

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

[www.peninsulatownship.com](http://www.peninsulatownship.com)

PETER A. CORREIA  
SUPERVISOR

MONICA A. HOFFMAN  
CLERK

DAVID K. WEATHERHOLT  
TREASURER

MARK D. AVERY  
TRUSTEE

JILL C. BYRON  
TRUSTEE

PENELOPE S. ROSI  
TRUSTEE

WENDY L. WITKOP  
TRUSTEE

## Special Joint Meeting with the Township Board & the Planning Commission

June 13, 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) April 18, 2016
  - b) April 26, 2016
  - c) May 3, 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 6, 2016

SPECIAL JOINT TOWNSHIP BOARD & PLANNING COMMISSION MEETING  
SPECIAL PLANNING COMMISSION MEETING  
April 18, 2016  
5:30 PM

Meeting called to order at 5:30 p.m.

Present: Town Board: **Rosi; Witkop; Weatherholt; Hoffman; Byron; Avery;**  
Planning Commission: **Serocki; Hornberger; Leak, Chair; Couture; Peters; Wunsch**  
Also present were **Claire Schoolmaster**, Planning and Zoning Coordinator; **Michelle Reardon**, Director of Planning and Zoning and **Mary Ann Abbott**, Recording Secretary

Absent: Correia (excused)

**Approve Agenda:**

**MOTION: Serocki/Peters** to approve agenda.

**PASSED UNAN**

**Brief Citizen Comments – for items not on the Agenda**

*Britt Eaton, 1465 Neahtawanta* wanted to refresh everyone's memory that there was an item scheduled on the agenda three meetings ago that dealt with the Project 81 and what Judge Rodgers' said to bring before the Township and citizen's to resolve. That agenda was changed and the item that did appear dealt with the sewer system and the bond. We need to make sure that that Project 81 get's back on the agenda and addressed as Judge Rodgers suggested. **Leak** believes that the Planning Commission has heard this matter and it has been referred to the Town Board. *Reardon* Scheduled for May 10<sup>th</sup> Town Board meeting.

**Conflict of Interest**

**Rosi** asked the question at the last meeting if she (Rosi) had a conflict of interest regarding the division regarding the property that their three daughters have. When it comes up in the conversation tonight she will recuse herself from this one issue and speak as a member of the audience.

**Hoffman** we had a request from a Town Board meeting. A Joint meeting will be for all boards to attend to discuss conflict of interest, social media and code of ethics.

**Consent Agenda for Planning Commission**

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. Reports and Announcements (as provided)
2. Correspondence (as provided)
3. Meeting Minutes

March 21, 2016 5:30 PM Special Meeting and 7:00 PM Regular Meeting (recommend approval)

**Serocki** Corrections to March 21 meeting at 5:30 under also present: should read Claire rather than Chair. At 7:00 page two it should read: It is the intent ~~what~~ that. **Peters** submitted corrections to the secretary that will include use of the word assumptions rather than presumptions on page 2 Master Plan Review.

**Avery** was present at the 5:30 portion of the meeting as well as the 7:00 p.m.

**MOTION: Peters/Serocki** to approve minutes with corrections.

**PASSED UNAN**

**Rosi** did prepare a Report to the Planning Commission from the Town Board. It did not get in this packet and so Rosi read the report.

**Wunsch** did not have a report as the Zoning Board did not meet.

**Business**

Joint Township Board & Planning Commission

1. Peninsula Township Zoning Ordinance DRAFT Articles 1-7 (Discussion)

*Reardon* provided introduction. This is the bulk of the ordinance and Patrick Sloan is present to assist in the review. Staff has reviewed twice. It has been on the website for the public. This document is currently in front of the Attorney who will provide written comment.

*Patrick Sloan ,McKenna* On March 21<sup>st</sup> the Planning Commission reviewed the outline of the document and made comments.

Began review with the cover letter and with explanation of Article One: Title , Purpose and Scope. No discussion on this Article.

Article Two: Definitions

\* Accessory Building or Accessory Structure

Discussion by boards on the reason that water could not be allowed in accessory buildings. Also felt not unusual to have stool and sink in accessory garages. Concerns about Granny Flats. Enforcement of no two dwellings on a lot. Thoughts on bathroom on first level only in accessory building. Needs to be spelled out so there is no confusion. Staff will relook at this item.

\*Adult Foster Care, Family Home and Adult Foster Care, Small group home

*Sloan* Definitions regulated by State Law

\*Basement

Illustration to be added.

\*Building Height

Skipped to page 2-4 and discussion on how to measure the definition of height. Consensus of Board is that buildings be measured to the peak. Do we present the Peninsula to the public from the water? Staff needs to talk to attorney and see what this does to non-Conformities. Further discussion on what 2 ½ stories would consist of and no more than 35 feet to peak. Board would like to discuss this again at a future date. McKenna will supply other options of measuring. Sloan feels that this will guide the board on the basement issue as will.

\*Bed and Breakfast

Updated to be consistent with the Amendment #190. Has not been seen by the Town Board. Current recommendation is as written in the Zoning Ordinance. **Hoffman** is very opposed to increase to 5 rooms and events such as dining in the vines. **Byron** does not feel that board has not had enough public input from opposing public. *Reardon* would like to have Public Hearing on Amendment #190.

Both Boards would like to hold additional meetings to review the Zoning Ordinance Review. Consensus of the Board is to meet again on April 26<sup>th</sup>, May 3<sup>rd</sup> and May 9<sup>th</sup> from 6:00-8:00 pm.

*Reardon* An Ordinance is living document and we should expect to have changes. It must be adopted to be enforced.

\* Boat Livery

No additional discussion

\*Building Elevation or Building Width

*Reardon* Building has to be 24' along all sides. More discussion wanted on this point

**MOTION: Byron/Weatherholt** to adjourn Town Board Session of the meeting at 7:16 p.m.

**PASSED UNAN**

**Planning Commission Only:**

1. Zoning Ordinance Amendment #190 (Discussion)

**MOTION: Couture/Wunsch** to recuse Rosi from this agenda item.

Peninsula Township Special Joint Meeting

2

Town Board & Planning Commission

April 18, 2016

**PASSED UNAN**

*Reardon* in 2013 the boards talked about private roads. The decision was to force improvement when there was a definite need. The property owner would be responsible for this update to the roads. Now we may need to drop this from Amendment 190 as one single split will force improvement, and this was not the direction the boards originally wanted to go.

**Leak** Who is responsible to look at these frontage roads? Large-scale developments are looked at by the Fire Department. Individual homes are not reviewed, and now if the road meets right of way requirements the road can continue to be used.

**Peters** would like to hear of the experience that Board member Rosi has run into.

**Rosi**(as member of the audience) has 450 feet with a heavily wooded lot of about 11 acres and a cabin. They have deeded the land to their 3 daughters. There are deed restrictions and road maintenance agreements. The property is remote and to require an engineered road for ¾ mile is unusual, and there is no interest by the neighbors in having an improved road. There may be other properties unique such as this.

*Reardon* Right now if the right of ways existed and has been used and it meets our Right of Way requirement it can be used. This band-aid amendment is giving us more unintended consequences that we expected.

Consensus of the Planning Commission is to not move forward with this language as part of Amendment 190 section 7.10.11

**MOTION: Couture/Wunsch** to not approve with this section of Amendment #190.

**PASSED UNAN (Rosi recused)**

**MOTION: Couture/Wunsch** to un-recuse Rosi and welcome her back to the meeting.

**PASSED UNAN (Rosi recused)**

2. Master Plan 5-year review (Discussion and potential decision)

*Reardon* pointed out the data that is in the packet for use in review of the 5-year plan. Asked Planning Commission to look at Page 3 of the 5 -year plan review and the 12 questions to see if we need to make changes to the Master Plan. Great spot to start discussion and facts are still being gathered.

**Peters** offered to meet with others and go through data to see what changes have occurred since the last Master Plan.

Discussion continued on areas that might need attention. *Reardon* Really need to determine that our Master Plan is still the guiding document. That is the reason behind this exercise.

Suggestions led to meeting that will be scheduled and published so that anyone can come. First meeting will be April 28<sup>th</sup> at 8:00 a.m. Only agenda item will be Master Plan.

3. SUP 32 2nd Amendment, Bowers Harbor Vineyard (recommend table)

4. SUP 125, BHV Dining in the Vines (recommend table)

**Reardon** still at the table talking to us. Recommend no action at this time.

**MOTION: Hornberger/Wunsch** to untable Business items #3 and #4 regarding Bowers Harbor Vineyard.

**PASSED UNAN**

**MOTION: Hornberer/Wunsch** to table Business items #3 and #4 regarding Bowers Harbor Vineyard to the next regular meeting.

**PASSED UNAN**

**Citizen Comments**

*Britt Eaton, 1465 Neatawanta* would like to volunteer for citizen input to the Master Plan. Also there are local publications that could help get information to the area citizens.

*David Tuttle, 13129 Bluff* is hearing positive things from this board. Urges meetings to be set at time so that Planning Commission can get input from younger people. They are the future of this Peninsula.

