com; treasurer@peninsulatownship.com; trustee@peninsulatownship.com; Penny Rosi; marktrustee@peninsulatownship.com; Jill Byron; planner@peninsulatownship.com; zoning@peninsulatownship.com; keithl@leak@gmail.com; ajc@runningwise.com; dsh 44@yahoo.com; wunschis23@gmail.com; rocki1323@yahoo.com; Monnie Peters (Neah, Election)
Subject: Wineries
Importance: High

RECEIVED
MAY 6 2016
BY: NK

Dear Board and Commission Members,

My wife and I are concerned that the language in the proposed zoning ordinance revision not have the effect of allowing wineries (producers, tasting rooms, chateaux) to hold events beyond the limitations intended when the existing ordinance was written. We are very disturbed by the activities which have been held at Bonobo, for example. We stopped there on a Friday evening in mid-April to see what their "tasting room" was like.

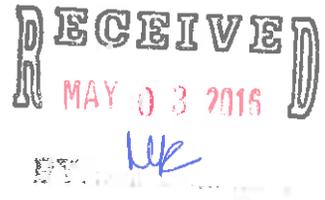
It is NOT a tasting room. It is a bar, not at all unlike those at locations off the Peninsula. No offer of tasting wines was made; instead, we were given a "wine list", just as a person receives in a bar or restaurant. Wines by the glass, wines by the bottle...make your choice, settle down at a table in a room away from the bar and the "waitress" brings the bottle and glasses to the table. And all the while, a group producing loud music in the bar area.

Promoting our local agriculture and unique Peninsula values...not in the least. This is a commercial venture, nothing more, and we want the ordinance revised and strengthened to prevent this type of activity.

Thank you for your attention.

Sincerely,

Dr. Jon and Sue Kinne



Ms. Reardon,

Please convey my comments to the entire Planning Commission. I oppose the proposed changes to the winery.

I participated heavily in the original winery ordinances, because 1) I wanted to promote ag, but 2) wanted to limit non-ag exploitation. We collectively drafted an ordinance that accomplished our goals, and the wine industry and ag, generally, have flourished on the Peninsula.

Now, our darkest concerns are being brought back, in the form of pseudo-ag ancillary sales and ancillary events. I would hate to see our model ag protection on the Peninsula become an invitation to entrepreneurs: "If you have a few vines, you can have an event."

We are a small community, and the ripple effect of events and commercial food service — sound, light, traffic, drunk driving, signage and promotion — will have a significant impact. I will vigorously promote a referendum campaign to reject changes that threaten our ag-based land use plan. What we did has worked; what is proposed here is a

fundamental change in the nature of our township.

I appreciate the work you do, and I especially appreciate the volunteer efforts of our Township PC and Board members. I support them in their effort to maintain our quality of life, but I wanted to be clear about the risk I perceive in the proposed amendments. I remember the long meetings and the significant compromises we all had to make to reach an amicable winery ordinance. Please think about that history before re-starting all the controversy.

Sincerely,

Grant Parsons
6936 Mission Ridge
Traverse City, MI 49686

Michelle Reardon – Director of Planning & Zoning

RECEIVED
May 2, 2016
MAY 03 2016
BY: 

Concern for B&B, Winery Chateau Zoning Ordinance

I have attached two documents: a) Recommendations on Rewriting Winery Chateau Regulations and b) An in-depth analysis - Zoning Regulations – Winery Chateau
I want to emphasize to the Township Board that the recent willingness to be more open in deliberations is much appreciated. For many, the packet of information sent with the May 3 meeting notice is the first time many residents have seen the detail of internal discussions dating back to 2014 on the zoning ordinance.

It would seem that any response now from your residents is after the fact, after you have deliberated internally, whereas an open arena and information gathering with residents should have been the initial forum of the redrafting of Zoning Ordinance. Take that to heart as you consider future redrafting. Open the deliberation as you start the process, not when you finish it.

