PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686
www.peninsulatownship.com

Agricultural Advisory Committee Regular Meeting

March 17, 2026, 2:00 p.m.

Township Hall

Notice/Agenda

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Citizen Comments**
5. **Approve Agenda**
6. **Conflict of Interest**
7. **Consent Agenda**
   - **A. Approve meeting minutes:**
     - **Agricultural Advisory Committee Regular Meeting February 17, 2026**
   - **B. Correspondence**
     - **Amanda Danielson**
8. **Business:**
   - **A. Planning Commission Updates**
     - **Farm Signage Recommendations**
     - **Amendment 201 Acreage Minimum Recommendation**
   - **B. Town Board Updates**
   - **C. Continued discussion of small acreage subcommittee draft ordinance**
   - **D. Introduction of short term rental language**
9. **Citizen Comments**
10. **Board Comments**
11. **Adjournment**

*** If you would like to use a portable hearing device, please ask the recording secretary.**

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AGRICULTURAL ADVISORY COMMITTEE
Regular Meeting Minutes
February 17, 2026
2:00 p.m.

1. **Call to Order** by Kroupa at 2:00 p.m.
2. **Pledge**
3. **Roll Call**

Present: Kroupa, Hemming, Heller, Bramer, Baldyga, Johnson, Gomez, Beard
Absent: Edmonson, Coggon

4. **Brief Citizen Comments (for agenda items only)**

Fred Swaffer, 1045 Gray Rd: Expressed strong support for the proposed small-scale agriculture ordinance, emphasizing its importance to the overall agricultural framework. They cited research indicating that communities with supportive agricultural zoning and land-use policies are more successful at preserving farmland, strengthening farm profitability, reducing land-use conflicts, and encouraging local economic development. The speaker noted that farms between 5 and 39 acres have historically been overlooked under current regulations, which have primarily supported large, commodity-based production agriculture. They highlighted a shift toward vertical integration, allowing smaller farmers to retain more revenue locally rather than relying on intermediaries. Concerns were also raised about an aging farmer population and the need to make farming more accessible and economically viable for new and younger farmers. The speaker stated that including small and mid-sized farms in the ordinance would promote diversification, strengthen the local agricultural economy, and help limit development pressure on farmland.

Heller and Kroupa: Discussion occurred regarding newly introduced short-term rental language. It was explained as an informational concept to potentially add value to farmland, related to the farm stay proposal. Some concern was expressed that the term "short-term rental" was too strong, suggesting it be framed more specifically as farm stays. The language was noted to be adapted from another township's ordinance and not a formal recommendation.

5. **Approve Agenda**

Motion by Gomez to approve as written with a second by Heller. **Motion Passes**

6. **Conflict of Interest: none**
7. **Consent Agenda**
    - **A. Approve meeting minutes:**
        - **Agricultural Advisory Committee Regular Meeting January 20, 2026**

    A request was made by Heller to add the names of subcommittee members who generated referenced documents to the minutes for transparency. Staff agreed to include the names in the corrected minutes.

Motion by Gomez to approve consent agenda once names are added with second by Kroupa. **Motion Passes**

8. **Business:**
    - **A. Planning Commission Updates**

Farm signage recommendations and Amendment 201 are scheduled for consideration at the March 5 Planning Commission meeting. The Planning Commission has moved to a first-Thursday monthly meeting schedule, and the Rewrite Subcommittee will meet March 3 and continue meeting on the first Tuesday of each month from 1:00–3:00 PM. Committee input on signage, including permit requirements and setbacks, has been forwarded to the consultant, and a revised draft is anticipated for the March 5 meeting.

Staff are currently evaluating how many parcels may be affected by the proposed Amendment 201 acreage minimums; that analysis is not yet complete. Agritourism, small-acreage, and processing topics remain on hold while higher-priority zoning rewrite items move forward, and Planning Commission discussion of those items is not expected before April.