*Nancy Heller, 3091 Blue Water Road* is disappointed especially in the first session. Agrees that all boards and commission should be heard. McKenna tasked to complete in one year. Strongly suggests that you hear what is said, take a vote and move on.

*Margaret Achorn, 11284 Peninsula Drive* regarding diagram of measuring height. This is not always waterfront. Those definitions are very important. You must clearly define. Critical later on.

**Board Comments**

**Peters** Bonobo planted pumpkins as their vines. Do they need to have wine? *Reardon* They have to process on site in order to have guest activities. They have indicated that they will provide proof. **Serocki** not approved for current activities  
*Reardon* No

**MOTION: Hornberger/Wunsch** to adjourn at 8:19 p.m.

Respectfully submitted by Mary Ann Abbott, Recording Secretary

Peninsula Township  
Special Joint Township Board & Planning Commission Meeting  
April 26, 2016 6:00- 8:00 p.m.

Meeting called to order at 6:00 p.m.

Present:

Town Board: **Avery; Byron; Hoffman; Correia-Chair; Weatherholt; Rosi**

Planning Commission: **Wunsch; Peters; Leak- Chair; Hornberger; Serocki**

Also present were Claire Schoolmaster, Planning & Zoning Coordinator; Michele Reardon, Director of Planning & Zoning, via Skype, Patrick J. Sloan, McKenna Associates and Mary Ann Abbott, Recording Secretary

Absent: Town Board: Witkop

Planning Commission: Couture

**Approve Agenda**

**TOWN BOARD MOTION: Byron/Hoffman to approve the Agenda. PASSED UNAN**

**PLANNING COMMISSION MOTION: Hornberber/Serocki to approve the Agenda. PASSED UNAN**

**Brief Citizen Comments - for items not on the agenda**

None

**Conflict of Interest**

Town Board: None

Planning Commission: None

**Business**

1. Peninsula Township Zoning Ordinance DRAFT (Discussion)

*Reardon* introduced Patrick Sloan via Skype to lead the discussion.

*Sloan* based on the previous meeting it was decided that it might be best to break out the information into chunks based on the major themes. Having three meetings. Tonight will be shoreline regulations; next week will be Agricultural and Ag Tourism Uses and the May 9<sup>th</sup> meeting to cover everything else and more major topics.

**Definition of "Building Height"**

Last week Building Height was a point of discussion. The consensus was that all heights should be measured to the peak regardless of the type of roof. But the Boards wanted some options on how to measure height on the waterfront. Discussion turned to McKenna letter of April 21, 2016 and the Definition of Building Heights. Two options were presented. Concerns of staff and boards were how to determine natural grade; requirements of a topographical survey before the permit; alterations of grade before the permit process; soil erosion; use of fill. There was a consensus on applying to all walkouts

Staff to do research on what GIS is available and revisit as we go further. Staff would also like to look at it from an enforcement standpoint, and see what it would do from a permit aspect. *Reardon* measurements will exclude chimneys but would like to look closer at cupola issue

**Shoreline Overlay District**

*Sloan* Section 3.12 Shoreline Overlay is a new district. In addition to new regulations it also has sections of the current Zoning Ordinance. Proposal is to split of the Shoreline Overlay into two sub-districts: The Waterfront Sub-District where the setback would change to 60 feet from shoreline and the Upland Sub-District which would be 60-200 feet of the shoreline. Also would prefer vegetative cover in the area where possible with permit from a landscape architect.

Topics discussed under Waterfront sub-District.  
Discussion continued on the purpose of vegetative cover and the types of cover.

*Reardon* Right now we do not allow clear-cutting but we also do not require that natural vegetation be restored. This will be a change from what we do now. We need to check with our attorney on what we can do about MDOT right of way. Proposed that residents will need to get a permit from the township in the future. Would make soil erosion aware that there is a new permitting process in Peninsula Township.

*Reardon* I like the idea of requiring a permit for earth movement in our Waterfront District. In that ordinary high we might want to be proactive about protecting our shoreline.

Consensus of the Board to keep this Waterfront Sub-district section.

**Hoffman** would like to talk about Permitted Storage (e). This is where we have the shore stations out all winter. There is a letter from the Heritage Road Committee on this. *Reardon* this is a rewrite of current ordinance that you can store on your property as long as not in the Road Right of way and not in the 15-foot side-yard setback. If in the Road right -of- way it would need to be moved. Enforcement was discussed. Ordinary high water does not matter for storage.

Discussion and consensus on use of wording of “temporary seasonal storage” across the board in the waterfront district.

Topics discussed under the Upland Sub-District

**Sloan** The Upland Sub-District requires 30% tree canopy from the 60-200 foot. Could require to be certified by a Landscape Architect

**Byron** would like to back up to 3-7 (f) Dredging and Filing *Reardon* we require that if they bring in fill below the flood plain and above the ordinary high they receive approval from the ZBA and have soil erosion permit. Can we add that a civil engineer be required? A citation could be issued. **Hoffman** A permit may help.

**Wunsh** it might be helpful to provide a list of vegetation that would work. *Reardon* Asks Sloan to check with their Landscape architect. Could just be a list kept at the township. The only time this would trigger is if there is a permit pulled.

Additional topics discussed under Upland Sub-District

D) Hoists *Reardon* Current ordinances end at the Ordinary High Water and suggest that we end it at the water’s edge. Can be addressed by attorney.

Consensus is that board would like to think on this topic.

E) Decks, Storage and Walkways *Sloan* Reviewed this section. *Reardon* Walkway requirements came from ZBA to address people who need a way to get down to the their beach. No changes by boards.

F) Shared Waterfront *Sloan* Only significant change is for portable sanitary equipment. No changes by the boards.

G) Filing and Grading *Sloan* to find out if Army Corp of Engineers requires permit for seawall.

H) Removal of Shore Cover No changes by Board

I) Road Ends No common dockage. Staff to look into whose responsibility with Right of Way

*Reardon*. If everyone feels comfortable with Shoreline Overlay District we will see the changes and edits as we move forward.

Fences and Walls

*Sloan* New section on retaining walls but must be to protect or prevent structures from erosion damage and may bring in Township engineer.

Clear vision areas discussed. Maximum height privacy fence is listed as 6 feet. Prohibited materials are also listed.

**Peters** would like to see Retaining Walls listed under definitions. **Rosi** questioned structures and the flood plain areas

*Reardon* discussed that the concept of Privacy Fences is new to the Board. The ZBA felt that there was a problem with the zoning ordinance because of the number of variances they were seeing. The staff needs to research corner lots. Need to look at corner lots and protect ourselves against the right of way. *Reardon's* suggestion is to keep the height at 6 feet and see what comments come at the Public Hearing.

Board consensus to continue discussion on definitions at a future meeting.

*Reardon* Next meeting will cover Agricultural related uses and Articles 3-5. There is change in the Agricultural Related uses and this comes from the Ag Tier discussions.

**Citizen Comments**

*Margaret Achorn, 11284 Peninsula Drive* The Board continue to call the waterfront side of the house the front side of the house and you need to make sure you change the reference points. Docks and temporary storage - does this need to be 15' from the property line. *Reardon* Storage is required to not be in the side yard setback. Placement of usable dock should be at or near the center of the property

*Jim Raphael, 14826 Mallard Drive* A little confused about requirements for waterfront sub district. Wondering if the issue is erosion control why you are talking about tree canopy requirements as opposed to a broader definition of vegetation that will accomplish the goal. Second issue is how do you measure the up to 200 feet on a steep slope. Think of the unintended consequences of tying too many things together.

*Britt Eaton, 1465 Nehtawanta* is concerned with the trend of larger homes and the lack of mid sized homes. Urges the Boards to strengthen the ordinance to a maximum of 35' and 2 ½ stories.

**Board Comments**

**Peters** work session on Master Plan tomorrow morning at 8:00 am

**MOTION:**

**Town Board: Byron/Hoffman** to adjourn at 8:04 pm. **PASSED UNAN**

**Planning Commission: Hornberger/Peters** to adjourn at 8:04 pm. **PASSED UNAN**

Respectfully submitted by Mary Ann Abbott, Recording Secretary

Peninsula Township  
Special Joint Township Board & Planning Commission Meeting  
May 3, 2016 6:00- 8:00 p.m.

Meeting called to order at 6:00 p.m.

**Present:**

**Township Board:** Avery; Byron; Hoffman; Correia-Chair; Weatherholt; Rosi

**Planning Commission:** Wunsch; Peters; Leak- Chair; Hornberger; Serocki

**Also Present:** Claire Schoolmaster, Planning & Zoning Coordinator; Michele Reardon, Director of Planning & Zoning, via Skype, Patrick J. Sloan, McKenna Associates and Deb Hamilton, Recording Secretary

**Absent:**

**Township Board:** Witkop (arrived at 6:47)

**Planning Commission:** Couture

**Approve Agenda**

**Township Board MOTION: Weatherholt/Byron to approve the Agenda. MOTION PASSED**

**Planning Commission MOTION: Peters/Hornberger to approve the Agenda. MOTION PASSED**

**Brief Citizen Comments - for items not on the agenda**

None

**Conflict of Interest**

Township Board: None

Planning Commission: None

**Business**

**1. Peninsula Township Zoning Ordinance DRAFT (Discussion)**

**Sloan** joined the meeting via Skype. Leslie Sickterman is in the audience. **Reardon** highlighted changes. Sections 6.110, 6.123, 6.138 and 6.139 are all sections of the ordinance that have been looked at over the years through sub-committees of the Planning Commission at meetings open to the public. There is also information provided related specifically the Bed and Breakfast (B&B) discussions from sub-committee meeting since 2014. The winery tier structure discussion evolved over time. The sub-committee recommends further clarification the ordinance to get to the intent and standards that meet that intent.