As you deliberate the zoning ordinance for B&B and Winery-Chateau, I want to emphasize the following:

- 1) Traffic - We have three traffic entries to our unique peninsula that become one main road -M-37. Your residents have said emphatically that traffic is one of their greatest concerns.
- 2) Safety - If you expand the winery chateau zoning ordinance to allow more events, sale-by glass, master chef food pairings, more chateau rooms, more B&B rooms, you will only be exacerbating the traffic issue and introducing the greater potential for traffic accidents from wine consuming drivers and their passengers.
- 3) Bars & Restaurants - Let's be frank: Do your residents want a large number of sale-by-glass wine bars and mini-plate restaurants up and down the peninsula? I think not.
- 4) Number of Wineries - How many wineries can Old Mission Peninsula accommodate? We have almost a dozen today. With current regulations you could potentially add 100 more. If this is far-fetched, consider Paso Robles California, a small rural community with about 50 county wineries 10 years ago, is now a city with 30,000 residents and over 300 wineries. Do we want this to happen to OMP?
- 5) Couple Master Plan with Zoning Ordinance - Our Master Plan speaks of the rural character and ambiance of our peninsula - the shoreline and ridgeline view sheds and other vistas we enjoy—both from land and from water. If we allow expansion of winery chateaus, B&B activities, will we retain these qualities that residents value most?

Listen carefully to your residents and consider a balance of development and conservation, as articulated in the Master Plan. Prepare an ordinance that is enforceable without the need to hire additional staff to monitor and approve statistics and requests for events.

In other words, be realistic and create a zoning ordinance that listens to the desires of your residents and an ordinance that can be readily enforced.

David Taft



Recommendations on Rewriting Winery Chateau Regulations

5/2/2016

Background – Winery Chateau ordinance, originally written to promote agricultural product sales for emerging vineyards/wineries, has been in effect for two decades. It is clear from amendments that there are conflicts within the zoning ordinance, and the process of enforcement has been administratively difficult. This outline proposes a way to re-think the winery chateau zoning ordinance, recognizing its strengths and modifying its weaknesses. **An evolution from promoting winery product sales to providing wine-by-glass sales and small plate refreshments and entertainment –evolution from promoting agricultural products to services—needs correction.** The main intent of these regulations is to maintain a prosperous agricultural peninsula, not to create a service industry of almost a dozen or more wine bars and mini-plate restaurants with regular wine-food pairing dinners. Emphasis must be placed on wine product (could be alcohol product) sales and not on wine (or alcohol) bar-restaurant service sales that degrade the rural character of the Peninsula.

Outline of a new winery chateau zoning ordinance:

1. **SUP** – Maintain the Special Use Permit process of existing regulation—but tighten and be specific:
 - a. Develop a 1 page specification sheet of approval limits for enforcement for each SUP:
 - i. Total and Production Acreage - Size meeting requirement + building plan/design.
 1. Impact on neighborhood – Traffic, visual impact.
 - ii. Building elevation (land re-contouring must be approved as part of SUP).
 - iii. Building size, tasting room size – Max. permitted guests in facility and tasting room.
 1. Define maximum number of guests permitted on site and in each room.
 - iv. Setbacks, parking spaces, signage, max. # of employees - except for special events.
 - b. Unapproved Modification of SUP that violates specifications results in closure of facility by Township Board. Needs to be very specific to be easier to enforce.
 - i. Specification sheet-Appendix page to SUP – outlines permitted specs for SUP.
 - ii. Specification sheet used for enforcement, accountability purposes – 1 page list.
2. **Winery Chateau Purpose** – Promote the agricultural character of Peninsula through tasting rooms and occasional events (food permitted) to facilitate local product (wine, alcohol, beer product) sales:
 - a. Winery labeled products sold at the winery must be either grown or processed on Peninsula.
 - b. Winery labeled products in total must be 85% sourced on Peninsula. Hardship clause exists.
3. **SUP Review** – Establish a review process (Zoning Board) for compliance. Update/Review every SUP every 5 years:
 - a. Size or tasting room modification requires a new SUP approved by Township Board.
 - b. Zoning ordinance defines those changes requiring a new SUP.
4. **No Sale of Wine-by-glass** (or liquor or beer) – One time (per customer) sale for tasting purpose only permitted. If a service establishment serving food and wine is desired, then locate in a commercially zoned part of township to provide these services—as existing service restaurants are required to do:
 - a. Sale of wine products in tasting room - limited by quantity of product offered to customer:
 - i. Defined for each possible category: wine—1-2 oz., beer – 3 oz., liquor – ¼ oz.
 - ii. Wine related products – glasses, corks, openers, shirts– permitted. Define in SUP.
 - b. Small Side plates offered – gratis or for sale – Permitted specific to wine tasting process.
 - c. No bottle sales for on-site consumption
5. **Maximum 6 Special Events** – Permitted per year (Similar to Amendment 141):
 - a. Wine/food seminars, 501c3 events, agricultural related groups.
 - b. Define what is not permitted: wedding events, company events, private party events.
 - c. Community wide events - 1 per year – Blossom Day – Public open to residents, not private.
 - d. Register schedule of event(s) 30 days in advance with Township – Develop a simple form.
 - e. Define permitted food—food pairings, limited buffet, etc. – to promote product sales.
6. **Chateau** – Maintain or modify downward current regulations on # of rooms, residences on-site.
7. **Operating Times** – Establish a starting time- noon- not in current regulation. 9:30 closing.
8. **Temporary Structures** – Not permitted except for 1 community event per year.
9. **Noise/Light** – All entertainment within tasting room. No permitted outside entertainment. The emphasis is on local ag. product sales—Not service wine-by-glass, side plates, entertainment.
 - a. Current noise regulation difficult to enforce. Limit to inside/tasting room – no amplification.
 - b. Lights – Exterior porch lights shaded. Lighting to meet current lighting regulations.
10. **Violation** – Clearly detailed that deviation from SUP specification is a violation, subjecting winery/chateau to closure. Emphasis is on adherence to SUP specification sheet.

