

PENINSULA TOWNSHIP

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TRUSTEE

Special Joint Meeting with the Township Board & the Planning Commission

June 23, 2016

10:00 AM

13235 Center Rd.

Traverse City, MI 49686

Agenda

1. Call to Order
2. Pledge
3. Roll Call
4. Approve Agenda
5. Brief Citizen Comments – for items not on the Agenda
6. Conflict of Interest
7. Consent Agenda

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Meeting Minutes- Special Joint TB/PC
 - a) June 13, 2016

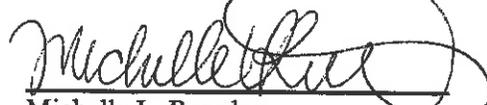
8. Business

1. Agriculture Round Table Discussion

1. Citizen Comments
2. Board Comments
3. Adjournment



Monica A. Hoffman CMMC/CMC
Peninsula Township Clerk



Michelle L. Reardon
Director of Planning & Zoning
Posted June 21, 2016

(19) **Farm Processing Facility (ADDED BY AMENDMENT 139B)**

(a) **Statement of Intent:** It is the intent of this subsection to promote a thriving local agricultural production industry and preservation of rural character by allowing construction and use of a Farm Processing Facility. The Farm Processing Facility use includes retail and wholesale sales of fresh and processed agricultural produce but is not intended to allow a bar or restaurant on agricultural properties and the Township shall not approve such a license. The majority of the produce sold fresh or processed has to be grown on the specific farm operation (land owned or leased for the specific farm operation) of the party owning and operating the Specific Farm Processing Facility. Eighty-five (85) percent of the produce sold fresh or processed has to be grown on Old Mission Peninsula. Activities such as weddings, receptions and other social functions for hire are not allowed, however, participation in approved township wide events is allowed. It is not the intent to grant any vested interest in non-agricultural uses of any structure built for a Farm Processing Facility. This amendment is not intended to supersede any Conservation Easement. **(REVISED BY AMENDMENT 181)**

(b) **Farm Processing Facility** is permitted in the Agricultural A-1 Zone subject to the following: **(REVISED BY AMENDMENT 181)**

1. **Retail and Wholesale Sales - Retail and Wholesale Sales (including tasting)** of fresh or processed agricultural produce is allowed subject to the requirements of subsection (b) 2 and further provided:
 - i. The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance;
 - ii. Grape wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to "Old Mission Peninsula" appellation wine meaning 85% of the juice will be from fruit grown on Old Mission Peninsula;
 - iii. Fruit wine, other than grape wine, that is processed, tasted and sold in a Farm Processing Facility under this section is limited to wine bearing a label identifying that 85% of the juice is from fruit grown on Old Mission Peninsula;
 - iv. Sales of wine by the glass in a tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture permits regarding the sales of limited food items for on-premises consumption; and
 - v. Logo merchandise may be sold provided:
 1. The logo merchandise is directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail;
 2. The logo is prominently displayed and permanently affixed to the merchandise;

3. Specifically allowed are: a) gift boxes/packaging containing the approved products for the specific farm operation; b) Wine Glasses; c) Corkscrews; d) Cherry Pitter; and e) Apple Peeler; and
4. Specifically not allowed are unrelated ancillary merchandise such as: a) Clothing; b) Coffee Cups; c) Bumper Stickers.

2. Limitations on Sources of Produce

- I. Not less than 85 percent of all of the agricultural produce sold fresh or processed shall be grown on Old Mission Peninsula and a majority shall be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Farm Processing Facility.
 - II. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may approve a larger proportion of produce grown off the land owned or leased for the specific farm operation by the same party owning and operating the Specific Farm Processing Facility for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five years.
 - III. Wine shall be produced and bottled in the winery and the label shall include "produced and bottled by" immediately preceding the place where bottled or packed in accordance with the Bureau of Alcohol, Tobacco and Firearms law, article 27CFR, paragraph 4.35 (a) (1) definition for "Produced and Bottled By", meaning 75% of such products will be fermented and clarified on the site (this requirement is intended to comply with federal regulations and does not supersede the requirements of 85% grown on Old Mission Peninsula). Sparkling wine or sparkling juices may be "finished" and bottled off site and so labeled.
 - IV. Any fruit beverage shall meet the same requirements as the wine in iii. above except for the labeling requirements.
 - V. Dried fruit, a minimum of 85% by weight which is grown on Old Mission Peninsula and a minimum of 50% by weight which is grown on the farm, may be dried off premises and sold in the Farm Processing Facility retail room, provided, no more than the amount of fruit sent out for this processing is returned for retail sale.
3. Participation in "Township Wide Events" such as "Blossom Days" as specifically approved by the Township Board shall be allowed.

4. Parcel requirements:
- I. A total of forty (40) acres of land are required to be devoted to the operation of a farm processing facility.
 - II. The forty (40) acres shall be located within Peninsula Township and shall be owned or leased for the specific farm operation by the same party owning the specific Farm Processing Facility.
 - III. The parcel containing the specific Farm Processing Facility shall have a minimum area of 20 acres and a minimum parcel width of 330 feet.
 - IV. The 20 acre minimum parcel (which may include public road rights-of-way) and the winery shall be owned by the same party. None of the 20 acres shall be alienable.
 - V. The 20 acre parcel may be one parcel or two contiguous parcels and the contiguous parcels may be separated by a road.
 - VI. There shall be no more than one house on the 20 acre parcel containing the Farm Processing Facility and no more than one house on the remaining required 20 acres.
 - VII. Up to twenty (20) of the forty (40) acres does not have to be contiguous and may be either owned by, or leased with exclusive control and use transferred to the operator of the Farm Processing Facility.
 - VIII. None of the minimum 40 acres shall be used to satisfy acreage density or open space requirement of any other food processing or other use in the Township while the farm processing facility use is in effect.
 - IX. The number of allowed dwellings which may be built on the total 40 acres dedicated to the Farm Processing Facility use, shall be to two. However, the right to build the remaining dwelling units may be extinguished by sale or donation, provided a permanent conservation easement to that effect is recorded with the County Register of Deeds. In addition the remaining dwelling units may be clustered on contiguous land, under the same ownership as the land from which the units are removed, providing that a permanent conservation easement is placed on the land from which the units are removed, in accordance with Section 8.3.6(3). The clustered dwelling units may not be placed on any part of the acreage which makes up the minimum 40 acres dedicated for the Farm Processing Facility use.
 - X. If property is leased, the lease shall be for a minimum of one year, and the lease shall be recorded with the Grand Traverse County

Register of Deeds.