**Bed and Breakfast Establishments**

**Sloan** said Section 6.103 proposed changes add setback standards, requirement for the maximum number of sleeping rooms, acreage requirements, requirements for permits, prohibits rental of recreational vehicles, allows food and beverage to be served only for registered guests of the B&B and events are only for registered guests and there are limitations on outdoor events that can take place at a B&B. Many of these regulations are based on discussions at sub-committee level. **Hoffman** is opposed to increasing density in our B&Bs and 20 outdoor events per calendar year, and is opposed to putting B&Bs on PDR land. **Byron** said the intent behind B&Bs historically was to allow people primarily in the agricultural areas that had families that left the area with extra bedrooms to still live in their homes and lease out bedrooms to keep their places viable. The events and extra meals lose the purity of what a B&B

was meant to be. **Wunsch** said not opposed to a 12 guest B&B but wants to make sure it is set back from neighbors, and guest events should not create conflict with neighboring residential areas. **Leak** said he does not see a benefit to the Township with B&B rentals. **Hoffman** said increasing the density creates small hotels and motels and infringes on neighbors. **Rosi** B&B owners said they cannot run their business efficiently with the limitations in the ordinance. There is no place for people to stay besides chateaus. The economics for the B&B owners does not work when they have fewer guests. **Reardon** said two active B&B owners participated in the discussion. **Byron** said her concern is events. There needs to be a balance between residents and the event. **Hornberger** said events are limited to registered guests. There was discussion about adding rental "and use" of recreational vehicles shall be prohibited. **Wunsch** said he is sympathetic to the challenges to the B&B owners. It is also important to bear in mind that is not the Township's prerogative to make anyone's business economically viable. **Reardon** said it sounds like the room/acreage sliding scale may be tenable. The events seem to be a sticking point. At this point events at a winery chateau are only allowed inside unless everyone in attendance is staying at the guest house. Would it be more acceptable to have B&B events with registered guests that occur inside? **Wunsch** said he is less concerned about outdoor events and more concerned about the increase in density. **Weatherholt** said as long as they are not making noise is it a problem to have outdoor events. **Byron** we need to encourage the guests to go out into the community. **Hoffman** asked about enforcement of guest maximum. **Rosi** said there will be a registry. **Byron** said the registry can be a game. **Hoffman** said 20 events per calendar year is a lot of extra activity. **Reardon** based on board discussion we need to review the amount of extra activity that may be allowed. This is part of Amendment 190 and we will be having a public hearing on it. **Hoffman** again said she is opposed to B&B's being on PDR land. **Reardon** said have to have a reserved building site to do it. **Byron** said there is a big difference between putting a single family home on the site and a B&B built on the site. There was discussion about existing structures only.

#### Food Processing Plants

**Sloan** said Section 6.110 had text added to this use. Development standards were added such as lot area, setbacks, parking, lighting, signage, landscaping and acreage dedicated for the special use is not used to satisfy the acreage density or the open space required for any other land use. There are provisions for the source of produce. There is a requirement for data and records. Finally there are provisions for natural disaster. **Byron** asked is there a need to introduce the new use. **Reardon** said she does not have anyone asking for something like this right now. **Reardon** reviewed the Food Processing Plant portion of her May 3, 2106 memo. **Byron** asked about regional versus Old Mission produce with the focus on Old Mission grapes. Do we want produce brought into the township or do we want to sell our own produce? **Avery** is in favor of a certain amount of regional produce being allowed. **Leak** said when the Planning Commission determined a way to have wineries on the Peninsula; the ordinance says a percentage of produce must come from Old Mission. That was done to keep the land in production instead of going into development. **Byron** asked if there has been input from farmers. **Reardon** indicated that she would like more input.

#### Local Food Production Facility

**Reardon** said this was worked on by the sub-committee. This allows a building footprint of 6,000 sq. ft. but limits the retail area to 1,500 sq. ft. The majority of produce processed shall be grown on the land owned or leased for the specific farm operation, with data and records submitted to the Township annually for verification. There is a provision to allow a residential dwelling unit on the parcel. Retail activity shall end by 9:30 p.m. **Weatherholt** said if five acres can have retail, there could be retail up and down the roads. **Reardon** said this was debated at the Planning Commission and at the sub-committee

level. **Serocki** this is for someone who wants to make jam or cherry pies and sell it, however she does not remember the footprint being that large. **Serocki** also thought they could sell other people's products. **Rosi** said this was for startups and follows the foodie movement. **Witkop** asked the difference between local food processing facility and the food processing plant. **Serocki** said local food production facility cannot sell MLCC products. **Reardon** she is getting requests for something smaller and and accessory to an agricultural operation. **Hornberger** said she noticed a closing time but she would like to see a starting time. **Reardon** said the sub-committee said that was self-regulating. **Hoffman** is opposed to a 9:30 closing time.

#### Winery, Use by Right (Currently a "Farm Processing Facility")

**Reardon** the changes are an increase of the host site and the amount of acreage dedicated to perennial crops that can be used for wine production. The sub-committee talked about trying to make sure that a site has arable land and a percentage of that arable land is in production. The 85% of grapes utilized to make the wine are processed, tasted and sold shall originate from Peninsula Township. The building size maximum is increased from 6,000 sq. ft. to 12,000 sq. ft. with the tasting room limited to 2,000 sq. ft. The idea of outdoor tasting rooms is introduced with the Use by Right and in a Winery-Chateau as well. Retail sales are allowed outside of tasting room and limited to lesser of 500 sq. ft. or 25% of tasting room. The biggest change is the introduction of Guest Activity Uses. **Reardon** asked if the Boards wanted the Guest Activity Uses. **Byron** said she thought the idea was to have different levels of wineries. She would like to hear from the public that went through Amendment 123. **Serocki** said she would like to see closing times. **Peters** said she calculated 75% arable land and 65% in perennial crops. With a use-by- rights 40 acre site having 65% of the arable area bring the planted land down to less than 20 acres. **Reardon** agreed and said that some of the Planning Commission discussion was to make sure not cutting down trees to put in a crop that may not grow to meet the production. The numbers now may not be where we end up. **Wunsch** asked is there a way to imposed stringent requirements for arable land and deal with scaling it down through the ZBA. **Reardon** strongly suggested not creating an ordinance that there will be a need for the ZBA regularly. **Byron** voiced concern about the use of "perennial crop" is not the right wording to fix the problem. **Wunsch** said permanent crop is the term used by the US Government. **Avery** said if going to make wine out of pumpkins then better make wine and there better be enforcement. **Reardon** said it sounds like events and building size increased may be an issue. **Witkop** asked about the retail sales. **Reardon** said she would like input from public.

#### Citizen Comments

*Chris Baldyga, 9707 Montague Rd.,* said the Winery, Use by Right is too small at 6,000 sq. ft. If we had 65% of the 75% of arable land planted in crops the size of the building is too small at 6,000 sq. ft. There is a high threshold for minimum entrance into the market. If have to have that much crop then they need a larger facility. Five acres, two tons an acre, 10 tons of fruit, 600 cases of wine could be a dream of a tiny beautiful winery. Do not stifle the little guys.

*Cristin Hosmer, 17593 Shii Take Trail,* agreed with Baldyga and says it goes to the heart of what we are trying to do on the Peninsula which is protect and promote and preserve agriculture. She is one of the future young farmers. Wine can be made out of anything that is fermented and the Liquor Control Commission creates the law that constitutes what is alcohol and what is not. If events were added to some of the middle tier processors would make them more successful. Commodity growers are not the future. The Zoning Ordinance is broken and needs to be fixed.

*Walter Brys, 3309 Blue Water Rd.,* let the owners of the winery manage the risk under the rules that are set. Think about having one winery ordinance, use by right and scaled based on acreage commitment to the community. The ordinance is only as good as enforcement. There needs to be a definition of what is an event.

*Bern Kroupa, 3183 Shorewood Dr.,* said rumors of the tree fruit industry's demise are exaggerated. When he started their Juice Company they did not do it here because it did not seem promising with the attitudes about micro-managing. The biggest source of their juice is Peninsula Township. We fought for three years to get through Amendment 139 and it was not just for wineries. When building for the next generation we cannot micro-manage things. Give them a frame work and see what they can develop and move ahead with agricultural enterprises.