Zoning Regulations – Winery Chateau – Peninsula Township

What is the Township trying to accomplish with the zoning regulations on Winery-Chateau for our residents and for the winery-chateau owners?

We are attempting to define the degrees of freedom for the owners and the concerns of the residents of winery-chateaus in our presence. We have a mission from the existing zoning regulations on winery-chateau to educate residents and visitors about wines and fruit juices – from the growing of the fruit on the Peninsula, to the processing and conversion to juices or wines and the tasting and sale of these items at winery chateau locations on the peninsula. We gain benefits for the owners-processors-retailers and the residents gain from businesses operating successfully ---all contributing to the tax base of the peninsula. The zoning regulations should reflect a balance between the business interests of the winery chateau owners and the residential interests of the home, land and farm property holders. This can be expanded in the present ordinance by the potential of other produce to alcohol enterprises that could benefit farmer growers on the peninsula - for example, distillation of fermented alcohol spirits – vodka and beer from local vegetable and fruit produce.

Here are concerns that need to be addressed in any 'rewrite' of present zoning regulations on Winery-Chateau:

- 1) **SUP must include changing ground elevations before building, thereby affecting the Height of Building.** The Bonobo Winery indicated in verbal presentations on the SUP that the ground level was below the level of Center Road, yet pre-construction land contouring increased the land level to above the level of Center Road---thereby raising the height of the winery building by approximately 10 feet. Any SUP on a winery chateau must discuss contouring to change elevation that affects ultimately the Height of Building. The Villa Mari building site was re-contoured to allow a building that far exceeded (by the basement cave height) the Height of Building regulation from the original land grade. Neighboring residents must be made aware of contour changes that affect the ridgelines, shorelines and overall vistas. Today, there is nothing in the zoning regulations that prevent land contouring to elevate the building level. The Height of Building restriction is meaningless unless in the SUP, the proposed ground level of the building is defined to the natural grade level of the land.
- 2) **Change of Size & Design after SUP Approval requires SUP re-approval.** An SUP approved building can be expanded—dramatically changing the footprint and impact of building on the neighborhood. This happened with the Bonobo Winery building which was expanded both in porch and building size—by almost 20% - after SUP approval. After building the expansion, the township was then informed. If the building size of the originally approved SUP is increased during the construction process or thereafter, the developer should go through again the SUP approval process with the Township.