Discussion of acreage minimums focused on the practical limits of new agricultural development. It was noted that reduced acreage thresholds would not result in activity on every eligible parcel due to market conditions, startup costs, and long-term profitability challenges. Members also emphasized the importance of evaluating agricultural impacts in the context of potential residential buildout. Under current zoning, the township may already have capacity for approximately 1,000 additional homes, depending on land division and development scenarios. The previously referenced county estimate did not account for master plan goals or existing zoning constraints, making that level of development unlikely under current policy. The group supported avoiding worst-case scenario planning and instead maintaining a balanced approach that preserves agricultural land while accommodating reasonable residential growth. Strengthening land division standards and supporting active agriculture were identified as primary tools for long-term preservation.

B. Town Board Update

No new agenda items have come before the Town Board since the previous meeting. Work related to lakeshore and dock regulations is ongoing and continues to generate significant public input, which has extended the review timeline.

C. Continued Discussion – Small-Acreage Subcommittee Draft Ordinance

The committee continued its review of the draft ordinance, beginning with building and signage provisions. Members supported using Generally Accepted Agriculture and Management Practices (GAAMPs) definitions without modification and agreed that existing nonconforming structures remain an important resource for farm operations and should not be subject to removal or replacement. Language suggesting that the presence of an existing structure could limit future construction was considered unclear and potentially restrictive and will be revised or removed to preserve operational flexibility.

Deleted: Michigan Department of Agriculture and Rural Development

Review of definitions confirmed that the existing language for farm, farm operation, farm market, and cottage food operation is consistent with state law. Members supported broadening language related to agriculturally related products to reflect modern sales practices that occur through multiple venues. For breweries and distilleries, reliance on Michigan Liquor Control Commission definitions was preferred, and additional local language that could unnecessarily restrict tasting rooms was viewed as redundant given existing state oversight.

The need for a clear definition of "farm operator" was discussed, particularly for situations in which farmland is leased. As noted by Hemming, distinguishing the operator from the property owner reflects current agricultural practice and provides administrative clarity. Leasing was widely recognized as a common and necessary pathway for new and expanding farm operations, and related discussion included long-term farmland preservation strategies that would keep land in active agricultural use.

In reviewing standards for the sale of agricultural products, members expressed concern that limiting sales to items produced on a single parcel would be overly restrictive and could exclude products from leased or affiliated farms. Referencing GAAMPs for value-added products and direct sales was supported as a clear and enforceable approach that aligns with state standards.

Farm market setbacks were discussed, and the GAAMPs standard of 165 feet from non-farm residences was supported. Retail space thresholds were also reviewed. Requiring site plan review when finished retail space exceeds 2% of the parcel was viewed as an appropriate method for evaluating potential impacts such as parking, safety, and utilities. Because this percentage could allow very large structures on large parcels, the possibility of combining the percentage

threshold with a fixed maximum square-foot cap was discussed; planning input will be requested before establishing specific numeric limits.

With respect to activities, signage, and sound, the committee determined that the township's existing noise ordinance provides an adequate enforcement mechanism. Seasonal and after-dark agricultural activities, including fall events and holiday displays, were recognized as typical and not compatible with daylight-only limitations. After considering operational realities and seasonal variations, the committee reached consensus to recommend operating hours of 5:00 AM to 10:00 PM to the Planning Commission. Signage standards will reference the township's existing sign ordinance rather than creating separate requirements.

Small-scale processing was identified as a priority item. Separating processing regulations from the broader ordinance was viewed as the most efficient way to allow small producers to proceed without delay. Addressing parcels under 39 acres independently was considered feasible because this work is not affected by unrelated ordinance litigation. Treating small-scale processing as a use by right—when all ordinance standards are met—was supported, with the understanding that full compliance with building, fire, health, and environmental regulations will still be required. Potential impacts on neighboring properties, including noise, traffic, and odors, were discussed; however, most processing is expected to occur indoors and remain subject to existing regulatory controls. Historical processing operations were cited as an essential component of the township's agricultural economy.