*John Wunsch, 17881 Center Rd.,* said to clarify five acres allotments for Winery Chateau it has always been assumed that meant 5 acres it has a development right. It was written even before we talked about development rights. It does have to have a development right attached. There is great enforcement language on all of these ordinances. The last paragraph is great. If there is a reported incident the Board addresses it. Have to cease and desist in 30 days and if have not they are closed down. The language says it can be closed down until the Board says can open. It should say until it is remedied and the Board says when they can reopen. I worked hard on Amendment 139 and it is good, but feels that if it changes hands they should have to apply and qualify again. Please consider those three clarifications. You did not bring up the part of 139 that says that events are not weddings, reunions and entertainment events; they are events that are promoting agriculture. We ned something simple and easy that everyone can stand behind.

**Board Comments**

None

**Township Board: MOTION: Avery/Witkop to adjourn at 8:06 pm. MOTION PASSED**

**Planning Commission: MOTION: Hornberger/Wunsch to adjourn at 8:06 pm. MOTION PASSED**

Respectfully submitted by Deb Hamilton, Recording Secretary

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.

PENINSULA TOWNSHIP  
PLANNING COMMISSION SUB-COMMITTEE

March 12, 2014

Present: P. Rosi, L. Serocki

Absent: B. Householder

Also present: E. Craft, M. Reardon, N. Heller, M. Nadowski, B. Eaton, C. Ruzak, C. Goodman, K. Kern, D. Edmondson

Meeting called to order 2:01PM

**ROADS** Craft will work on new road draft with comments from members. Corrections will be made to Section 7.10.12. Reardon will hold off on engineer review until comments are obtained from Planning Commission and ZBA. New draft revisions will include: reformatting, Intent, Non-conforming Roads, and Joint Maintenance Agreement sections. Discussed staging areas for fire trucks; what information is used in deciding how many staging areas are needed along a road? Some loans require a road to be brought up to standard before finalizing mortgage. Roads need to meet a certain requirement regarding width, paving, grade, and road-bed, even if they don't have a joint maintenance agreement. Discussed problems with roads in Nehatawanta as roads are platted and actual roads do not follow "paper" roads.

**BED AND BREAKFAST** Subject has been researched; staff will take the research and the results from two B&B meetings and prepare a draft for next month. Discussed events that are available at other B&Bs in the state. Discussed increasing number of rooms; will look at zoning and acreage numbers to determine what might work. Clarification requested for difference between social events and promotional events (wine tours). Comment made regarding Township not following their own ordinance in regards to Lighthouse weddings and events. After Large Events Ordinance is finalized, will look at what are acceptable accessory uses in terms of events with smaller numbers of people. How will that affect neighbors; noise, parking, etc. B&B properties are not taxed as residence. Will invite Sally Akerley to our next meeting.

**AG TIERS** Reardon prepared chart summarizing food processing and food production ordinances. The chart shows comparisons between current ordinances and proposed ordinances. Food production ordinances are ready to go. The consensus that the office is hearing is that the current food processing ordinances are working, so why change them? The decision has been made on road right of way and parcels split by road. Now need to work on language for AVA, canopy, standards for grape wine, fruit wine, hops, spirits, selling merchandise. Are more tier levels needed? Tier 4 needs work on occupancy limits, meeting numbers, and acreage required (50 or 80). Discussed ZA enforcement of current ordinances. All wineries and chateaus must follow rules; will now be enforced. Discussed removal of remote wine tasting room ordinance and placement of all new remote tasting rooms into commercial zoned property; does this need to be mentioned in each tier?

One correction in February 5<sup>th</sup> minutes. Next meeting April 16, 2014 at 2:00PM. Topics will be B&B and ag tiers. Committee will receive updated road draft and ZBA comments on definitions prior to April 16<sup>th</sup> meeting.

Meeting adjourned 4:30 PM

3/18/14 laws

To: Peninsula Township Planning Commission  
From: Michelle Reardon, Planning & Zoning Department  
Re: Agricultural Tier Language  
Date: September 30, 2014

---

Points of discussion for the Agricultural Tier language:

1. Definitions:

*Contiguous* – property that shares a common border and may be separated by a right-of-way provided that right-of-way is in common ownership with the subject parcels.

*Registered Guest*- a person or people that stay overnight and have signed a guest register.

*Arable Land* – land fit for the growing of crops exclusive of mature, healthy, wooded lots.

2. Acres in production requirements: To provide consistency and an increased commitment to the land as a proprietor proceeds through the tiers staff is suggesting the following for minimum acreage requirements:

All tiers will include language stating

Tier 1 – 50% of arable land

Tier 2 – 60% of arable land

Tier 3 – 65% of arable land

Tier 4 – 75% of arable land

Suggested language also includes: “The parcel shall be at least fifty percent (50%) arable land.”

To further support the use of OMP produce and to comply with the State of Michigan Department of Agriculture Farm Market GAAMPS staff is suggesting that 51% of all products sold in the tasting room and retail area are products made from produce on-site.

3. Maximum Coverage Standards – Agricultural Zoning does not currently have a maximum coverage standard. Due to the proposed tier language (i.e. acres planted, maximum size of structure) staff does not see a need for additional language regarding maximum coverage standards

4. Maximum Occupancy – Occupancy is determined by the Fire Inspector. Based on information supplied by Chief Rittenhouse this type of use would require fifteen square feet (15sf) per person of occupancy. For a winery with a 2,500 sf tasting room this would allow a maximum capacity of 166 persons.

Feel free to contact me should you have any questions.

PENINSULA TOWNSHIP SUB-COMMITTEE MEETING  
October 1, 2014

Present: P. Rosi, D. Hornberger, L. Serocki

Also present: M. Reardon, E. Crafts, N. Heller, C. Hosmer, D. Edmondson, M. Chantal, M. Nadolski, J. Krupka, C. Ruzak

Agenda: Agricultural Preservation and Development Standards--Alcoholic Beverage Section (Ag tiers)

Discussion centered on Reardon memo dated September 30, 2014

1. Definition of contiguous--Several definitions of contiguous were discussed. Joint meeting of Town Board and Planning Commission determined that if property is assessed to center line of road and it is part of legal description, than that is part of property and a property divided by road would be contiguous. Staff will work on a definition of contiguous to go into the Zoning Ordinance (ZO).
2. Acres in production requirements--Discussed percentage of acreage in crops and how to incorporate tree canopy into planted land calculations. Should there be a percentage for crops and a percentage for woods? Or a total percentage without specific divisions? Want to keep rural character, so wooded areas are important. Staff will work on language incorporating both crop percentages and tree canopy percentages.
3. Maximum coverage standards--Should there be a maximum coverage? Right now there is not, but maybe there should be a cap to help preserve character. Currently, our lowest standard for maximum coverage is 15% . If used that for a 10 acre parcel there would be a maximum coverage of 65,340 square feet of impervious surface. Staff will look at current facilities and what there coverage is including winery, tasting room, deck, parking, sheds, etc.
4. Guest Activities--Should there be an agricultural use or promotion of Peninsula Township agriculture incorporated into guest activities? How events are conducted is important; have to manage impacts such as noise and parking. Impacts were in original documents and placed back into this draft. What would be the definition of registered guest and guest; will be defined and placed in Zoning Ordinance.

Other discussions: Co-op license--is there one for the peninsula? Set-backs should be consistent, so can easily develop from one tier to another level. Discussed growing grapes on peninsula, shipping fruit off of peninsula for processing, and then selling on the peninsula; not allowed at this time.

Public Comment: Glad there was an ability to comment on sections as they were discussed and not wait until end of meeting. Feel that current ordinances work; have very high standards. Some properties have ag and residential zone acreage; discussed residential acreage not being counted in total acreage for a winery. Township wants to regulate land use, not commerce. Discussed size of guest activities--Tier 3 has a number (50 people), Tier 4 depends on occupancy--should they both be based on occupancy? Staff will look at occupancy numbers for current wineries. Should wineries be allowed in viewsheds? Should there be language to support the Master Plan statements on viewsheds? Staff will look at amendment to allow minor changes to SUP without need to go before Planning Commission. Should not cap number of wineries and chateaus--they should survive or die on their own. Should there be allowances in additional acreage if there is a long-term lease with another property owner?

Next meeting: November 5, 2014 at 2:00PM

Submitted: laws 10/4/14

PENINSULA TOWNSHIP PLANNING COMMISSION  
SUB-COMMITTEE NOTES  
NOVEMBER 19, 2014

Present: Rosi, Hornberger, Serocki

Also present: Reardon, Crafts, Heller, Nadolski, Dalese

Meeting called to order: 2:04PM

In the future, minutes will be adopted at sub-committee level and that will be added as an agenda item.