- 3) **Winery/chateaus are in place to help market and sell the wineries' wine products. Instead they are becoming tasting rooms with side plates —light restaurants and mini-bars** - They are advertising and sponsoring social events with seated dinners—featuring wine pairings with celebrity chefs. This was not the intent of large gatherings that are specified primarily for wine education purposes in the existing zoning regulations. Wineries now have become entertainment centers with light side plates, some advertising celebrity chefs, and seated, scheduled social events, commercial events, under the guise of wine education. This is unfair to local restaurants that conduct their restaurant businesses daily and now must compete against local wineries.
- 4) **The obligation to follow zoning ordinance is placed on Township officials, instead of being clear to wineries that violations will be obvious** – Currently the noise ordinance requires no noise at the border. Township officials would have to be present at the boundary of the winery property to enforce at the time of noise or light complaint. Instead, there should be no amplification, no amplified music or presentations on outside porches. All music should be contained within the SUP approved building—if by amplification or presentation—small group or choral. Then, easy to enforce. Likewise, lighting must be shaded if exterior and not exceed certain wattage levels at the source. No tents allowed. The existing wineries justified with SUPs adequate sized rooms for educational events. Another area of vagueness is how to determine accurately tonnage to meet the 1.25 tons of grapes for each person allowed to participate in Guest Activity Uses. This may conflict with the square footage requirement – 15 sq. ft. per individual participating in Guest Activity Uses. The enforcement of this means winery paperwork and added township staff to monitor. There must be a better way to monitor and enforce.
- 5) **No Active selling of wine products by the glass except for tasting purposes** – Several wineries are becoming wine bars with entertainment, not the intent of the original zoning ordinance. Moreover, wine must be locally produced—but does not have to be made from locally produced grapes – although wineries must grow produce on the winery-chateau properties. We are creating competitive wine stores if they routinely sell wine produced outside of the region. I think the new regulations should limit winery-chateaus to tasting room and special education related activities. Sale by glass and light plate, appetizer activities should be eliminated. Otherwise we are creating wine bars and restaurants at winery – chateau locations.

With these concerns in mind, here are specific suggestions to tighten and/or revise the existing zoning regulations so that they follow the original intent of the ordinance. Today, these regulations with vague and overlapping definitions are being stretched so that a many of these winery-chateau locations are essentially sale by glass wine bars with food offerings – mini-plates, appetizers, buffet tables – that potentially hurt the highly regulated restaurants that exist on the peninsula and increase traffic and safety concerns for Peninsula residents. Also, the original intent to provide winery-chateaus the ability to

hold educational events has morphed into celebrity chef, scheduled wine pairing social events. All of this may impact negatively the rural and agricultural character of the Peninsula for the residents that live here.

Reference in following to page and item—by number and title:

Article III, Page 4 Building, Height of- Current zoning requirements limit to a specific height, but this is meaningless if the ground level is re-contoured as was done with Bonobo and Villa Mari. The Height of Building, at least for SUPs, should be the zoning requirement height from the original natural grade elevation, unless the SUP proposal specifies a different land elevation, which then must go through the approval process.

Tasting Room – Page 16 – “c) sales of wine by the glass for on-premises consumption.” This clause --allowed by either Amendment 139A or revised by Amendment 181 -- encourages the sale of wine by glass. When then does a winery/chateau tasting room instead become a wine bar? This sale by glass encourages side plates, appetizers, etc. thereby creating both wine bars and mini-restaurants. If this is the intent of the zoning ordinance, it is working. I doubt that peninsula residents want a dozen or more wine bar operations on the Peninsula in addition to existing restaurants serving wine and liquor. The zoning regulations should consider removal of this clause as this essentially creates wine bar traffic and food establishments—a safety hazard on our roads as most visitors are coming to these establishment from locations off of the Peninsula.

Article III Winery Chateau – Page 17 – “a) a limited number of guest rooms with meals are offered to the public.” Essentially with this clause, winery-chateaus become a limited hotel/motel with up to 12 room guests. Again, is this something gerrymandered in the regulations originally to assist one to two wineries, for it now becomes a standard whereby guest rooms will be potentially available for any winery chateau. Is this what township residents desire? It will be difficult to maintain a rural character if we have over a dozen mini-hotels competing with existing B&Bs and hotels on the peninsula.

Limitation on Sources of Produce – Article VI, 2 – Page 42. Maintaining the 85% rule is appropriate as the processors have an out (2, II) if crop conditions result in a shortage. In other words to go lower than 85% means that the winery can gain relief to this requirement by going to the Township Board. (The language under Article VIII, 1. a) – Page 130 seems to be in conflict to this Limitation. Language should be clarified on Page 130 in rewritten zoning regulation.