- XI. There shall be a minimum of 5 acres of crops grown on the same parcel as the Farm Processing Facility.
5. **Setbacks:** The minimum setbacks for the Farm Processing Facility including retail areas and customer parking shall be:
 - I. Side and rear yard 100 feet;
 - II. Front yard 50 feet;
 - III. Minimum of 200 feet from any pre-existing residence on adjoining property.
6. **Farm Processing Facility Size:** The total floor area above finished grade (one or two stories) of the Farm Processing Facility including retail space room shall be no larger 6,000 square feet or .5% of the parcel size whichever is less. The retail space shall be a separate room and may be the greater of 500 square feet in area or 25% of the floor area above finished grade. The facility may consist of more than one building, however all buildings shall be located on the 20 acre minimum parcel that contains the Farm Processing Facility. Underground buildings are not limited to, and may be in addition to, the 6,000 square feet of floor area provided that it is below pre-existing ground level and has no more than one loading dock exposed.
7. **Pre-existing buildings** (built prior to this amendment) may be used for a Farm Processing Facility provided that if it is more than 6,000 square feet in size, the retail space room shall not be larger than 1,500 square feet. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners.
8. **Vested Interest:** There shall be no vested interest in non-agricultural uses of the structures. Structures shall only be used for allowed uses in the A-1Agriculture District in the event that the Farm Processing Facility use is abandoned.
9. **Parking:** A minimum of one parking space for each 150 square feet of floor area in the retail/tasting area. Parking shall comply with Section 7.6 of the Zoning Ordinance.
10. **Lighting:** All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**
11. **Signs:** A Farm Processing Facility sign meeting the standards of Section 7.11 is allowed with a Food Processing Facility. **(REVISED BY AMENDMENT 174)**

12. Access: A driveway permit from the County Road Commission or M.D.O.T. shall be required before a land use permit can be issued.
13. Data and Records:
 - I. The owner of the specific Farm Processing Facility shall annually provide data and records to the Zoning Administrator showing that a majority of the products processed are grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Farm Processing Facility. The data and records shall also document compliance with off-site processing requirements of this section.
 - II. An up to date record of land ownership or lease to comply with acreage requirements shall be provided to the Zoning Administrator.
 - III. The above data shall be supplied to the Township in a format or form approved by the Township Zoning Administrator.
 - IV. Any change in the above shall be submitted promptly in writing to the Zoning Administrator. Failure to submit such changes shall be considered a violation of the Ordinance.
14. Approval Process:
 - I. A site plan drawn to scale (one or more sheets as appropriate) is submitted to the Zoning Administrator along with the appropriate permit fee as established by the Township Board.
 - II. The site plan shall include at least:
 1. the parcel;
 2. existing and proposed structures including setbacks from property lines;
 3. proposed parking and lighting;
 4. floor plan showing processing and retail areas;
 5. parcel numbers and/or legal description of the parcels making up all the minimum parcel requirements; and the name, address and phone number of the owner of the property.
 - III. A permit from Grand Traverse County Health Department is required before preliminary Farm Processing Facility permit can be issued.
 - IV. A preliminary Farm Processing Facility permit shall be issued by the Zoning Administrator upon a showing that the minimum requirements of parcel, building size, acreage requirement, setback and parking are met.
 - V. No processing or sales of products shall take place until a final Farm Processing Facility permit has been issued by the Zoning Administrator. Such final Farm Processing Facility permit shall not be issued until copies of all permits required by State, federal and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an on-site inspection to verify compliance with all the requirements of the

Zoning Ordinance.

15. Any violation of the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for closing the retail operations, including tasting, portions of the use by the Township Board. In the event of any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, then the Township Board shall require the owner to close all retail sales operations on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate.
16. Residence within a Farm Processing Facility. **(ADDED BY AMENDMENT NO 146)**
 - I. A single family dwelling may be allowed as part of a structure containing a Farm Processing Facility provided the following requirements are met:
 - II. The dwelling and Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above.
 - III. The dwelling shall be the only dwelling on the 20 acre parcel containing the farm processing facility.
 - IV. The maximum height of the structure shall be 35 feet or 2 ½ stories whichever is less.

Section 6.7.3 Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in any agricultural district by the application for and issuance of special use permit when all the procedural requirements specified in Article VIII, 8.1 "Uses Authorized by Special Use Permit: General Standards and Requirements" are satisfied together with any applicable requirements as outlined in the particular Articles and Sections cited:

- (1) Planned Unit Developments subject to all requirements of Article VIII, Section 8.3.
- (2) Special open space uses subject to all requirements of Article VIII, Section 8.7.3 (3).
- (3) Recreational Unit Park subject to all requirements of Article VIII, Section 8.4. **(REVISED BY AMENDMENT 114E)**
- (4) Food processing plants subject to all requirements of Article VIII, Section 8.5.
- (5) Institutional Structures subject to all requirements of Article VIII, Section 8.6.

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- (4) Research facilities, provided there is no use of radioactive, toxic, or explosive materials.
- (5) Computer operations.
- (6) Small warehousing structures such as controlled atmosphere apple storage or storage for food products processed in a food processing plant located on the farm, provided that the storage structures shall only be used for agricultural products grown on Old Mission Peninsula. (REVISED BY AMENDMENT 131)
- (7) Light manufacturing operations employing twenty-five (25) or less.
- (B) Enclosed Buildings.** Activities in this District shall be carried on in completely enclosed buildings.
- (C) Noise emanating from a use in this District shall not exceed sixty (60) decibels at any property line.**
- (D) Uses in this District shall conform to the following standards:**
 - (1) Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions.
 - (2) Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
 - (3) Produce no heat or glare humanly perceptible at or beyond the lot boundaries.
 - (4) Produce no physical vibrations humanly perceptible beyond the lot boundaries.
 - (5) Shall be compatible with and in the best interest of farming uses either in general or on specific contiguous lands.
- (E) Supporting Evidence Required.** In all instances in which the Planning Commission or the Town Board considers the ability of a proposed use to meet all the requirements of this Section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his application. If such evidence is not presented, the land use permit shall not be issued.

Section 6.138 Winery, Use by Right (currently Section 8.7.3(10) and Section 6.7.2(19) – currently a “Farm Processing Facility”)

(A) Statement of Intent: The purpose of this section is to provide agricultural land owners within the Township an opportunity to produce, market, wholesale and retail their alcohol related value-added products upon new or existing farm operations. The intent of this section is to increase the usage of agricultural lands within Peninsula Township for the creation of farm products and the promotion of the Township’s agricultural economy by requiring that the majority of the produce sold fresh or processed has to be grown on the specific farm operation

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(land owned or leased for the specific farm operation) of the party owning and operating the Use by Right Winery. This section also intends to afford a Use by Right Winery accessory land uses. This section is not intended to supersede any Conservation Easement.

(B) Site Development Standards: In order to establish a Use by Right Winery and preserve the health, safety, and welfare of the community, the following regulations and development standards must be met:

(1) Owner-Operated. A Use by Right Winery shall be owner-operated.

(2) Minimum Lot Area. A total of forty (40) acres of agriculturally-zoned land (which may include the public road rights-of-way) in Peninsula Township are required to be devoted to the operation of a Use by Right Winery. The required forty (40) acres shall be owned or leased by the same party owning the associated Use by Right Winery and may consist of one (1) or two (2) parcels. The Use by Right Winery host parcel must be at least twenty (20) acres. If there are two (2) parcels supporting the Use by Right Winery, the non-host parcel need not be contiguous to the host parcel, but shall be agriculturally-zoned and located in Peninsula Township. None of the minimum forty (40) acres shall be used to satisfy acreage density or open space requirement of any other use in the Township while the Use by Right Winery use is in effect.