**Review draft Agricultural Tiers language:** Started with four points from Reardon memo dated 9/30/14. **#1.** Agreed with new definitions of contiguous, registered guest, and arable land. **#2.** Discussed if Tier 1 was necessary; does it get the Township where it wants to go? Does it protect land? Is a processing facility best suited on 10 acres? No tasting room, so sold through internet, farmer's market or possibly a co-op. Need to research co-ops; in a co-op would have one generic label and most people would want their own label. Maybe could have it custom crushed and then have own label. Look at regulations that allow wine sales at farm markets. Starting a Tier 1 would have to have potential to buy contiguous land, so that winery could move up the tier ladder. Large outlay in the beginning; potential to fail. Questioned the demand for 10 acre wineries; so far only one request. Township needs a map which depicts which land is good for grape growing. Could overlay a map over ag property and see how many 40 acre parcels are available. The wine industry goes through cycles; that's when consolidation occurs, especially in distribution. Old Mission has ten tasting rooms. Discussed AVA and what percentage of AVA wine should be required in each tier. Record keeping is different for every winery. Staff is looking at standardized record keeping for the future. Old Mission wines are perceived as having quality preparation. Tier 3 has the lowest number of acres in production; have to change acreage in production equation. **#3.** Staff determined that maximum coverage was not necessary and recommended removing from document; committee agreed. Discussed 330 feet of road frontage. Discussed set-backs; maybe 200 feet from a residence is too low. **#4.** Discussed maximum occupancy. Fire Inspector determines occupancy; this use requires fifteen square feet per person. A winery with a 2500 square foot tasting room (Tier 4) would have a maximum capacity of 166 people inside and an outside tasting room would be allowed with the same number. Have to balance use with numbers. Need parking, but do not want too much concrete. Other topics discussed: Pre-existing buildings; is the age of the structure important? Only one access drive required; maybe an emergency access should be included? Does equipment have to be enclosed or covered? Some farm buildings have a roof, but not four walls. Language will be changed that equipment has to be covered. Does parking have to be graveled? Tier 4 has language on tents, but not Tier 3; should they be similar? Number of guests at Tier 3 events are not based on tonnage, but are limited to 50 people. Number of Tier 4 events are determined by inside maximum occupancy. Language does not state "No weddings". Staff feels that if wedding has an ag component or an ag promotion it would be included. What was reasoning for no weddings when original ordinances written? Will look at history. Concerns regarding weddings might include: size, noise, and parking. Would renting property be considered "more commercial". Would weddings be opening up a can of worms? Do not want to create an event venue. Regardless of use (wedding, reunion, family dinner) there would have to be an ag component and there would a designated area, no tents, and no amplified music; parking could be a problem. The Natural Disaster Provision statement and a statement regarding Remote Tasting Rooms only in commercially-zoned properties will not be located in each tier; maybe one general mention at the beginning of the

ordinance. Discussed M. Peters letter regarding uses at wineries/chateaus becoming more commercial.

Staff will work on co-ops, frontage issues, setback issues, percentage of land in arable property in Tier 3, tasting room and retail sales percentages, pre-existing structure's age, first and second access points, enclosed storage, weddings and reasoning for previous wedding ban.

**Discussion on 2015 work plan:** The revised zoning ordinance has to get out. Staff plans to complete Ag Tiers, Private Roads, and Bed and Breakfasts revisions, place them in zoning ordinance and then have a public hearing. That is the priority. Then committee will look at list developed in 2013. Some additional topics to include are senior housing, heights and locations of fences, and changes in elevation after site plan has been approved. The list of possible topics will be addressed after the public hearing of zoning ordinance rewrite.

**Public Comment:** All public comment was made during meeting.

Next meeting: Thursday January 22, 2015 at 2:00PM. Topic: Ag Tiers

Meeting adjourned: 4:15PM

laws 11/30/14

To: Peninsula Township Planning Commission  
From: Michelle Reardon, Planning & Zoning Department  
Re: Agricultural Tier Language  
Date: January 21, 2015

---

Winery language changes since last meeting:

1. Tier 1: This language may be unnecessary since we currently allow Food Processing Facilities, Section 8.5. This section currently allows the activity in Tier 1.
2. Tier 3: Staff recommends deleting this section. Special Open Space Use, Section 8.7.2 (3) & Section 8.7.3 (3) can be utilized to allow for flexibility of uses on acreage near a winery.
3. Language will be amended to require that agricultural equipment shall be stored in a structure that has a roof but does not require walls.
4. Regarding produce requirements staff suggests the following:
  - a. a winery shall be required to have specific percentage of arable land (50%/75%) in usable crops;
  - b. 85% of the produce sourced from OMP; and
  - c. 51% of the produce shall be sourced from the specific farm dedicated to the use.

Staff suggests we discuss the ramification of this new requirement on Tier 4 (Winery Chateau).

5. We discussed moving the natural disaster provisions to an over-arching paragraph to cover the tiers. However, the new ordinance format requires this standard be included within the sections.
6. Remote tasting rooms shall be included in the special uses permitted in a Commercial district and shall be modeled on a combination of the original tier language and the current remote tasting room language.

Feel free to contact me should you have any questions.

PENINSULA TOWNSHIP PLANNING COMMISSION  
SUB-COMMITTEE NOTES  
January 22, 2015

Present: P. Rosi, D. Hornberger, L. Serocki

Also present: M. Reardon, E. Crafts, M. Nadolski, N. Heller, J. Krupka, C. Baldyga, J. Kroupa, M. Peters, C. Ruzak

Meeting called to order at 2:01PM

Agenda amended. Number 2 will be Bed and Breakfast; Number 3 will be Ag Tiers.

**1. Minutes of November 19, 2014** Approved without change.

**2. Review draft B&B language (Section 8.7.3.6).** Discussed memo from Planning Department dated January 15, 2015. MEALS--Removed first sentence from (b)16. in draft to reduce redundancy. EVENTS--Will change (b)17.i. to "No more than twenty (20) outdoor events are allowed per calendar year." Will amend (b)17.ii to "No more than two (2) outdoor events are allowed per calendar week." Also, (b)17.iii will be changed to "All events shall end by 9:30."

Discussed: (b)4.v.--two hundred feet set-back from crops is for noise as much as for spray. If property is abutting ag land, could 200 feet set-back be lessened? How far should a B&B be from other uses?? How many complaints are made regarding ag noise and spray? The impact is on the B&B, not on the crops; could be reduced. Staff will look into B&B set-backs from ag crops. (b)7. Should occupancy level be increased? As written a B&B with 3 bedrooms can have 12 guests (4 per room), but a B&B with 5 bedrooms can only have 12 guests. Will leave at 12 guests per B&B. (b)9. How is square footage per bedroom measured? Measured by interior wall. (b)15. B&B establishments cannot rent snowmobiles, ATVs or similar vehicles. Can registered guests bring vehicles? B&B would need parking area so that additional vehicles would be parked legally. Is the phrase "in conjunction with the operation of the establishment" necessary? Should be reworded or removed. If B&B is sold, the SUP goes with the property. Events will not be defined in the ordinance, but there will be a definition in the Zoning Ordinance. Owner would be allowed to have a garden plot closer than 200 feet to the B&B. Owner would be allowed to have a roadside stand. Discussed ag events in association with B&B; that is a value-added event and not included in this ordinance.

**3. Review draft Winery language.** Discussed memo from M. Reardon dated January 21, 2015. Started with #3. which requires agricultural equipment to be stored in a structure. Can it be a covered structure or is it necessary to have walls? Is this language necessary? Section will be removed. #5. Natural disaster statement. Because of ZO's new format, this statement will be placed in Use By Right section and SUP section not in an over-arching paragraph to cover all tiers. #6. The ag tier language allowed Remote Tasting Rooms only in commercially zoned districts. The current Remote Tasting Room ordinance is tightly interpreted. Look into allowing them as currently written or in a commercial property. #1 and #2--Why are we going to tier language? Tier 1 could be

covered under food processing if some changes were made to the food processing ordinance. Standards would have to be tightened. New language allows for retail sales on site. Current ordinance does not allow for smaller vineyards; forced to build big structures. Could have custom crushes done at other wineries. Staff will go back and refine food products and work on fermented products instead of having a Tier 1. Tier 3 allows 139 wineries to have more opportunities without becoming a chateau. Tier 3 as written looks a lot like Bower Harbors' SUP. Every event at a chateau preserves some ag property on the peninsula as have to use OMP grapes to be allowed events. Should 139 wineries be allowed events too, as they are preserving ag too? There are three main benefits to being a chateau 1.) Can have a B&B, 2). Can have events, 3). Can purchase bulk grape juice, which is very profitable for the winery. Old Mission wines are special; have a very good image. Winery owners will have to look at new ordinances and decide if they want to give up what they have to get something in the new ordinance. GAAMPs now allows tasting at farm markets. Attorney will have to interpret. Peninsula Township needs to get closer to GAAMPs regulation. Need to work on Farm Processing, Remote Tasting, Food Processing, and Chateaus. Take what we have learned from tier language and put it in existing ordinances. Lots of work and lots of people had input in Tier Language. Did not discuss #4 (Produce requirements).

**4. Public Comment.** All public comment was made during the meeting.

Next meeting Thursday March 12, 2014 at 2:00PM.

Meeting adjourned 4:05PM  
laws

SUB-COMMITTEE MEETING  
March 12, 2015

Present: P. Rosi, D. Hornberger, L. Serocki

Also Present: M. Reardon, N. Heller, M. Nadolski, D Edmondson, M. Peters, J. Kroupa, B. Lillie, C. Baldyga

Meeting called to order at 2:06PM.