Article VI Section 6.7.3 – Uses Permitted by Special Use Permit – Page 47. The SUP process is good, but it must be enforced. That is, no modifications that alter the SUP after approval are allowed; otherwise, the SUP can be revoked. The township needs to put ‘teeth’ in this provision rather than the approval of substantial size and function modifications after approval that occurred with Bonobo Winery.

Article VII (9) Winery-Chateau – Parking – Page 69. In the SUP final approval all facts must be specifically stated: Size of tasting room, acreage of production, actual retail floor

space size, number of employees in maximum working shift, etc. Otherwise in this case, no one knows the approved 'retail space' that dictates the number of required parking spaces. Same is true for the maximum number of allowed guests using the Guest Activity Uses. Article VIII, 4. (a) i)

(13) Article VIII, Section 8.7.3-2nd paragraph – Page 121 – The Township must be willing to enforce violations of SUP by revocation of SUP as stipulated.

Article VIII, (10) Winery-Chateau (a), (d) through (t) specify guestrooms sizes and the number of single family residences (6) and guest rooms (12). The Accessory uses and Guest activity uses may include the owners or occupants of guest rooms. In addition Guest Activity Uses also include day visitors, visitors to the winery and tasting room. These criteria should be articulated by the application for a SUP and each of paragraphs measured against proposal in written form in the SUP for future review if a potential violation develops. Unless enumerated in detail in SUP, subsequent review by Township officials will be difficult.

Article VIII Guest Activity Issues – Intent (a) –Page 130 Seems to disagree Page 43
2. I. Rewrite to clarify.

Intent (b) – Page 130 is clear and specific and not followed as prime purpose by several wineries: Chantel, Bonobo that appear instead to be wine bars, light food restaurants.

Intent (d) – Page 130 is very confusing. The clause “which are limited to the tasting room and for which no fee or donation of any kind is received.” This is in conflict with reality of most wine tasting rooms. They sell wine by glass and sell wine tasting by tasting activity. In addition, they serve light food plates for sale and often this is done with amplified music – either live or recorded – inside or outside on porches. This paragraph does not reflect what is happening. Must be re-written.

(e) Accessory uses (from page 129 (m) not well defined, yet paragraph (e) of Amendment 141 1. Intent (e)-Page 130 - specifies that Guest Activity Uses is in addition to accessory uses for registered guests that are otherwise allowed. Very confusing, not clear. Overlapping and vague.

(g) Fees- Page 130 may be charged for these Guest Activity Uses seems in conflict with (d) – “ and for which no fee or donation of any kind is received.”

2 Uses Allowed – Page 130 – Wine & Food seminars and cooking classes scheduled 30 days in advance with notice to the Zoning Administrator may be approved with a SUP (See 2. Uses Allowed on Page 130). With many wineries, the Zoning Administrator may be inundated with requests for special events like food seminars and cooking classes requiring approval. This results in a rule asking to be broken because it is difficult to enforce. I think we are observing this today in winery practices on the Peninsula.

2 (b)-Pages 130-131 – The 501c3 Meeting Clause defines full course meals not allowed, but vaguely says light lunch or buffet may be served. Very poor definition! Does this apply only to 501c3 meeting as this paragraph would indicate?

(c)- Page 131 – Like 2 (a), this places an unrealistic burden on the Zoning Administrator—who must approve the nature of all Agricultural Related Groups specified in ii (a) through (h). These meetings include full course meals to demonstrate connections between wine and other foods—“wine pairings”. I contend that this clause essentially opens all wineries to the opportunity of wine pairing dinners—full course meals—if the slightest trace to agriculture can be defined—(a) food/wine educational demonstrations and (b) cooking show showcasing Peninsula produce and wine. Essentially any dinner is allowable so long as there is the intent to sell local wine and mention beforehand how this might be paired, or a free glass of winery wine is served and discussed. With many existing wineries, how can one person administer this process? This must be rewritten as to the intent that these events would be just a few in a season whereas today they have become the main theme of several wineries.