A model farm stay framework based on another township's ordinance was introduced. The approach limits farm stays to agricultural parcels of five acres or more and includes operational standards intended to reduce impacts on neighboring properties while providing supplemental farm income. Further discussion of this matter was deferred.

D. Introduction to Short-Term Rental Language

This item was postponed until the next meeting.

9. Citizen Comments

Fred Swaffer commented that many newer residents are unfamiliar with normal agricultural practices, which can lead to conflicts over activities such as spraying and seasonal processing that must occur within limited timeframes. Increased township-led education and outreach were recommended to improve understanding and long-term support for agriculture.

10. Board Comments

Shoreline regulations remain under Planning Commission review, with a special meeting scheduled and a vote anticipated following extended deliberation. The draft ordinance was described as an effort to create a clear and predictable path for agricultural operations while maintaining fairness for neighboring property owners. Baldyga referenced the Right to Farm Act as the foundation for protecting agricultural activity as residential development expands, while Heller emphasized the need for a balanced approach. Hemming reiterated that continued public education and communication between farm and non-farm communities will be essential to long-term success.

Adjournment

Motion by Kroupa to adjourn, seconded by Baldyga. **Motion Passes**

Meeting adjourned at 4:25 p.m.

Old Mission Peninsula is right to be afraid. We're just afraid of the wrong things.

Old Mission Peninsula residents should be afraid. Not in a melodramatic, end-times way, but in the sober way you get afraid when you love something and can see how easily it can be lost.

The alternatives to a viable agricultural peninsula are not romantic. If we fail to preserve the farmer as well as the farmland, the vacuum won't remain empty. It will fill, and quickly, with housing developments, a golf course, a casino, or worse: *the slow drift into a hollowed-out landscape that looks preserved from a distance and functions like nowhere at all.*

The activist instinct that birthed "Protect the Peninsula" came from a real place. It is not wrong to defend a peninsula from speculative development. It is not wrong to worry about quality of life, protection of natural resources and environment, access to water, noise, and the thousand small cuts that turn a bucolic rural community into an expensive sprawling suburb.

But here's the turn we can't ignore: over decades—across boards, supervisors, planners, and election cycles—our governance culture has too often treated *agriculture itself*, especially modern, value-added, vertically integrated agriculture, as the thing that needs to be contained. We have been trained to fear the wrong threats, and in doing so, we are courting the very outcomes we say we want to avoid.

Old Mission should be afraid. We're just afraid of the wrong things.

Peninsula Township learned how to say "no" then forgot how to steward a living economy.

If you want to understand how we got here, you have to start in the late 1970s, when anti-growth sentiment ran high and community organizing became a potent force. The peninsula learned that public hearings could be overwhelmed and that referenda could be deployed as a last resort. Those tools were effective. They stopped real projects. They sent a message that if you push too hard, the community can push back harder.

And for a time, that message felt like preservation.

But a community can't govern by stoppage alone. "No" is not a land-use plan. Over time, restriction and delay became less an emergency brake and more a default operating system. The process became the point. Fighting change became the culture. And eventually the peninsula stopped distinguishing between *speculative development that consumes farmland* and *agricultural evolution that keeps farmland alive.*

This is where the story becomes less about activism and more about governance failure: when a township's processes repeatedly produce uncertainty for working farms and stymie agricultural change, the market will do what the township cannot. It will consolidate land, it will move

investment elsewhere, and it will reward the easiest path to the highest profit. Inevitably, that is the very path we claim to oppose.

The great compromise of farmland preservation only works if the deal is honored.

Old Mission did something visionary when it embraced the purchase of development rights (PDR). The concept was clear and fair: landowners give up housing sites; the land stays private; the farm stays a farm. Early participants used that equity to retire debt, fund retirement, and enable generational transfer. Those are the very mechanics that should keep land in production rather than on the market.

But PDR is not just a funding mechanism. It is a covenant. And covenants depend on trust.