1. Minutes. Minutes approved without change.

2. Review draft Winery/Processing language. There will be five ordinances regarding food processing: Food Processing Plants, Farm Processing Facility/Use by Right, Winery Chateau, Remote Tasting, and Local Food Processing. Reviewed draft for Food Processing Plants which includes current ordinance Section 8.5, former Tier 1 language, and Cottage Food Production Facility ordinance. Two questions that committee should address: what is the minimum acreage allowed and should all wines be designated AVA? Cottage Food Production is 5 acre minimum; Tier 1 is 10 acre minimum. New draft reads “minimum size requirements for an agricultural zoned parcel unless it is recognized as a legal non-conforming parcel of record.” There would be no tasting, no retail component, just processing. Could have a roadside stand if in excess of five acres; wine would have to be licensed. Wording for acreage will remain the same. Will leave AVA limit in ordinance. Should there be a limit on building size? Decided that there should be a maximum square footage. Discussed experimental kitchens where space could be rented for processing. The renting of the facility would constitute a commercial enterprise. Keep the fruit local; 51% has to be grown on peninsula. What about land in production, but not in processing? Would use language similar to the chateau language. Names of ordinances will change so it will be less confusing; tiers will be gone.

Reviewed draft Farm Processing Facility/Use By Right Winery which incorporates the section previously called Tier 3. The main change from winery language currently used for Farm Processing Facility is the addition of accessory uses. Guest activities would be allowed if they included an agricultural production promotion as part of the activity. Guest activities would be limited to 50 people with 20 events a year, two per week and would take place during normal working hours ending by 9:30PM. Notice would be given to the township on a monthly basis. Sixty-five percent of the land would have to be in production; discussed changing language to include “arable.” Parking would have to accommodate guest use. Retail sales would be allowed inside only. Facility would have to be located on a public road.

3. Public Comment. How many categories will there be? At this time there will be

five processing ordinances and also roadside stands. As language is completed, the large chart will be filled in; should make options and requirements readily available. Will be discussed later if the chart should be included in the ZO. Discussed GAAMPS and the need to fit that in to ordinances. Would a beer tasting facility work if it needed such a high percent of ag crop in the product? A small amount of hops is needed per batch. Beer and spirits could be done through the Farm Processing ordinance, but could not sell or taste on peninsula unless in commercial district. Spirits could be sourced from fruit on the peninsula, but beer could not. Might need a brewery ordinance in the future, but not at this time.

Meeting adjourned at 3:48PM  
laws

## SUB-COMMITTEE MEETING

April 16, 2015

Present: P. Rosi, D. Hornberger, L. Serocki

Also Present: M. Reardon, N. Heller, M. Nadolski, M. Peters, J. Kroupa, C. Baldyga, M. Dalese, B. Bickle

Meeting called to order at 2:03PM.

1. Minutes. Minutes approved without change.

2. Review draft Winery/Processing language. Reardon noted the following changes are to be discussed: Source of Produce (Winery/Chateau and Use By Right), acreage requirements (Use By Right), and Accessory Uses (Winery/Chateau and Use By Right). She also wishes to discuss the need for an onsite resident manager at a Winery-Chateau which does not have a B&B and if the Local Food Production Facility could replace the Road Side Stand ordinance. It was determined that on-site resident manager is not necessary if there is not a B&B. Local Food Production Facility ordinance cannot replace Road Side Stand ordinance.

Local Food Production Facility: Statement of Intent will be reworked so that all ordinances start with the same intent and then go into further detail for each section. Two hundred feet from pre-existing residence will be added. Once the basic ideas are agreed upon, all ordinances will have the same order and the same numbering. Because a public road is required, this ordinance will not work for roadside stands. Retail space under 3.a. should read "No less than 50%..." It will also contain wording that 85% shall be grown on Old Mission. Under 3.b. should read ".....no greater than 15% of the retail space." These changes will be made on all ordinances. There will be a statement regarding data and record-keeping. Parking must contain space for employees and note if it is paved or a hard-packed surface. Time will be changed to end at 9:30 PM and not include a start time. Food Production has a retail component; Food Processing does not. Local Food Production Facility will state " does not include alcohol" in the intent. Discussed increasing setback from a pre-existing home from 200 feet, to 300 feet or 400 feet. Will discuss at PC. Local Food Production would cover pies, jam, salsa, maple syrup, etc. Discussed if 6,000 sq feet is too big.

Food Processing Plants: Remove first section "Authorization". Is there a need for size limits? Could be a larger scale food with no retail; do not want to take away a use already have. Will investigate size. Will add impervious surface to all ordinances. Concern was expressed that this could be industrial. Could this be a co-op? Could not be a co-op as written because produce is not from leased land. Co-ops will be looked at down the road; will be discussed with attorney. AVA is not required. Site plan review will be on Food Processing and Winery Chateau ordinances and will have to meet a base standard.

Winery/Chateau: Is an on-site manager needed at a winery that does not include a B&B? An on-site manager will only be required if there is a B&B. Number of rooms is related to size of property. Seventy-five percent of the land must be arable (suitable for growing crops); 65 must be in crops. This will protect woodlots which are important for the rural character. Woodlots could also utilize maple syrup. Discussed equivalents on Page 1 and 2. Should allow single homes to be built on chateau acreage? Ordinance now allows 6 houses to be built on 5 acres of ag land. Tier 4 did not allow single family homes on the winery/chateau acreage. Will discuss at the PC. Dried fruit was in previous ordinance and shall remain. Should there be a maximum size on the tasting room? Winery/Chateau is tied to maximum capacity already. Food Retail License allows light prep and plating; Extended Food Establishment License allows kitchen. Page 4 3g. In current ordinance,

guests of the B&B cannot invite anyone to events. Now it reads that they can invite someone if it promotes ag; does this need clarification? Page 4 Township Wide Events: are they Township events or WOMP events? It is a promotional event for the wineries but not closing roads or using parks. It is not a Guest Activity as the events are free and open to the public. Permission was obtained from Town Board after events were successful the first year. Discussed retail sales. Get rid of percentage and keep track of sales. Will allow logo merchandise, but only 20% of retail sales area. Should not over-manage retail, but do not want it to be a store. The retail is selling the ag component, so it has to be tied to land. Needs to be refinement on what can be sold. Guest Activity Uses are based on tonnage; will look at removing 1.25 tons per guest if 51% of product has to be grown on peninsula.. Guest Activity Uses are tied to ag; there has to be ag in events. Strengthen 6b in terms of ag component in events. Looking to mitigate impacts, not determine who can attend. 6f. will be changed from "social gathering" to Guest Activity Uses. Parking size will be based on indoor and outdoor tasting room capacity. Will remove from #7 "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." If there is a B&B the property has lost those development rights; if B&B was destroyed, the development rights would be returned to the property.

Use By Right: Tighten up language regarding the parcel size; it is confusing. Guest Activities must be tied into ag, but will not list events allowed. Will define ag function. Number of people at events will be changed to 50 people or fire safety maximum, whichever is less. There must be a designated room for Guest Activity Uses; cannot be in Tasting Room when the Tasting Room is open to the public. It could be a designated portion of the Tasting Room that is not used during tasting hours. Discussed the use of tents and canopies; can the stipulation that they are not allowed be dropped? It is not in keeping with the rural character, but will discuss this further. Underground portion of a building does not have a size limit. Site plan review will include topography and topography changes. Need to know where storm water is going. Will be in all large scale development, but not in residential. Discussed size of building which at this time is 12,000sq ft; is that too big? Page 5 Development Rights Retained is from current ordinance and can be placed on contiguous property, but not the 40 acres used for the winery. Should that be changed?

3. Public Comment: It is good to be able to have a discussion in a positive environment.

To Be Discussed with Planning Commission: Setback from pre-existing residence.

Single family homes on acreage counted in winery/chateau calculations.

Next meeting not scheduled.

Meeting adjourned 5:00PM.

laws 4/19/15

- (1) Commission requirements; and
  - (1) Solid waste disposal plan.
- (6) Where a Recreational Unit Park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as concepts for any subsequent stages.

### **Section 8.5 Food Processing Plants in A-1 Districts:**

**Section 8.5.1 Authorization:** The Township Board may authorize the construction, maintenance and operation in the Agricultural District of food processing plants related to local agricultural production, by the issuance of a special use permit, subject to the procedures and requirements of Section 8.1 and provided that it has been demonstrated that the operation will not create any nuisance which will be detrimental to the health, safety and welfare of Township residents or adversely affect adjoining property owners.

**Section 8.5.2 Required Information:** The following information shall be submitted as a basis for judging the suitability of the proposed operation:

- (1) A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other construction features which shall be proposed.
- (2) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- (3) Engineering and Architectural Plans for:
  - (a) The treatment and disposal of sewage and industrial waste or unusable by-products.
  - (b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter or radiation.
- (4) The proposed number of shifts to be worked and the maximum number of employees on each shift.

Article 6: Standards Applicable to Specific Uses

**(M) Density and Dwelling Unit Size.** The maximum density and minimum dwelling unit size shall meet the requirements of underlying zoning district.