(e) – Page 131 – This is a ‘Catch-All’ that sanctions a limited restaurant and bar activity by any winery. “No food service other than is allowed above or as allowed for wine tasting may be provided by the Winery-Chateau.”

3. Article VIII – Page 131 - Relation to Agricultural Production in Peninsula

Township. The limitation of 1.25 tons of grapes for each person allowed to participate in Guest Activity Uses up to max number approved by Township Board in a SUP. This is unenforceable in my opinion by the Zoning Administrator as a careful accounting of tonnage will have to be reported annually from which max persons allowed would be determined. I think in the SUP, the defined max number in tasting room and in special events should be defined. Is this different than the fire code requirement? How will it be enforced?

4) The number of persons to participate in Guest Activity Uses. Page 132 - This determination is based on not exceeding one attendee for each 15 sq ft of the room or rooms provided for Guest Activity Uses. Here, each SUP must define the rooms so that the Zoning Administrator can easily make the determination. Existing wineries with SUPs should specify today so that the amount of sq. feet defined to these activities is clearly known so that the maximum number of individuals is easily calculated. This listing should then be amended to the existing SUPs so that everyone is clear on max numbers allowed at a winery and at a winery event –Guest Activity Uses.

5) Requirements of Guest Activity Uses. Page 132 – This says if someone provides a tour, materials or comments on Peninsula food or beverage, then the event is permissible. This essentially allows every winery on the Peninsula to become a sale by glass bar serving buffet or mini-plate/appetizer activity for sale (in conflict with 2 (b) on Pages 131-132.) At least there is a time limitation: nothing after 9:30 PM. Should there be a minimum time for opening—like 12:00 noon. There is the possibility distilleries that use Peninsula produce that offer Bloody Mary/Screwdriver parties early in the morning to

“ag” groups. Maybe a time period—12:00 noon to 9:30 PM should be specified. Fortunately, 5 (c)-Page 132 limits alcoholic beverages to those produced at the site. A complete rewrite with clarity, specificity and without the vague references now existing on Pages 129-133 should be done—in outline form without overlapping requirements – tonnage, sq. feet, etc. And the numerical requirements should be visibly present on one page in the SUP for enforcement years later, if required.

(e) Temporary structures are not allowed—This means tents, etc. 8 (c) says the Township Board will consider a temporary structure but only for a community-wide event—such as the Blessing of the Blossoms -- in other words, a once-a-year community-wide event. If the SUP is properly prepared and presented, larger events must be accommodated in the existing SUP proposed structures. The anticipation of temporary structures would essentially endorse larger private events---which is not the intended purpose of the wineries: To offer tasting and private ag related events within the structure approved by the SUP. Moreover, the ag related event is so easy today to encompass a private party which is offered a free tasting to qualify it as an event promoting local product. This then opens any kind of private party to be permissible as an ag promotion event allowed by the Guest Activity Uses. The language and specificity of these pages must be tightened into an outline that qualifies the tight language with specific numbers on square footage and max number of people that should be a part of the original SUP. If the numbers change dramatically the SUP should be changed with re-approval of the SUP by the Township Board.

(f)(g) – Page 133 – This noise clause is unrealistic and unenforceable. Instead tie noise regulations to the site of the noise: No amplified noise outside the tasting room or specified Guest Activity Uses area. No amplified or live music or choral/instrument presentations on the outside—porch, etc. The SUP process creates large approved building(s) for tasting and public use. Confine music/amplification to within building and tasting room.

(j) Lighting should be defined and specified in SUP and conform to existing lighting ordinance. Lighting on porch should be shaded and conforming to township code---as for any building structure.

(k) Seasonal weighting of frequency and maximum number of events is unmanageable. Either specify a max number in SUP to control or specify today permissible number of events. Otherwise, these wineries will become bars and quasi restaurants catering to social events that promote local produced wine (then permissible). I do not think the intent was to create a dozen wine bars with mini-restaurant and buffet or banquet capability on special request. The whole thing is then unmanageable by the Zoning Administrator. The issue for many residents is wine bars remotely located away from Traverse City and other non-Peninsula locations increasing highway safety risk by those drivers who come from outside the township to enjoy these wine bars.