A preservation program collapses the moment farmers believe the rules can change after the sale. What was once a predictable future became a permission-based future, subject to shifting interpretations, political winds, or committee bottlenecks. You can't ask a family to sell development rights to "preserve agriculture," then gradually strip away the economic tools that make agriculture feasible in the modern world.

Preservation without viability is not preservation. It is managed decline.

Why did wine become the recurring battlefield?

As traditional fruit markets evolved and external pressures mounted, local farms diversified and wine grapes grew—along with the basic logic of modern agriculture: *value-added matters*. A farm that grows crops but cannot adapt how it processes, sells, welcomes, educates, and markets those crops will struggle to survive. That's not ideology. That's economics.

And yet, over and over, vertically integrated agriculture was treated as suspect—something to be negotiated, contained, or made so cumbersome that only a certain type of operator could survive it. Each dispute yielded another amendment, another layer, another patch, until the ordinance became a hodgepodge of arbitrary restrictions that no longer reflected a coherent philosophy. It only accumulated the residue of conflict.

For a period, the temperature dropped when the rules were more predictable and some "use by right" pathways existed. They weren't universally embraced—and the push to rewrite them returned quickly once applicants tested the edges—but predictability itself is the oxygen farms need to plan investments, train staff, take on debt, expand production, and compete in real markets.

It's not that Old Mission doesn't have standards. It's that it needs standards that function.

The turning point was when "preservation" started pushing agriculture into a permission culture.

In recent years, we have witnessed the increased drift from predictable standards toward discretionary permission decided by a handful of individuals. We witness more and more of modern farm activity pushed into special approvals, where the primary tools are delay, uncertainty, and exhaustion. We watch a Township require farm operators to give up basic rights and restrict their own potential when that very Township should instead be the structural support a farm community can rely on.

This is not a neutral shift. It doesn't simply "raise the bar." It changes the entire posture of governance from *clear rules* to *case-by-case judgment.* And, case-by-case judgment is where the process becomes weaponized, whether intentionally or not.

Special approvals are fertile ground for disruption. They invite endless argument, subjective interpretation, and the slow grinding down of applicants who are trying to run businesses, not wage drawn-out procedural wars. They also create an unspoken hierarchy: the well-capitalized can survive delay; the next generation often can't. It advantages those who can absorb delay, which is a cruel standard for the next generation.

If no one can reliably secure approvals for legitimate agricultural evolution, the effect is predictable: innovation stalls, young families leave, and the peninsula's "agricultural future" becomes an artifact rather than an economy.

And when agriculture stops being an economy, the alternative uses show up right on schedule. History shows us that land use always trends towards the highest and most profitable use over time. If we allow no profitable path for agriculture, suburban sprawl will continue to fill that void.

Old Mission Peninsula is not an HOA. Agriculture is not an amenity.

We do not "keep farms" the way we keep ornamental landscaping. A farm is a business, and a farm economy is a living system. A farm must respond to market demand, labor conditions, climate volatility, and changing consumer behavior. If we insist farms remain static, we are not preserving them. We are asking them to fail politely.

The Township Board cannot, in the long run, micromanage every evolving use—every processing upgrade, every seasonal need, every small entrepreneurial step—through discretionary approvals. That governance model is not sustainable. It creates a permanent bottleneck and turns routine farm decisions into community-wide battles.

We cannot educate every resident into the realities of agriculture overnight. But we *can* build an ordinance that assumes agriculture is legitimate, provides clear standards, and restores "use by right" pathways for innovation and growth—especially on land already preserved for agriculture.

What does "afraid of the wrong things" really mean?

Yes. Be afraid of speculative development that consumes farmland.

Be more afraid of a governance culture that makes agriculture so difficult to practice that farmland is eventually *sold out from under us*.

Be afraid of a peninsula that preserves views while losing farmers.

Be afraid of a preservation program that becomes a trap: money is raised to "save" farms, while the rules simultaneously reduce those farms' ability to remain economically viable.