(3) Lot Width. The host parcel containing a Use by Right Winery shall have a minimum lot width of 330 feet of frontage on a public road.

(4) Minimum Arable Land. Not less than seventy-five percent (75%) of the Use by Right Winery site shall be arable land, and not less than sixty-five percent (65%) of the arable land of the site shall be used for the active production of perennial crops that can be used for wine production.

(5) Dwelling Permitted. There shall be not more than one (1) house on the host parcel containing the Use by Right Winery and no more than one (1) house on a non-host parcel associated with the Use by Right Winery.

(6) Lease Requirements. If any land dedicated to the Use by Right Winery is leased, the lease shall grant exclusive control and use to the operator of the Use by Right Winery. The lease shall be for a minimum of one (1) year. The lease shall be recorded with the Grand Traverse County Register of Deeds and a copy submitted to the Planning & Zoning Department.

(7) Setbacks. Structures and parking areas supporting the Use by Right Winery shall maintain the following minimum setbacks:

(a) Front Yard Setback: Fifty (50) feet.

(b) Side and Rear Yard Setback: One hundred (100) feet.

(c) Minimum of two hundred (200) feet from a preexisting residential structure on neighboring property.

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Article 6: Standards Applicable to Specific Uses

(8) Building Areas. The total floor area above finished grade (including all stories) of the Use by Right Winery shall be limited to a maximum of twelve thousand (12,000) square feet, which may be comprised of a single building or multiple buildings. Underground buildings are not limited to, and may be in addition to, the total square footage limitations of the Use by Right Winery provided that said buildings are below pre-existing ground level and has no more than one (1) loading dock exposed. If the Use by Right Winery is established within a preexisting structure that is greater than the twelve thousand (12,000) square feet, then the operation may utilize up to twelve thousand (12,000) square feet of said structure for the Use by Right Winery if the following regulations can be met:

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(a) The applicant can demonstrate that the proposed structure is in compliance with the standards of the Grand Traverse Construction Code Office, Health Department, Road Commission and any other applicable permitting agencies; and

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(b) The structure's location is in compliance with the underlying district's zoning setbacks.

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(9) Parking and Access. Parking and access drives shall be a paved and striped with the appropriate size and bulk requirements of Article 9.

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Field Code Changed

(10) Lighting. Onsite lighting shall be in compliance with Section 8.107 of this Ordinance.

(11) Signs. Signage shall be in compliance with Article 11.

(12) Source of Produce:

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(a) Not less than eight-five percent (85%) of the grapes utilized to make the wine produced, tasted, and sold at a Use by Right Winery shall have originated from Peninsula Township. A majority of the produce processed and sold shall be grown on the land owned or leased for the associated farm operation by the same party owning and operating the specific Use by Right Winery.

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(b) Any fruit beverage shall meet the same source requirements as grape wine included in this section.

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(c) Alcoholic beverages shall be produced and bottled at the Use by Right Winery and in compliance with all applicable Federal and State laws.

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(d) Sparkling wine or sparkling juices may be "finished" and bottled off site.

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(e) Dried fruit, a minimum of eighty-five percent (85%) by weight which is grown on Old Mission Peninsula and a minimum of fifty percent (50%) by weight which is grown on the associated farm, may be dried off premises and sold in the Use by Right Winery retail room, provided no more than the amount of fruit sent out for this processing is returned for retail sale.

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Article 6: Standards Applicable to Specific Uses

(13) Data & Records. The owner of the specific Use by Right Winery shall annually provide data and records to the Zoning Administrator showing compliance with the above regulations related to source of produce. This documentation shall be supplied to the Township on a form approved by the Planning & Zoning Department.

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(14) Natural Disaster Provisions. If crop conditions or natural disaster result in a shortage of locally-grown crop for a particular year, the Township Board may approve a larger proportion of produce grown off the land owned or leased for a specific farm operation by the same party owning and operating the a farm operation for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five (5) years.

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(15) Accessory Uses. Accessory uses of a Use by Right Winery are intended to help in the promotion of Peninsula Township agriculture by identifying farm products produced within the Township, providing an educational experience describing Peninsula agriculture, and allowing consumption of Peninsula farm products by visitors to the facility.

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(a) Tasting Room. A Use by Right Winery shall have not more than one (1) tasting room onsite, which shall be subject to the following:

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(i) The tasting room shall utilize a maximum of two thousand (2,000) square feet. A tasting room can be separate or attached to the Use by Right Winery.

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(ii) An outdoor service area is permitted in addition to the square footage of the Use by Right Winery and its size shall not exceed the indoor tasting room's floor area.

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(iii) Sales of wine by the glass in a tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture and Rural Development permits regarding the sales of limited food items for on-premises consumption.

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(iv) The tasting room shall have the ability to include wine tours of the Use by Right Winery and/or other Peninsula agricultural locations to further promote their farm products.

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(b) Retail Sales. Retail Sales shall be allowed outside of the tasting room in a separate room and may be the lesser of five hundred (500) square feet or twenty-five percent (25%) of the tasting room, and are subject to the following:

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(i) Fifty percent (50%) of the retail space shall be used to display products produced on and by the specific farm operation.

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(ii) Additional merchandise sold shall be directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail.

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Article 6: Standards Applicable to Specific Uses

- (iii) Logo merchandise shall be allowed in an area no greater than twenty (20) percent of the retail space and provided that the logo is prominently displayed and permanently affixed to the merchandise. ← Formatted: Heading 7
- (c) Dwellings. A maximum of one (1) single-family dwelling shall be allowed on a parcel dedicated to the Use by Right Winery, with a limit of two (2) single-family dwellings on the total forty (40) acre site dedicated to the Use by Right Winery. A single-family dwelling may be allowed as part of a structure containing a Use by Right Winery provided the following requirements are met: ← Formatted: Heading 6

 - (i) The dwelling and Use by Right Winery combined shall comply with the setback and building area requirements established above. ← Formatted: Heading 7
 - (ii) The dwelling shall be the only dwelling on the host parcel. ← Formatted: Heading 7
 - (iii) The maximum height of the structure shall be 35 feet or 2 ½ stories whichever is less. ← Formatted: Heading 7
- (d) Accessory Buildings. In addition to the Use by Right Winery's building size limitation noted above, agricultural accessory structures may be built to protect equipment and materials associated with the farm operation provided these structures are not accessible to the public. ← Formatted: Heading 6
- (e) Township Wide Events. Participation in "Township Wide Events" such as "Blossom Days" as specifically approved by the Township Board shall be allowed. ← Formatted: Font: Not Bold
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- (f) Guest Activity Uses. The Township Board may approve Guest Activity Uses (activities by persons who are not registered guests) as an additional accessory use, provided that all guest activity uses shall include agricultural production promotion as part of the activity and shall be subject to the following: ← Formatted: Font: Bold
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 - (i) Agricultural production promotion shall identify "Peninsula Produced" food or beverage that is consumed by the attendees, provide "Peninsula Agriculture" promotional materials, and include tours through the winery and/or other peninsula agricultural location. ← Formatted: Heading 7
 - (ii) Kitchen facilities shall be used for on-site food service related to guest activity uses but shall not be used as an off-site catering service. ← Formatted: Heading 7
 - (iii) No alcoholic beverages, except those produced on the site, are allowed with guest activity uses. If alcohol is served, it shall only be served with food. ← Formatted: Heading 7
 - (iv) Food served during a Guest Activity Use shall require the host operation to comply with all local health department and/or State permits and regulations. ← Formatted: Heading 7
 - (v) The sale of wine by the bottle during a social gathering shall not be consumed on premises. ← Formatted: Heading 7

Article 6: Standards Applicable to Specific Uses

(vi) Guest Activity Uses shall take place during normal operating hours of the Use by Right Winery and shall conclude by 9:30 p.m.