7. Documentation – Page 133 – It should be up to the winery-chateau to update these records annually, but who polices this process? Who assures the 1.25 tons to allow a person to participate in Guest Activity Uses? Who determines that wine is processed on site? That is a lot of surveillance. If not watched and followed it will be abused. I think simpler to specify numbers in the original SUP approval process. Maybe each SUP is reviewed by Zoning Board every three years and max numbers and records updated at that time. There has to be an accountability process. It should be tied to the original SUP. If this requires updating existing SUPs, then this should be done to tighten the numbers and have better definitions. Otherwise there will be wine bars and restaurants and special events—under the guise of agriculture events---but truly social events at these wineries. This is not fair to the existing restaurants on the Peninsula nor do I think this is the intent of the residents to allow this bar-restaurant activity to occur at approved winery-chateau locations.

8) (c) - Page 134 – Temporary Structures—Already discussed. The Township can act by exception to allow one for a community-wide event. Why write this in as a permissible possibility. Let it be the exception asked for at a Township Board Meeting.

8 (d) – Page 134 – Violation – To close Guest Activity Uses use by the Township Board requires a careful definition of what the SUP is permitted to do. If done carefully and numbers enumerated in SUP, the Township has a solid basis for violation. Now, there are too many ways to get around violations as overlapping requirements are vague.

Also, Township should consider a SUP review every three to five years to update these number requirements and review the activity of each winery-chateau SUP. The world is ever-changing and the township should exercise the right for review and modify.

(12) Remote Winery Tasting Rooms (h) – If this is the ‘Tasting Process’ then sale of the tasting wine sample is permissible---but not sale by the glass. If the latter, then we have wine bars with the potential of light plated foods---as has happened at many winery locations. Consider elimination of sale of wine-by-glass at these locations. Residents did not approve winery-chateaus with the potential for these to become wine bars---which is now happening.

Michelle Reardon

From: Sandy Floraday <sjfandjcf@hotmail.com>
Sent: Sunday, May 01, 2016 5:58 PM
To: planner@peninsulatownship.com
Subject: Resident concerns

RECEIVED
MAY 02 2016
BY: *MR*

Good Morning Michelle,

As a resident of this peninsula, I have to voice my concerns about the issues regarding changes to the ordinances that are in place. It seems every time I turn around, someone wants the township to issue a special permit or ask for a rewrite of the ordinances. These individuals as well as business owners need to do their due diligence when it comes to the township and it's ordinances. It is time the township takes a stand. If they cannot work within the townships ordinances then they should look elsewhere. The words "rewrite and special" should be a red flag to the township. It is time for the township to stand it's ground. So much time and effort is being wasted on this. The ordinances were passed for a reason, and should be enforced, not rewritten because someone did not do their homework. You cannot stop the increasing growth that is happening on the peninsula, but you have the authority to control it, no special permits and no rewrites. Do we really want individuals or businesses who can't follow the rules to be a part of this peninsula? Let them go elsewhere. I want to thank you for taking the time to read this, and if you would please pass this on to the board that would be greatly appreciated.

Sincerely,
Sandy Floraday

Sent from my iPad=

Michelle Reardon

From: David D Taft <ddtaft@mac.com>
Sent: Sunday, May 01, 2016 1:45 PM
To: planner@peninsulatownship.com
Cc: Monnie Peters; jhkinne@charter.net; Brit Eaton
Subject: "The House of Burgesses"--a structure that insults our rural character
Attachments: IMG_1495.JPG; Untitled attachment 00013.txt

RECEIVED
MAY 02 2016
BY: *DK*

This is essentially what can happen by not using the natural grade as starting level for 35' elevation zoning ordinance. Last fall no one figured out what was happening at site. They excavated site in back and placed excess soil on front (away from water) essentially raising front elevation to begin their 35' front elevation from the new ground level raised above the natural grade. Thus in back you have a four story house -- 45' approximately of elevation. The balconies in three areas are yet to be added. In addition they secured a Corps of Engineer permit to build a patio- which discourages any public access below the high water mark as one will have to climb boulders to do that.

An amazing structure which should be viewed from Neah Road to see its impact on the rural ambiance of the Bowers Harbor area.

Our current zoning ordinance allows this. This is precisely why we should attach the 35' elevation restriction to the natural grade of the land at the site.