Be afraid of a future where the only people who can endure the permission process are the ones who don't actually need agriculture to work as a business.

That is how you get the very outcomes we say we fear: development pressure returns, political fights intensify, and the peninsula becomes a commodity rather than a community.

A viable future requires structural change, not more patchwork.

If we want Old Mission Peninsula to remain a world-class agricultural region, one that is preserved through economic resilience, then we need to stop operating from crisis to crisis and rebuild our framework with adult clarity.

Those serving in township leadership now didn't author all of this history, but do have authority over what happens next. Choose governance that protects neighbors *and* preserves farm viability. Trade an endless process for clear standards. Honor preservation covenants in practice, not just in slogans. In short: *do what is right for agriculture so the peninsula doesn't wake up one day 'protected' into becoming something else*.

That means:

- **Restore "use by right" environments** for legitimate agricultural activity—especially for small entrepreneurs and next-generation operators.
- Create **clear, objective standards** for larger transforming farms so that growth happens within guardrails, not inside a roulette wheel.
- Draft and adopt a **comprehensive agricultural ordinance** that reflects modern vertically integrated agriculture, rather than treating it as an exception to be contained.
- **Honor PDR covenants** in spirit and in practice: preservation must not become an after-the-fact constriction of viability.

- Use committees and public processes to **increase clarity and transparency**, not to multiply ambiguity.

- Stop governing agriculture as if stability equals stasis. **Stability comes from predictable rules, not from freezing time.**

None of this requires abandoning preservation. It requires practicing it seriously.

The greatest threat to Old Mission is not a farmer building a facility to keep their business alive, it is a peninsula that makes farming impossible then acts shocked when the only viable options left are the ones we vowed to prevent.

Old Mission Peninsula should be afraid. Let's be afraid of the right things, so we can build an adaptable framework that keeps the peninsula workable and worth inheriting.

Master Timeline

This didn't happen overnight, and it isn't the product of any one meeting, election, or personality. We got here the way communities often do: one patch, one amendment, one workaround at a time—each defended as temporary, each adding friction, until the cumulative effect became a system. That's the point of looking at the timeline: not to relitigate every chapter, but to admit the arc has been decades long—and that the people in leadership today have the rare chance to change the ending.

1976–1989: First winery era + anti-growth organizing

- **May 1976** — Ed O'Keefe opens Chateau Grand Traverse, described as the first commercial winery venture in the township.
- **Late 1970s** — Anti-growth sentiment rises; Protect the Peninsula becomes a dominant political force in land-use debates.
- **c. 1978–1982** — "The Bluffs" golf/residential proposal becomes a defining conflict: public processes are disrupted/delayed; project is approved; a referendum succeeds; the project is scrapped and the developer leaves (as characterized).
- **Early–mid 1980s** — PDR concept is adopted by voters; early implementation moves quickly (rights sold; land remains private; no public access implied).

1990–2007: PDR expansion + ordinance layering + growth in wineries

- **1990** — Chateau Chantal receives a SUP containing language described as more restrictive than earlier winery approvals; "winery/chateau" ordinance language accumulates through amendments.
- **1991–1994 (approx.)** — Bowers Harbor Vineyards and Peninsula Cellars open (per timeline).
- **1999** — Farmers advance "Small Winery" **Amendment 128**; a PTP-led referendum campaign launches; farmers mobilize; the referendum passes to repeal 128 (as summarized).
- **c. 2000–2001** — **Amendment 139 (Farm Processing Facility)** is drafted by volunteers and approved quickly (noted as ~8 months), described as restoring workable clarity ("outbreak of peace"). Key elements noted: Use By Right orientation, OMP appellation-only sales restriction, and minimum **40 acres** (20 owned + 20 leased/controlled).
- **2005–2007** — Three wineries start up and receive permits under Amendment 139: Brys Estate Vineyard & Winery, Black Star Farms, Two Lads Winery—bringing total OMP wineries to seven by Oct. 2007 (per draft).