**(N) Attachment.** No part of an attached single-family dwelling unit shall be located above or below another attached single-family dwelling unit. Attachment of the single-family dwelling units, one to another, may be through a common party wall or similar architectural barrier.

**Section 6.109 Farming and Horticultural Use (currently Section 6.2.2(6))**

Farming and horticultural use includes the carrying on of usual soil practices of cultivation, spraying and fertilization including the use of barnyard and poultry manure, and also including migrant workers' quarters and roadside stands for the sale of agricultural products, but excluding the raising and grazing of farm animals and fowl in residential districts excepting as permitted in Section 6.121.

Deleted: Including

Deleted: (5) above

**Section 6.110 Food Processing Plants (currently 8.5)**

**(A) Authorization.** The Township Board may authorize the construction, maintenance and operation in the Agricultural District of food processing plants related to local agricultural production, by the issuance of a special use permit, subject to the procedures and requirements of Section 14.103 and provided that it has been demonstrated that the operation will not create any nuisance which will be detrimental to the health, safety and welfare of Township residents or adversely affect adjoining property owners.

**(B) Statement of Intent.** The intent of this section is to provide agricultural land owners within the Township an opportunity to produce, process, and wholesale their value-added products upon new or existing farm operations. This type of operation's intent is not to include the retail sales of said product onsite, but does provide a land use where wine, beer, or other spirit related processing may take place.

**(C) Eligibility Criteria.** In order to establish a Food Processing Plant, the applicant shall demonstrate that the following site development standards have been met:

**(1) Lot Area.** The host parcel shall meet the minimum size requirements for an agricultural zoned parcel unless it is recognized as a legal non-conforming parcel of record.

**(2) Setbacks.** Structures utilized for any part of the production facility shall maintain the following minimum setbacks:

**(a) Front. 50 feet.**

**(b) Side and Rear. 100 feet**

**(c) Minimum of two hundred (200) feet from a pre-existing residential structure on an adjacent property. Pre-existing agricultural structures may be utilized for a Food Processing Plan if the following regulations are met:**

Article 6: Standards Applicable to Specific Uses

- (i) The applicant can demonstrate that the proposed structure is in compliance with the standards of the Grand Traverse County Construction Code office, Health Department, Road Commission, and any other applicable permitting agencies.
- (ii) The structure's location is in compliance with the underlying district's zoning setbacks.
- (3) Parking, Lighting, Signage, and Landscaping. Parking, lighting, signage, and landscaping must comply with this Ordinance.
- (4) Access. Access shall utilize road cuts and/or driveways which have been approved by an applicable transportation authority and must be located on a public road.
- (5) Area of Use Not Counted as Required Open Space. The acreage dedicated for this Special Use shall not be used to satisfy acreage density or open space requirements for any other land use in the Township.
- (D) Source of Produce. A majority of the produce processed shall be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Food Processing Plant. Products shall be processed and packaged in the specific Food Processing Plant and in compliance with all applicable Federal and State laws.
- (E) Data and Records. The owner of the specific Food Processing Plant shall annually provide data and records to the Peninsula Township Planning & Zoning Department showing compliance with the above regulations related to the source of produce. This documentation shall be supplied to the Township on a form provided by the Planning & Zoning Department.
- (F) 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 and 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 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.
- (G) Required Information. In addition to the site plan information requirements of Section 14.102(B), the following information shall be submitted as a basis for judging the suitability of the proposed operation:

  - (1) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
  - (2) Engineering and Architectural Plans for:

    - (a) The treatment and disposal of sewage and industrial waste or unusable by-products.

Deleted: T

Deleted: <#>A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other construction features which shall be proposed.¶

Article 6: Standards Applicable to Specific Uses

- (b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter or radiation.
- (3) The proposed number of shifts to be worked and the maximum number of employees on each shift.

**Section 6.111 Gasoline Stations and Automobile Service Stations (currently Section 8.8)**

(A) **Statement of Intent.** Facilities to serve motor vehicles are of considerable importance within areas such as Peninsula Township where the basic mode of transportation is the automobile. It is the intent of this Section to exercise a measure of control over service station buildings and their sites, and to establish a basic set of standards which will minimize traffic congestion noise, glare, and safety hazards which are inherent in service station activity. This ordinance requires conformation to these standards before a building permit may be issued for a gasoline station and/or service station within the Commercial District; and, in addition, requires the issuance of a special use permit within C-I Districts which complies with the requirements of this Section.

(B) **Uses that May be Permitted.** Gasoline Stations and Automobile Service Stations, as defined in Article 2, PROVIDED such accessory uses and services are conducted within a completely enclosed building.

Deleted: Article III

(C) **Site Development Requirements.** The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:

(1) **Minimum Site Size.** Twenty-five thousand (25,000) square feet with a minimum width of one hundred fifty (150) feet.

Deleted: 20

(2) **Site Location.** The proposed site shall have at least one (1) property line on a major thoroughfare as defined herein or classified on the Master Plan for Peninsula Township.

Deleted: Comprehensive Development

(3) **Building Setback.** The service station building, or buildings, shall be set back forty (40) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district.

(4) **Access Drives.** No more than one (1) driveway approaches shall be permitted directly from any major thoroughfare nor more than one (1) driveway approach from any other public street.

Deleted: two (2)

(a) Driveway approach widths shall not exceed thirty-five (35) feet measured at the property line.

(b) Driveways shall be located as far from street intersections as practicable, but no less than fifty (50) feet.

Article 6: Standards Applicable to Specific Uses

- (C) Setbacks. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least one hundred (100) feet from any dwellings or buildings used by the public on adjacent property.
- (D) Kennels Prohibited In Subdivisions and Site Condominiums. Regardless of lot size, private kennels shall not be permitted in platted subdivisions and site condominiums.
- (E) Operation. Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.
- (F) Sound Control. All animals shall be contained in a building which is fully soundproofed, using insulation, soundboards, and acoustic tile.
- (G) Odor Control. Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.

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

- (A) Statement of Intent. The intent of this section is to provide agricultural land owners the ability to create and/or expand an agricultural related business for the production, processing and sales of farm products grown by local farmers. It is intended to have economic practices consistent with the Township's rural character while protecting the general public's health, safety, and welfare.
- (B) Development and Use Standards. To preserve the health, safety, and welfare of the community, the following regulations shall limit the physical location and design characteristics of a Local Food Production Facility:

  - (1) Building Size Limit. The footprint of the Local Food Production Facility structure shall be limited to six thousand (6,000) square feet. Pre-existing structures may be utilized for a Local Food Production Facility if the structure's location is in compliance with the requirements of Section 6.123(B)(6) and the applicant can demonstrate that the proposed structure is in compliance with the standards of the Grand Traverse Construction Code Office.
  - (2) Impervious Surface Coverage Limit. The maximum surface area of the Local Food Production Facility's impervious surface coverage shall not exceed five percent (5%) of the subject parcel.
  - (3) Retail Area Limits. The retail space of the Local Food Production Facility shall not exceed fifteen hundred (1,500) square feet and shall include the following restrictions:

    - (a) No less than fifty percent (50%) of the overall retail space shall be used to display products produced on and by the on-site Local Food Production Facility.
    - (b) No less than eighty-five percent (85%) of the overall retail space shall be used to display products produced within and by an Old Mission Peninsula farm operation.

**Deleted:** 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)

Article 6: Standards Applicable to Specific Uses

- (c) The sale of non-agricultural items and products which require a permit from the Michigan Liquor Control Commission are prohibited.**
- (4) Limitations on Sources of Produce. A majority of the produce processed and sold shall be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Local Food Production Facility. The sale of non-agricultural items and products which require a permit from the Michigan Liquor Control Commission are prohibited.**
- (5) Parcel Requirements. The host parcel must meet the minimum lot area requirements for an agricultural zoned parcel unless said parcel is recognized as a legal nonconforming parcel of record.**
- (6) Setbacks. Structures utilized for any part of the production or retail portion of the facility shall maintain the following minimum setbacks:**
- (a) Front Yard Setback. 100 feet.**
  - (b) Side and Rear Yard Setback: 50 feet.**
  - (c) Minimum of 200 feet from any pre-existing residential structure on an adjoining property.**
- (7) Parking. Parking shall comply with Article 9 of the Zoning Ordinance.**
- (8) Lighting. All lighting shall conform to the requirements of Section 8.107.**
- (9) Signs. All signage shall meet the standards of Article 11.**
- (10) Access. Access to the site shall be directly from a public road. A driveway permit from the County Road Commission or MDOT shall be required before a land use permit can be issued.**
- (11) Data and Records. The owner of the specific Local Food Production Facility shall annually provide data and records to the Planning & Zoning Department showing compliance with the requirements of this section related to the source of produce. This documentation shall be supplied to the Township on a form provided by the Planning & Zoning Department.**
- (12) Residence within a Local Food Production Facility. One (1) single-family dwelling may be allowed on the parcel utilized for the Local Food Production Facility. The single-family dwelling may be allowed as part of the Production Facility provided no other dwelling units exist upon the subject property.**
- (13) Federal, State, and Local Compliance. Property owners shall demonstrate compliance with all applicable standards of the Grand Traverse County Construction Code Department, Health Department, Road Commission, Soil Erosion Office, and any other applicable Local, State, or Federal agency requirements.**

**Deleted:** <#>Farm Processing Facility is permitted in the Agricultural A-1 Zone subject to the following: (REVISED BY AMENDMENT 181)¶  
<#>¶  
<#>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:¶  
<#>¶  
<#>The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance;¶  
<#>¶  
<#>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;¶  
<#>¶  
<#>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;¶  
<#>¶  
<#>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 ...