What happened here is essentially what happened at Bonobo.

Do we want these structures in our ridge line and shoreline view sheds?

David Taft



Michelle Reardon

RECEIVED
MAY 02 2016
BY: *MR*

From: Mary Swift <mswift@chartermi.net>
Sent: Sunday, May 01, 2016 2:10 PM
To: 'David D Taft'; planner@peninsulatownship.com
Cc: 'Monnie Peters'; jhkinne@charter.net; 'Brit Eaton'
Subject: RE: "The House of Burgesses"--a structure that insults our rural character

I will add that during the winter months, they had cranes and stadium lighting and continued working well into the night (9-10pm), lights shining in our bedroom windows and construction noise. I doubt the ordinance covers that type of issue. And I don't particularly like that neighbors have to rat each other out to stop these behaviors. Most people want to go along to get along so they never speak up and abuses continue unchecked (especially because our enforcement is nil). After being on the receiving end of a vengeful neighbor, I completely understand why people don't report abuse. We need a "safe" way to report issues and better enforcement ability and follow through.

-----Original Message-----

From: David D Taft [<mailto:ddtaft@mac.com>]
Sent: Sunday, May 01, 2016 1:45 PM
To: planner@peninsulatownship.com
Cc: Monnie Peters; jhkinne@charter.net; Brit Eaton
Subject: "The House of Burgesses"--a structure that insults our rural character

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David Taft

Peninsula Township Board & Peninsula Township Planning Commission

Re: May 2, 2016 Joint Meeting

RECEIVED
MAY 03 2016
BY: *[Signature]*

We would like to offer our comments on proposed amendments to the current zoning ordinance specifically regarding uses related to wineries.

We understand that proposed amendments are necessary to clarify certain provisions of the ordinance. However, we object to any amendment which would have the intended or unintended consequence of unduly expanding the commercial nature of local winery operations. In that regard we specifically oppose:

1. Any amendment which would permit, the use of a Food Processing Facility by right, and permit social events (eg. Weddings) limited solely by a maximum number of guests and ill defined, requirement of promotional activity.
2. Deletion of the requirement that events at Winery Chateaus such as weddings be limited to registered guests. We suggest also defining specifically what constitutes a "registered guest" for the zoning provision as guests registering for at least one overnight stay. We also encourage social use for hire by non-registered guests be subject to current restrictions.
3. Any expansion of or the deletion of current restriction on items permitted to be offered for sale at a Food Processing Facility beyond defined agricultural and promotional items. This can only result in further commercialization in derogation of the intent of the Master Plan and the express wishes of the Peninsula residents.
4. The use of a Food Processing Facility by right, to include for hire use as a venue for weddings or social events with less limitation than a Winery Chateau. The proposed amendment would significantly change the Food Processing Facility by allowing commercial use as a venue for social events on parcels significantly smaller than Winery Chateau use. The acreage requirement for Chateau use is a significant and important limitation on venues which may be used for social events and Food Processing uses are not the equivalent of the carefully restricted Chateau provisions.
5. Expand the allowable area for a tasting room and outside tasting area in the Food Processing Facility use.
6. Removal of the requirement of Old Mission Appellations to constitute required percentage of local product.
7. Removal of the restriction on permitted items sold to items bearing a winery logo specifically related to product use and consumption, and the prohibition of clothing such as shirts and caps.

8. Diminishment or excising of the prohibition on entertainment, wedding receptions and family reunions within the Food Processing Facility use.
9. Addition of ambiguous 'accessory uses' in any permitted use or special use.

We would further encourage fully utilizing this opportunity to clarify that:

1. A Winery Chateau must have established Development Rights.
2. A winery operation which is found to have violated conditions of a Special Use Permit or other regulation, and consequently required to cease operation may only re-open after any necessary re-inspection and remedy(ies) or assurances required to cure the cited violation.
3. Clarify that any permitted non-agricultural uses of properties does not vest in subsequent owners of winery operations.
4. Social use for hire (eg. weddings which might be allowed in the Winery Chateau use) is expressly prohibited under the Food Processing Plant use.

Thomas R. McMahon, JD
Susan Besterfield McMahon, JD
4114 Trevor Road
Traverse City, MI 49686