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(vii) Guest Activity Uses at any single event shall be limited to the lesser of fifty (50) people or the fire safety maximum as determined by the Fire Marshall.

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(viii) Guest Activity Uses shall take place within a on the same forty (40) acre site as the Use by Right Winery in a designated indoor and/or outdoor area, but shall not take place within any identified tasting room area as specified on an approved site plan.

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(ix) Schedules for Guest Activity Uses shall be provided to Planning & Zoning Department on a monthly basis and prior to taking place.

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(x) The Use by Right Winery shall host no more than twenty (20) Guest Activity Uses annually and there shall not be more than two (2) gatherings scheduled per calendar week.

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(xi) No amplified music shall be allowed to take place at a guest activity use. Additionally, any sound generated from a guest activity use must be in compliance with Peninsula Township's Noise Ordinance No. 40.

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(xii) Parking to support guest activity uses shall be in compliance with Article 9.

(g) Temporary Structures. No temporary structures including tents or canopies are permitted on-site unless the Township Board approves the usage of such measures during the hosting of a Township wide event open to the general public such as the Blessing of the Blossoms, Harvest Days, etc.

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(h) Prohibited Rentals. Rental of snowmobiles, ATVs, vehicles, boats and other marine equipment, and similar recreational vehicles in conjunction with the operation of the establishment shall be prohibited.

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(i) Hours of Operation. All accessory uses shall take place during normal operating hours of the Use by Right Winery and shall conclude by 9:30 p.m.

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(j) Outdoor Display Prohibited. Outdoor displays of merchandise or equipment are prohibited.

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(C) Vested Interest. There shall be no vested interest in non-agricultural uses of the structures. Structures shall only be used for allowed uses in the A-1 Agriculture District in the event that the Use by Right Winery use is abandoned.

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(D) Approval Process. An application in conformance with Section 14.101 shall be submitted to and reviewed by the Zoning Administrator.

Article 6: Standards Applicable to Specific Uses

(1) A preliminary Use by Right Winery Land Use Permit shall be issued upon a showing that the minimum requirements of Section 14.101 and this section have been met.

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(2) No processing or sales of products shall take place until a final Use by Right Winery Land Use Permit has been issued by the Zoning Administrator. Such final Use by Right Winery Land Use Permit shall not be issued until copies of all permits required by State, Federal and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an on-site inspection to verify compliance with all the requirements of the Zoning Ordinance.

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(E) **Violations and Penalties.** Any violation of the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 14.107, serve as grounds for closing the retail operation, including tasting, portions of the use by the Township Board. In the event of any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within thirty (30) days from the date of the notice, then the Township Board shall require the owner to close all retail sales operations on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate.

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Section 6.139 Winery-Chateau (currently Section 8.7.3(10)/NEW)

(A) **Statement of Intent.** The purpose of this section is to provide agricultural land owners within the Township an opportunity to process and sell their alcohol related value-added products upon new or existing farm operations. This type of operation is intended to promote the local agricultural production industry while preserving the rural character of the Township. It is also the intent of this section to provide Winery-Chateaus the ability to host Guest Activity Uses and overnight guests when appropriate measures are taken to manage said guest services. All land uses supported by the Winery-Chateau shall be demonstrated in a manner which blends harmoniously with the surrounding agricultural character and its land uses.

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(B) **Site Development Standards:** In order to establish a Winery-Chateau and preserve the health, safety, and welfare of the community, the following regulations and development standards must be met:

Deleted: The use shall be subject to all requirements of Article VIII, Section 8.5, Food Processing Plants in A-1 Districts and the contents of this subsection. Data specified in Section 8.5.2, Required Information, shall be submitted as a basis for judging the suitability of the proposed plan. Each of the principal uses shall be subject to the terms and conditions of this ordinance except as specifically set forth herein.

(1) **Owner-Operated.** A Winery-Chateau shall be owner-operated.

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(2) **Minimum Lot Area.** The minimum site shall be fifty (50) acres of contiguous agriculturally-zoned land in the township, which shall be planned and developed as an integrated whole. None of the minimum fifty (50) acres shall be used to satisfy acreage density or open space requirement of any other use in the Township while the Winery-Chateau use is in effect.

Deleted: All of the principal and accessory uses shall be set forth on the approved site plan.

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(3) **Lot Width.** The Winery-Chateau facility shall have at least three hundred thirty (330) feet of frontage on a state or county road.

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- (k) Interconnected WECS: In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
 - (l) Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond the lot boundaries.
- (9) Adult Foster Care Facilities within the Agricultural District
- (a) Such uses shall be duly licensed by the State Department of Social Services.
 - (b) A maximum of ten (10) adults may receive foster care at any one time.
 - (c) The minimum lot size shall be five (5) acres.
 - (d) Such facilities shall be allowed only in areas which are and will remain free from concentrations of objectionable airborne chemical sprays and similar materials utilized by agricultural operations within close proximity.
 - (e) Such facilities shall be located where adult foster residents will be safe from traffic and other hazards.
- (10) Winery-Chateau
- (a) It is the intent of this section to permit construction and use of a winery, guest rooms, and single family residences as a part of a single site subject to the provisions of this ordinance. The developed site must maintain the agricultural environment, be harmonious with the character of the surrounding land and uses, and shall not create undue traffic congestion, noise, or other conflict with the surrounding properties.
 - (b) The use shall be subject to all requirements of Article VIII, Section 8.5, Food Processing Plants in A-1 Districts and the contents of this subsection. Data specified in Section 8.5.2, Required Information, shall be submitted as a basis for judging the suitability of the proposed plan. Each of the principal uses shall be subject to the terms and conditions of this ordinance except as specifically set forth herein.
 - (c) The minimum site shall be fifty (50) acres which shall be planned and developed as an integrated whole. All of the principal and accessory uses shall be set forth on the approved site plan.
 - (d) The principal use permitted upon the site shall be a winery. Guest rooms, manager's residence, and single family residences shall be allowed as support uses on the same property as the winery.