2008–2017: "The treadmill" era begins (rewrite cycles + enforcement + churn)

- **Feb 5, 2008** — WOMP (WOMP) first formally requests a comprehensive ordinance review in a letter from Joan Kroupa to Supervisor Rob Manigold.
- **Feb 19, 2008** — Meeting notes record wineries seeking "performance code" style regulation (impact limits like sound/hours vs. detailed prohibitions).

- **June 20, 2011** — "Winery Ordinance Discussion" meeting agenda with township; wineries press for timeline "NOW!"
- **Sept 15, 2011** — Planner Dan Leonard issues "Winery Ordinance Concepts for Review" (preliminary concepts; proposed classifications as small as 10 acres, event allowances by size/tonnage).
- **2011 Master Plan (noted)** — Winery/chateau activity and selling wine/food products is described as supported as a district goal (per draft).
- **Jan–Feb 2013** — Planning Commission holds multiple meetings examining tier language concepts.
- **Sept 2014** — Planner Michelle Reardon memo addresses "Agricultural Tier Language," recommending regulating guest activities via impact mitigation and agricultural connection.
- **Jan 22 & Mar 12, 2015** — Subcommittee meetings review draft tier/processing language; major changes made (tiers removed; five categories + roadside stands; "guest activities" discussed under restrictions).
- **June 13 & 23, 2016** — Township hosts agricultural roundtables for master plan input.
- **June 21, 2016** — Attorney Peter Wendling flags confusing "guest activity use" language and suggests compliance fixes (noted as not adopted).
- **Nov 17, 2016** — Township meeting on master plan ag goals/actions; draft notes list a range of commercial uses in A-1, including several allowed only by SUP (golf courses/PUDs/campgrounds, etc.).
- **2008–2017 (summary)** — Successive planners form "rewrite" subcommittees and conduct fact-finding; rewrite attempts repeatedly stall and reset with planner turnover ("treadmill starts again," as characterized).

2018–2020: One more rewrite attempt → federal suit filed

- **2018–early 2020** — All wineries engage in a new zoning language update effort with a Planning Commission subcommittee and township counsel; collaboration breaks down when restrictive changes are advanced (as described).
- **Apr 3, 2019** — Bonobo Winery receives an enforcement letter from David Sanger regarding an event deemed not allowed based on its "primary use" framing (as quoted in draft).
- **May 30, 2019** — Planning workshop with WOMP and township staff revisits the same core issues (constraints, trends, roles, partnership).
- **May 30, 2019** — Township counsel Gregory Meihn issues memo asserting MLCC does not preempt township zoning on the issues discussed.
- **July 9, 2019** — Attorney Joseph Infante sends letter identifying multiple alleged legal defects (state preemption, Commerce Clause, First Amendment).
- **Aug 23 & Sept 9, 2019** — Meihn correspondence acknowledges multiple issues and urges cooperative action; notes characterize township as continuing enforcement rather than pausing.
- **Dec 18, 2019** — Planning Commission holds a "Winery & Michigan Liquor Commission Regulations Study Session" with draft frameworks and issue lists.
- **Feb 12, 2020** — Working drafts show five winery levels; smallest category proposed at 10 acres (limited production).

- **Sept 21, 2020** — Township publishes a redraft described as largely grammatical but removing additional rights and not curing cited legal defects (per draft).
- **Oct 21, 2020** — WOMP files federal lawsuit against the township after ~12 years of dialogue (as framed).