**Deleted:** ¶ ...

**Deleted:** requirements ...

**Deleted:** ¶ ...

**Deleted:** The minimum setbacks for the Farm Processing Facility including retail areas and customer parking shall be ...

**Deleted:** residence ...

**Deleted:** <#>Farm Processing Facility Size. The total floor area above finished grade (one or two stories) of the Farm ...

**Deleted:** A minimum of one parking space for each 150 square feet of floor area in the retail/tasting area. ...

**Deleted:** (REVISED BY AMENDMENT 175B) ...

**Deleted:** A Farm Processing Facility sign meeting ...

**Deleted:** is allowed with a Food Processing Facility ...

**Deleted:** (REVISED BY AMENDMENT 174) ...

**Deleted:** Farm Processing ...

**Deleted:** Zoning Administrator ...

**Deleted:** that a majority of the products processed are grown on the land owned or leased for the specific farm ...

**Deleted:** ¶ ...

**Deleted:** <#>Approval Process.¶ ...

**Deleted:** Farm Processing Facility ...

**Deleted:** (ADDED BY AMENDMENT NO 146)¶  
<#>¶ ...

**Deleted:** single ...

**Deleted:** a structure containing a Farm Processing ...

**Deleted:** the following requirements are met:¶ ...

Article 6: Standards Applicable to Specific Uses

- (14) Retail Hours of Operation. Hours of operation of the retail area shall be no later than 9:30 p.m.

**Section 6.124 Marinas (currently Section 8.7.3(5))**

**(A) Marinas in C-1 District.**

- (1) All sites shall be located on a major thoroughfare, as defined herein or classified on the Master Plan of Peninsula Township, and all ingress and egress to the site shall be from said thoroughfare.
- (2) All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- (3) Whenever any use permitted herein abuts property within any Residential District, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential property. Plant materials, grass, and structural screens or fences of a type approved by the Township Board shall be placed within said transition strip.
- (4) A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Township Board.

Deleted: Comprehensive Development

**Section 6.125 Mobile Homes (On Individual Lots: currently Section 6.7.2(3); In Residential Districts; currently 8.9)**

- (A) Provided the mobile home shall meet the requirements of the Nation Manufactured Housing Construction and Safety Standards Act (24 CFR part 3280) and bear a HUD label so indicating.
- (B) **Statement of Intent.** It is the purpose of this section to establish reasonable requirements for mobile homes located outside of licensed mobile home parks and the A-1 District to assure that the mobile home, when located upon the particular site, would compare favorably to other housing in such things as aesthetics, insulation, adequacy of plumbing, size of living space, protection from wind storm damage, quality of manufacture, a solid foundation under the same, obscuring of the wheels and chassis and a community standard size lot.
- (C) **Zones in Which Mobile Homes are permitted.** Mobile homes as defined in Article 2 shall be permitted subject to the provisions and requirements hereafter set forth in the following zones, viz: R-1A; R-1A, PUD; R-1B; R-1B, PUD; R-1C, PUD; R-1D, PUD.
- (D) **Qualifying Conditions.**
- (1) Each mobile home shall bear a label required by Section 3282.362(c) (2) of the Federal Manufactured Home Procedural and Enforcement Regulation. Mobile homes shall meet

Deleted: Mobile

Deleted: Home

Deleted: Mobile

(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.

**Article 6: Standards Applicable to Specific Uses**

- (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 Township 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 (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

Article 6: Standards Applicable to Specific Uses

- 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.
- (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:

Article 6: Standards Applicable to Specific Uses

- (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.
- (9) Parking and Access. Parking and access drives shall be a paved and striped with the appropriate size and bulk requirements of Article 9.
- (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:
- (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.
  - (b) Any fruit beverage shall meet the same source requirements as grape wine included in this section.
  - (c) Alcoholic beverages shall be produced and bottled at the Use by Right Winery and in compliance with all applicable Federal and State laws.
  - (d) Sparkling wine or sparkling juices may be "finished" and bottled off site.
  - (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.
- (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.
- (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

Article 6: Standards Applicable to Specific Uses

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.

**(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.

**(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:

- (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.
- (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.
- (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.
- (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.

**(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:

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

Article 6: Standards Applicable to Specific Uses

- (i) The dwelling and Use by Right Winery combined shall comply with the setback and building area requirements established above.
- (ii) The dwelling shall be the only dwelling on the host parcel.
- (iii) The maximum height of the structure shall be 35 feet or 2 ½ stories whichever is less.
- (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.
- (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 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:

  - (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.
  - (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.
  - (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.
  - (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.
  - (v) The sale of wine by the bottle during a social gathering shall not be consumed on premises.
  - (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.
  - (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.
  - (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.

Article 6: Standards Applicable to Specific Uses

- (ix) Schedules for Guest Activity Uses shall be provided to Planning & Zoning Department on a monthly basis and prior to taking place.
- (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.
- (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.
- (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.
- (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.
- (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.
- (j) Outdoor Display Prohibited. Outdoor displays of merchandise or equipment are prohibited.
- (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.
- (D) Approval Process. An application in conformance with Section 14.101 shall be submitted to and reviewed by the Zoning Administrator.

  - (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.
  - (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.
- (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

Article 6: Standards Applicable to Specific Uses

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.

**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.

**(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;

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

**(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.

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

**(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%) or 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.

**(5) Principal and Residential Support Uses.**

**(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,

**Deleted:** 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.

**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.

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

**Deleted:** two hundred (200)

**Deleted:** permitted upon the site shall be a winery

- (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

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.

**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.

**(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:

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

**(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.

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

**(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%) or 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.

**(5) Principal and Residential Support Uses.**

**(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.

**Deleted:** 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.

**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.

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

**Deleted:** two hundred (200)

**Deleted:** permitted upon the site shall be a winery

Article 6: Standards Applicable to Specific Uses

(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.

- Deleted:
- Deleted: single
- Deleted: winery
- Deleted: ,

(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:

Deleted: In sub-section (d)

- (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-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.~~

Article 6: Standards Applicable to Specific Uses

**(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.

Deleted: Section 7.14. (REVISED BY AMENDMENT 1758)

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

Deleted: Section 7.11

**(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.

Deleted: l

**(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.

Deleted: a

Deleted: ing

**(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.**

**(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.**

Deleted: Documentation

Deleted: an annual basis

Deleted: that:¶

<#>¶

<#>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.¶

<#>¶

<#>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.¶

**(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.

Article 6: Standards Applicable to Specific Uses

**(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.

**Deleted:** fruit

**Deleted:** ;

**Deleted:** reduce the requirement for the amount of grapes

**(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.

**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.

**(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.

**Deleted:** The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance. (REVISED BY AMENDMENT 161)

**(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.

(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.

Article 6: Standards Applicable to Specific Uses

(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 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

Deleted: (ADDED BY AMENDMENT 141)

Deleted: :1

Deleted: 1

Article 6: Standards Applicable to Specific Uses

consumption by the attendees, providing "Peninsula Agriculture" promotional brochures, maps and awards, and including tours through the winery and/or other Peninsula agriculture locations.

Deleted: ¶  
<#>¶  
P  
Deleted: ;  
Deleted: /or¶  
Deleted: ¶  
|

(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.

Deleted: eleven  
Deleted: 111

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.

Deleted: not  
Deleted: for

(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.

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

Deleted: glass or sales of  
Deleted: s of wine for ON PREMISES consumption are NOT ALLOWED except as provided in Section 2 (e) above

(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.

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

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

Article 6: Standards Applicable to Specific Uses

~~(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.~~

~~Deleted: instrumental~~

~~Deleted: is~~

~~Deleted: 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~~

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

~~(xii) 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.~~

~~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.~~

~~Deleted: except that~~

~~Deleted: may approve the reasonable use of temporary structures tents or canopies in conjunction with community events approved in (b) above.~~

~~(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.~~

~~(j) 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.~~

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

~~(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~~

~~Deleted: this use~~

~~Deleted: Section 14.107(A)Section 14.107(A)~~

Article 6: Standards Applicable to Specific Uses

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
  - (5) Grounding and lighting procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and
  - (6) Underwriters label, where appropriate; and
  - (7) Proof of insurance.
- (D) **Electromagnetic Interference.** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub-parts A, D and H).

**Deleted:** ¶

¶ <#>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:¶

¶ <#>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;¶

¶ <#>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.¶

¶ <#>These meetings may include full course meals to demonstrate connections between wine and other foods.¶

¶ <#>An appeal of the Zoning Administrator's determination can be made to the Township Board.¶

**Deleted:** Section 6.140(H)(Section 8.143(H))