1. In addition to the principal and support uses, accessory uses for each such use shall be permitted provided, that all such accessory uses shall be no greater in extent than those reasonably necessary to serve the principal use.
 2. Sales of wine by the glass in the tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture permits regarding the sales of food for on-premises consumption. The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance. **(REVISED BY AMENDMENT 181)**
- (e) For purposes of computation, the principal and each support use identified in sub-section (d) above shall be assigned an "area equivalent" as set forth herein. The total "area equivalent" assigned to the principal uses shall not exceed the actual area of the site.
- (f) "Area equivalents" shall be calculated as follows:
- | | |
|---------------------------|---|
| Winery: | five (5) acres or the actual area to be occupied by the winery including parking, whichever is greater; |
| Manager's Residence: | five (5) acres; |
| Single Family Residences: | five (5) acres; |
| Guest Rooms: | five (5) acres for each 3 rooms, not to exceed a total of twelve (12) guest rooms. |
- (g) The number of single family residences shall not exceed six (6). The manager's residence shall not contain or be used for rental guest rooms. The number of guest rooms shall not exceed twelve (12).
- (h) Not less than seventy-five (75%) percent of the site shall be used for the active production of crops that can be used for wine production, such as fruit growing on vines or trees.
- (i) The facility shall have at least two hundred (200) feet of frontage on a state or county road.
- (j) The winery-chateau shall be the principal building on the site and shall have an on-site resident manager.
- (k) All guest rooms shall have floor areas greater than two hundred fifty (250) square feet. Maximum occupancy shall be limited to five (5) persons per unit. No time sharing shall be permitted.
- (l) All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

- (m) Accessory uses such as facilities, meeting rooms, and food and beverage services shall be for registered guests only. These uses shall be located on the same site as the principal use to which they are accessory and are included on the approved Site Plan. Facilities for accessory uses shall not be greater in size or number than those reasonably required for the use of registered guests.
- (n) Well and septic system: Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by the owner.
- (o) Fire safety:
 1. All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety.
 2. An on-site water supply shall be available and meet the uniform published standards of the Peninsula Township Fire Department.
 3. A floor plan drawn to an architectural scale of not less than 1/8" = 1 foot shall be on file with the Fire Department.
 4. Each operator of a transient lodging facility shall keep a guest registry which shall be available for inspection by the Zoning Administrator and police and fire officials at any time.
 5. Master keys for all rooms shall be available at all times.
- (p) Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors or that the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing or a planting buffer be constructed and maintained.
- (q) Rental of Recreation Equipment: Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment in conjunction with the operation of the establishment shall be prohibited.
- (r) Activities and Outdoor Gatherings: Activities made available to registered guests shall be on the site used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor activities shall be permitted if conducted at such hours and in such manner as to not be disruptive to neighboring properties.
- (s) Signs as allowed by Section 7.11.
- (t) A two hundred (200) foot setback shall be maintained between guest accommodations and facilities and agricultural crops, unless it is demonstrated that a lesser setback can be maintained which will provide for an equal level of protection from agricultural activities to residents, visitors and guests of the winery-chateau. Upon such demonstration, the Township Board may permit a lesser setback.
- (u) Guest Activity Uses. The Township Board may approve Guest Activity Uses (Activities by persons who may or may not be registered guests) as

an additional Support Use, subject to the following: **(ADDED BY AMENDMENT 141)**

1. Intent

- (a) The current Winery-Chateau section of the ordinance requires 75% of the site to be used for the active production of crops that can be used for wine production such as fruit growing on vines or trees, but does not require that any of the wine produced on the site be made from wine fruit grown on Old Mission Peninsula. To assure that, in addition to the minimum parcel size required for a Winery-Chateau, there is additional farm land in wine fruit production in Peninsula Township if Guest Activity Uses are allowed to take place at a Winery-Chateau facility.
- (b) Guest Activity Uses are intended to help in the promotion of Peninsula agriculture by: a) identifying "Peninsula Produced" food or beverage for consumption by the attendees; b) providing "Peninsula Agriculture" promotional brochures, maps and awards; and/or c) including tours through the winery and/or other Peninsula agriculture locations.
- (c) Guest Activity Uses are limited to (2) below.
- (d) Guest Activity Uses do not include wine tasting and such related promotional activities as political rallies, winery tours and free entertainment (Example - "Jazz at Sunset") which are limited to the tasting room and for which no fee or donation of any kind is received.
- (e) Guest Activity Uses are in addition to accessory uses for registered guests that are otherwise allowed.
- (f) Overnight stays at the Winery-Chateau are not required for these Guest Activity Uses.
- (g) Fees may be charged for these Guest Activity Uses.

2. Uses Allowed Notwithstanding Section 8.7.3 (10) (m); The following Guest Activity Uses may be approved with a Special Use Permit by the Township Board:

- (a) Wine and food seminars and cooking classes that are scheduled at least thirty days in advance with notice provided to the Zoning Administrator. Attendees may consume food prepared in the class.
- (b) Meetings of 501- (C)(3) non-profit groups within Grand Traverse County. These activities are not intended to be or

resemble a bar or restaurant use and therefore full course meals are not allowed, however light lunch or buffet may be served.

- (c) Meetings of Agricultural Related Groups that have a direct relationship to agricultural production, provided that:
 - i. The meetings are scheduled at least one month in advance with the Zoning Administrator given adequate advance notice of the scheduling so that the Zoning Administrator can give prior approval;
 - ii. The Zoning Administrator shall use the following types of Agricultural Related Groups as a guide for determining "direct relationship to agricultural production";
 - (a) Food/wine educational demonstrations;
 - (b) Cooking show showcasing Peninsula produce and wine;
 - (c) Farmer's conferences;
 - (d) Regional farm producers;
 - (e) Cherry Marketing Institute and Wine Industry Conference
 - (f) Farm Bureau Conference
 - (g) Future Farmers of America and 4-H;
 - (h) Michigan State University/agricultural industry seminars.
 - iii. These meetings may include full course meals to demonstrate connections between wine and other foods.
 - iv. An appeal of the Zoning Administrators determination can be made to the Township Board.
- (d) Guest Activity Uses do not include entertainment, weddings, wedding receptions, family reunions or sale of wine by the glass.
- (e) No food service other than as allowed above or as allowed for wine tasting may be provided by the Winery-Chateau. If wine is served, it shall only be served with food and shall be limited to Old Mission Peninsula appellation wine produced at the Winery, except as allowed by Section 6. below.

- 3. Relation to Agricultural Production in Peninsula Township. In order to offer Guest Activity Uses, the owner of the Winery-Chateau shall, in addition to the agricultural production on the minimum acreage required for the Winery-Chateau, grow in Peninsula Township or purchase grapes grown in Peninsula Township for the previous growing season equal to 1.25 tons of grapes for each

person allowed to participate in Guest Activity Uses up to the maximum number approved by the Township Board in a Special Use Permit. If the amount of grapes cannot be documented by the Zoning Administrator, the numbers of persons allowed to participate in Guest Activity Uses shall be reduced proportionally.

4. The number of persons allowed to participate in Guest Activity Uses shall be determined as follows:
 - (a) The Township Board as part of the Special Use Permit approval process shall determine the room(s) provided and a maximum number of attendees for Guest Activity Uses.
 - i. The maximum number of attendees shall not exceed one attendee for each fifteen (15) square feet of the room or rooms provided for Guest Activity Uses. These rooms shall exclude guest rooms, rest rooms, hallways, stairways, entries, spaces used in the normal operation of wine making and storage, out of doors areas and any other spaces not usual for guest assembly. In no case will the number exceed one hundred-eleven (111) or the Fire Marshall maximum occupancy, whichever is less.
 - ii. The maximum number of attendees may be less than, but not more than, the maximum number described in (i) above at the discretion of the Township Board based on possible adverse impacts on adjacent properties, lack of parking spaces or other site specific conditions.
 - iii. A building floor plan showing spaces for all approved uses including the maximum capacity of each shall be attached to the site plan.
5. Requirements for Guest Activity Uses
 - (a) All Guest Activity Uses shall include Agricultural Production Promotion as part of the activity as follows:
 - i. Identify "Peninsula Produced" food or beverage that is consumed by the attendees;
 - ii. Provide "Peninsula Agriculture" promotional materials;
 - iii. Include tours through the winery and/or other Peninsula agricultural locations.
 - (b) Hours of operation for Guest Activity Uses shall be as determined by the Town Board, but no later than 9:30 PM daily.
 - (c) No alcoholic beverages, except those produced on the site, are allowed with Guest Activity Uses.

- (d) Sales of wine by the glass or sales of bottles of wine for ON PREMISES consumption are NOT ALLOWED except as provided in Section 2 (e) above.
 - (e) No outdoor food, beverages or temporary structures are allowed except as allowed by 8 (c) below.
 - (f) No sounds related to the guest activity shall be discernable at the property lines.
 - (g) No amplified instrumental music is allowed, however amplified voice and recorded background music is allowed, provided the amplification level is no greater than normal conversation at the edge of the area designated within the building for guest purposes.
 - (h) No outdoor displays of merchandise, equipment or signs are allowed.
 - (i) Kitchen facilities may be used for on-site food service related to Guest Activity Uses but not for off site catering.
 - (j) No lighting, except the minimum required for safety and sign lighting as allowed by the ordinance.
 - (k) The Township Board may consider seasonal weighting of the frequency and/or a maximum number of Guest Activity Uses during the year.
6. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may reduce the requirement for the amount of grapes for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board.
7. Documentation The owner of the Winery-Chateau shall provide data and records on an annual basis to the Zoning Administrator showing that:
- (a) In addition to the agricultural production on the minimum acreage required for the Winery-Chateau, the winery has grown grapes in Peninsula Township or purchased grapes grown in Peninsula Township equal to 1.25 tons of grapes for each person allowed to participate in Guest Activity Uses.

- (b) That all the grapes from (a) above plus the production on the minimum acreage required for the Winery-Chateau have been processed in the winery.

8. Additional Conditions

- (a) Special Use Permits approved under this section may list any number of restrictions or requirements approved by the Township Board such as additional set back requirements, days of the week restrictions, number of guest activity days per year or other requirements deemed beneficial to the township or its residents.
- (b) Nothing in this section shall prohibit the Township Board from approving a larger special community event such as Blessing of the Blossoms, harvest days or other community event for which no fee is charged the participants, except as specifically approved by the Township Board and is open to the public.
- (c) No temporary structures including tents or canopies are allowed except that the Township Board may approve the reasonable use of temporary structures tents or canopies in conjunction with community events approved in (b) above.
- (d) Any violation of the Special Use Permit issued for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for closing the Guest Activity Uses use by the Township Board. In the event any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, the Township Board shall require the Owner to close all Guest Activity Uses on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board shall deem appropriate.

- (11) Wireless Telecommunication Antenna Towers over 40 feet in height shall be subject to the Provisions of Section 8.1 in addition to the following standards:
 - (a) All tower, structure locations and design approvals for towers in excess of forty (40) feet shall require a Special Use Permit subject to the provisions of Section 8.1 of this Ordinance and this section.

Article 6: Standards Applicable to Specific Uses

(1) A preliminary Use by Right Winery Land Use Permit shall be issued upon a showing that the minimum requirements of Section 14.101 and this section have been met.

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(2) No processing or sales of products shall take place until a final Use by Right Winery Land Use Permit has been issued by the Zoning Administrator. Such final Use by Right Winery Land Use Permit shall not be issued until copies of all permits required by State, Federal and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an on-site inspection to verify compliance with all the requirements of the Zoning Ordinance.

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(E) **Violations and Penalties.** Any violation of the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 14.107, serve as grounds for closing the retail operation, including tasting, portions of the use by the Township Board. In the event of any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within thirty (30) days from the date of the notice, then the Township Board shall require the owner to close all retail sales operations on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate.

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Section 6.139 Winery-Chateau (currently Section 8.7.3(10)/NEW)

(A) **Statement of intent.** The purpose of this section is to provide agricultural land owners within the Township an opportunity to process and sell their alcohol related value-added products upon new or existing farm operations. This type of operation is intended to promote the local agricultural production industry while preserving the rural character of the Township. It is also the intent of this section to provide Winery-Chateaus the ability to host Guest Activity Uses and overnight guests when appropriate measures are taken to manage said guest services. All land uses supported by the Winery-Chateau shall be demonstrated in a manner which blends harmoniously with the surrounding agricultural character and its land uses.

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(B) **Site Development Standards:** In order to establish a Winery-Chateau and preserve the health, safety, and welfare of the community, the following regulations and development standards must be met:

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(1) **Owner-Operated.** A Winery-Chateau shall be owner-operated.

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(2) **Minimum Lot Area.** The minimum site shall be fifty (50) acres of contiguous agriculturally-zoned land in the township, which shall be planned and developed as an integrated whole. None of the minimum fifty (50) acres shall be used to satisfy acreage density or open space requirement of any other use in the Township while the Winery-Chateau use is in effect.

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(3) **Lot Width.** The Winery-Chateau facility shall have at least three hundred thirty (330) feet of frontage on a state or county road.

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Article 6: Standards Applicable to Specific Uses

(4) Minimum Arable Land. Not less than seventy-five (75%) percent of the site shall be arable land, and not less than sixty-five percent (65%) of arable land of the site shall be used for the active production of perennial crops that can be used for wine production, such as fruit growing on vines or trees.

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(5) Principal and Residential Support Uses.

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(a) Principal Winery-Chateau Use. The Winery-Chateau shall be the principal use and building on the site and shall have an on-site resident manager.

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(b) Residential Support Uses. Guest rooms, manager's residence, and single-family residences shall be allowed as support uses on the same property as the Winery-Chateau. In addition to the principal and support uses, accessory uses for each such use shall be permitted as stated herein, provided that all such accessory uses shall be no greater in extent than those reasonably necessary to serve the principal use.

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(c) For purposes of computation, the principal and each residential support use identified above shall be assigned an "area equivalent" as set forth herein. The total "area equivalent" assigned to the principal uses shall not exceed the actual area of the site. "Area equivalents" shall be calculated as follows:

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- (i) **Winery.** Five (5) acres or the actual area to be occupied by the winery including parking, whichever is greater
- (ii) **Manager's Residence.** Five (5) acres. The manager's residence shall not contain or be used for rental guest rooms.
- (iii) **Single-Family Residences:** Five (5) acres. The number of single family residences shall not exceed six (6).
- (iv) **Guest Rooms.** Five (5) acres for each 3 rooms, not to exceed a total of twelve (12) guest rooms. All guest rooms shall have floor areas greater than two hundred fifty (250) square feet. Maximum occupancy shall be limited to five (5) persons per unit. No time sharing shall be permitted.

(6) Setbacks. Structures and parking areas supporting the Winery-Chateau shall maintain the following minimum setbacks:

(a) Front Yard Setback: Fifty (50) feet.

(b) Side and Rear Yard Setback: One hundred (100) feet.

(c) Minimum of two hundred (200) feet from a preexisting residential structure on neighboring property.

(7) Building Areas. The building area utilized to support the Winery-Chateau may be comprised of a single building or multiple buildings on the same site. If the Winery-

Article 6: Standards Applicable to Specific Uses

Chateau is established within a preexisting structure, then the operation may utilize the entirety of said structure if the following regulations can be met:

(a) The applicant can demonstrate that the proposed structure is in compliance with the standards of the Grand Traverse Construction Code Office, Health Department, Road Commission and any other applicable permitting agencies; and

(b) The structure's location is in compliance with the underlying district's zoning setbacks.

(8) Parking and Access. Parking and access drives shall be a paved and striped with the appropriate size and bulk requirements of Article 9. Site access shall be limited to two (2) access points off of a public road and subject to approval by Grand Traverse County Road Commission, MDOT, or any other applicable government agency.

(9) Lighting. All lighting shall conform to the requirements of Section 8.107.

(10) Signs. Signs as allowed by Article 11.

(11) Fencing and Planting Buffer. In addition to the requirements of Article 10, in the event that the Township Board determines that noise generation may be disturbing to neighbors or that the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that additional fencing and/or plant buffering be constructed and maintained.

(12) Well and Septic System. Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by the owner.

(13) Setback Between Guest Accommodations and Agricultural Crops. A two hundred (200) foot setback shall be maintained between guest accommodations and facilities and agricultural crops, unless it is demonstrated that a lesser setback can be maintained which will provide for an equal level of protection from agricultural activities to residents, visitors, and guests of the Winery-Chateau. Upon such demonstration, the Township Board may permit a lesser setback.

(14) Source of Produce:

(a) A majority of the produce processed and sold shall be grown on the land owned or leased for the associated farm operation by the same party owning and operating the specific Winery-Chateau.

(b) Alcoholic beverages shall be produced and bottled at the Winery-Chateau and in compliance with all applicable Federal and State laws.

(c) Sparkling wine or sparkling juices may be "finished" and bottled off site.

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Article 6: Standards Applicable to Specific Uses

(d) Dried fruit, a minimum of eighty-five percent (85%) by weight which is grown on Old Mission Peninsula and a minimum of fifty percent (50%) by weight which is grown on the associated farm, may be dried off premises and sold in the Winery-Chateau retail room, provided no more than the amount of fruit sent out for this processing is returned for retail sale.

(15) Data & Records. The owner of the Winery-Chateau shall annually provide data and records on to the Zoning Administrator showing compliance with the above regulations related to source of produce. This documentation shall be supplied to the Township on a form approved by the Planning & Zoning Department.

(16) Natural Disaster Provisions. If crop conditions or natural disaster result in a shortage of locally-grown crop for a particular year, the Township Board may approve a larger portion of produced grown off the land owned or leased for a specific farm operation by the same party owning and operating the farm operation for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five (5) years.

(17) Accessory Uses. Accessory uses of a Winery-Chateau are intended to help in the promotion of Peninsula Township agriculture by identifying farm products produced within the Township, providing an educational experience describing Peninsula agriculture, and allowing consumption of Peninsula farm products by visitors to the facility.

(a) Tasting Room.

(i) A tasting room can be separate or attached to the Winery-Chateau.

(ii) An outdoor tasting area is permitted as part of the Winery-Chateau and can be no larger than four thousand (4,000) square feet.

(iii) Sales of wine by the glass in the tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture and Rural Development permits regarding the sales of limited food for on-premises consumption.

(iv) The tasting room shall have the ability to include wine tours of the Winery-Chateau and/or other Peninsula agricultural locations to further promote their farm products.

(b) Retail Sales. Retail Sales shall be allowed outside of the tasting room in a separate room and may be the lesser of one thousand (1,000) square feet or twenty-five percent (25%) of the tasting room, and are subject to the following:

(i) Fifty percent (50%) of the retail space shall be used to display products produced on and by the specific farm operation.

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<#> In addition to the agricultural production on the minimum acreage required for the Winery-Chateau, the winery has grown grapes in Peninsula Township or purchased grapes grown in Peninsula Township equal to 1.25 tons of grapes for each person allowed to participate in Guest Activity Uses. ¶
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<#> That all the grapes from (a) above plus the production on the minimum acreage required for the Winery-Chateau have been processed in the winery. ¶

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Deleted: such as facilities, meeting rooms, and food and beverage services shall be for registered guests only. These uses shall be located on the same site as the principal use to which they are accessory and are included on the approved Site Plan. Facilities for accessory uses shall not be greater in size or number than those reasonably required for the use of registered guests.

Deleted: The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance. (REVISED BY AMENDMENT 181)

Article 6: Standards Applicable to Specific Uses

(ii) Additional merchandise sold shall be directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail.

(iii) Logo merchandise shall be allowed in an area no greater than twenty (20) percent of the retail space and provided that the logo is prominently displayed and permanently affixed to the merchandise.

(c) Bed and Breakfasts. The operation of a Bed and Breakfast may take place upon the fifty (50) acre site hosting the Winery-Chateau.

(i) If the Winery-Chateau incorporates a Bed and Breakfast operation as a component of the business, then the resident onsite manager's dwelling shall be located in the same building as the Bed and Breakfast. The resident on-site manager's dwelling shall not count as one (1) of the possible guest rooms available to the general public.

(ii) A Bed and Breakfast operation shall be allocated one (1) guest room per available development right(s) assessed when application for Winery-Chateau is made, with a maximum of twelve (12) rooms. Each guest room shall be a minimum of two hundred fifty (250) square feet in size and support no more than five (5) people per guest room.

(iii) In addition to the processing facility's parking requirements, one (1) parking space shall be required for each guestroom.

(iv) Food service shall be in compliance with local health department and/or State licensing requirements as they relate to Bed and Breakfasts and shall be exclusive to guests staying within the Bed and Breakfast.

(v) All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety as well as the following regulations:

a. An on-site water supply shall be available and meet the uniform published standards of the Peninsula Township Fire Department.

b. A floor plan drawn to an architectural scale of not less than 1/8" = 1 foot shall be on file with the Fire Department.

c. Each operator of a transient lodging facility shall keep a guest registry which shall be available for inspection by the Zoning Administrator and police and fire officials at any time.

d. Master keys for all rooms shall be available at all times.

(d) Accessory Buildings. In addition to the Winery-Chateau's building size limitation noted above, agricultural accessory structures may be built to protect equipment

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Article 6: Standards Applicable to Specific Uses

and materials associated with the farm operation provided these structures are not accessible to the public.

(e) Township Wide Events. Participation in "Township Wide Events" such as "Blossom Days" as specifically approved by the Township Board shall be allowed.

(f) Guest Activity Uses. The Township Board may approve Guest Activity Uses (Activities by persons who may or may not be registered guests) as an additional Support Use, subject to the following:

(i) Guest Activity Uses are intended to help in the promotion of Peninsula agriculture by identifying "Peninsula Produced" food or beverage for consumption by the attendees, providing "Peninsula Agriculture" promotional brochures, maps and awards, and including tours through the winery and/or other Peninsula agriculture locations.

(ii) The number of persons allowed to participate in Guest Activity Uses shall be determined as follows:

a. The Township Board as part of the Special Use Permit approval process shall determine the room(s) provided and a maximum number of attendees for Guest Activity Uses.

b. The maximum number of attendees shall not exceed one attendee for each fifteen (15) square feet of the room or rooms provided for Guest Activity Uses. These rooms shall exclude guest rooms, rest rooms, hallways, stairways, entries, spaces used in the normal operation of wine making and storage, out of doors areas, and any other spaces not usual for guest assembly. In no case will the number exceed one hundred-fifteen (115) or the Fire Marshall maximum occupancy, whichever is less.

c. The maximum number of attendees may be less than, but not more than, the maximum number described in (b) above at the discretion of the Township Board based on possible adverse impacts on adjacent properties, lack of parking spaces, or other site specific conditions.

d. A building floor plan showing spaces for all approved uses including the maximum capacity of each shall be attached to the site plan.

(iii) Kitchen facilities may be used for on-site food service related to Guest Activity Uses but shall not be used as an off-site catering service.

(iv) No alcoholic beverages, except those produced on the site, are allowed with Guest Activity Uses. If alcohol is served, it shall only be served with food.

(v) Food served during a Guest Activity Use shall require the host operation to comply with all local health department and/or State permits and regulations.

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Article 6: Standards Applicable to Specific Uses

(vi) Sales of wine by the bottle during a social gathering shall not be consumed on premises.

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(vii) Guest Activity Uses shall take place within a designated indoor and/or outdoor area as specified on the Special Use Permit site plan and located on the same fifty (50) acre site as the Winery-Chateau.

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(viii) The Township Board may consider seasonal weighting of the frequency and/or a maximum number of Guest Activity Uses during the year.

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(ix) Schedules for Guest Activity Uses shall be provided to the Planning & Zoning Department on a monthly basis and prior to taking place.

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(x) No amplified music shall be allowed to take place at a Guest Activity Use. Additionally, any sound generated from a Guest Activity Use must be in compliance with Peninsula Township's Noise Ordinance No. 40.

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(xi) Parking to support Guest Activity Uses shall be in compliance with Article 9.

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(xli) Guest Activity Uses do not include wine tasting and such related promotional activities as political rallies, winery tours, and free entertainment (Example - "Jazz at Sunset") which are limited to the tasting room and for which no fee or donation of any kind is received.

(xiii) Guest Activity Uses are in addition to accessory uses for registered guests that are otherwise allowed.

(xiv) Overnight stays at the Winery-Chateau are not required for these Guest Activity Uses.

(xv) Guest Activity Uses do not include entertainment, weddings, wedding receptions, family reunions, or sale of wine by the glass.

(g) Limited Food Service. No food service other than as allowed above or as allowed for wine tasting may be provided by the Winery-Chateau.

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Deleted: If wine is served, it shall only be served with food and shall be limited to Old Mission Peninsula appellation wine produced at the Winery, except as allowed by Section 6 below.

(h) Temporary Structures. No temporary structures including tents or canopies are allowed on-site unless the Township Board approves the usage of such measures during the hosting of a Township wide event open to the general public such as the Blessing of the Blossoms, Harvest Days, etc.

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(i) Rental of Recreation Equipment: Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, or other recreational vehicles in conjunction with the operation of the establishment shall be prohibited.

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(ii) Hours of Operation. All accessory uses, with the exception of overnight guest accommodations, shall take place during normal operating hours of the Winery-Chateau and shall conclude at 9:30 p.m.

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Deleted: Hours of operation for Guest Activity Uses shall be as determined by the Town Board, but no later than 9:30 PM daily.

Article 6: Standards Applicable to Specific Uses

(k) Outdoor Display. No outdoor displays of merchandise, equipment or signs are allowed.

(C) Additional Conditions. Special Use Permits approved under this section may list any number of restrictions or requirements approved by the Township Board such as additional setback requirements, days of the week restrictions, number of guest activity days per year, or other requirements deemed beneficial to the township or its residents.

(D) Violations. Any violation of the Special Use Permit issued for a Winery-Chateau shall, in addition to the provisions of Section 14.107(A), Violations and Penalties, serve as grounds for closing the Guest Activity Uses use by the Township Board. In the event any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, the Township Board shall require the Owner to close all Guest Activity Uses on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board shall deem appropriate.

Section 6.140 Wind Energy Conversion Systems (currently Section 8.7.3(8))

- (A)** WECS shall be allowed in all zoning districts.
- (B)** In addition to the requirements of Section 14.103, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied dwelling units within 300 feet of the WECS.
- (C)** Each special use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - (1)** A standard foundation and anchor design or specifications for normal soil conditions; and
 - (2)** A detailed parts list; and
 - (3)** Clearly written detailed instructions for the assembly, installation, check out, operation and maintenance of the WECS on site; and
 - (4)** The list of warning documents required by Section 6.140(H) herein; and

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<#>Activities and Outdoor Gatherings: Activities made available to registered guests shall be on the site used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor activities shall be permitted if conducted at such hours and in such manner as to not be disruptive to neighboring properties.¶

¶

<#>Intent.¶

¶

<#>The current Winery-Chateau section of the ordinance requires 75% of the site to be used for the active production of crops that can be used for wine production such as fruit growing on vines or trees, but does not require that any of the wine produced on the site be made from wine fruit grown on Old Mission Peninsula. To assure that, in addition to the minimum parcel size required for a Winery-Chateau, there is additional farm land in wine fruit production in Peninsula Township if Guest Activity Uses are allowed to take place at a Winery-Chateau facility.¶

¶

<#>Guest Activity Uses are limited to (2) below.¶

¶

<#>Fees may be charged for these Guest Activity Uses.¶

¶

<#>Uses Allowed. Notwithstanding Section 8.7.3 (10) (m); the following Guest Activity Uses may be approved with a Special Use Permit by the Township Board:¶

¶

<#>Wine and food seminars and cooking classes that are scheduled at least thirty days in advance with notice provided to the Zoning Administrator. Attendees may consume food prepared in the class.¶

¶

<#>Meetings of 501-(C)(3) non-profit groups within Grand Traverse County. These activities are not intended to be or resemble a bar or restaurant use and therefore full course meals are not allowed, however light lunch or buffet may be served.¶

¶

<#>Meetings of Agricultural Related Groups that have a direct relationship to agricultural production, provided that:¶

¶

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To: Peninsula Township Board & Peninsula Township Planning Commission

From: Michelle Reardon, Planning & Zoning Department

Re: Winery/Food Processing proposed changes

Date: June 7, 2016

Enclosed in this packet you will find the minutes of the Planning Commission sub-committee that relate to the discussion at hand. Additionally, I have included the proposed and current language of the sections of the Ordinance for discussion.

Finally, 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 information.

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.

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.