2021–2022: Mediation, settlement rejection, intervention, and Amendment 201

- **Aug–Sept 2021** — Parties engage in ~25 hours of mediation; mediator announces agreement on Sept 13 (per draft).
- **Oct 6, 2021** — Packed special meeting at St. Joseph Church; township board votes **7–0** to deny the mediated settlement; court later fines the township for attorneys' fees (per draft).
- **Oct 21, 2021** — U.S. District Judge Paul Maloney denies PTP intervention at that time (per quoted draft order language).
- **Oct 27, 2021** — Township and PTP execute a Joint Defense Agreement shortly after intervention is denied; later court filings include redactions (per draft).
- **June 3, 2022** — Court grants summary judgment: many winery ordinances ruled unconstitutional and/or preempted by state law (per draft).
- **July 27, 2022** — Sixth Circuit allows PTP to intervene; damages trial delayed (per draft).
- **Dec 13, 2022** — Township adopts **Amendment/Ordinance 201** after a citizen advisory process described as PTP-driven; draft notes describe the amendment as more restrictive and moving vertically integrated agriculture into SUP pathways; growers submit an opposition letter signed by farmers representing **4,800+ acres** (per draft).

2023–January 2026: Judgment, escalation, enforcement, second suit, and PDR snapshot

- **Feb 16, 2024** — Judge Maloney order includes statements that the township could have addressed grievances earlier, and comments that Amendment 201 resembles prior provisions in form/substance (as quoted).
- **Jan 31, 2024** — Township sues former attorneys for malpractice (per draft).
- **Oct 14, 2024** — Township creates an Agriculture Advisory Committee comprised of farmers; member interviews described as critical of zoning barriers (per draft).
- **July 2025 (dated in drafts as July 7; amount noted as ~$49.8M / "$50M")** — Federal litigation results in a major damages judgment against the township; township votes to appeal (per draft).
- **Nov 2025** — Township sends cease-and-desist letter to Bonobo, threatening SUP revocation for alleged violations (food service, music, events) (per timeline).
- **Dec 2025** — All 11 wineries file a second federal lawsuit seeking injunctive relief and additional rulings/fees (as summarized).
- **Jan 2026** — Snapshot: no SUP approvals under 201; one PDR transaction completed; ~$6–$8M accumulated in a PDR fund overseen by John Wunsch; routine activity on PDR parcels described as subject to delay/interruptions.

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

Proposed Ordinance Amendments
Peninsula Township: Agricultural District
January 2026

DEFINITIONS

AGRICULTURE The act or business of cultivating, tilling, or otherwise using land and soil for the production of crops or livestock for human or animal use. Agriculture includes, but is not limited to, farming, grazing, pasturage, horticulture, floriculture, viticulture, aquaculture, and animal or poultry husbandry.

ACCESSORY BUILDING A subordinate structure that is incidental to, and reasonably necessary, for the operation of a farm. An accessory farm building supports the principal agricultural use of the property and may include, but is not limited to, barns, equipment or implement sheds, storage structures, greenhouses, hoop houses, farm stands, or similar buildings used for the housing of livestock, storage of crops or machinery, processing or handling of farm products, or other activities directly related to the commercial production of agricultural goods. Accessory farm buildings may not be for residential use and are located on the same parcel as the principal farm operation.

Deleted: New or existing buildings should not preclude a new farmer from utilizing existing structures.???

AGRICULTURAL PRODUCTS Agricultural Products include those plants and animals useful to human beings produced by agriculture and include, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Department of Agriculture and Rural Development.

AGRICULTURALLY RELATED PRODUCTS Items sold at a farm to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agriculture products, baked goods, ice cream and ice cream based desserts and beverages, jams, gift items, food stuffs, clothing and other items promoting the farm, agriculture, and value-added agriculture products and on-site production.

Deleted: market

Deleted: and

Deleted: in Michigan

AGRITOURISM An activity conducted on a working farm or agricultural property that is intended to involve members of the public. Agritourism activities, including but not limited to, U-pick operations, harvest festivals, farm tours, educational workshops, experiences utilizing on-site farm products including processed products, on-farm sales, roadside stands, farm markets, farmers markets, farm-to-table gatherings, cooking classes using farm products, corn mazes, hay rides, nightly rental farm stays, classes and tours, horseback riding, small farm animal

meet-and-greets, wildlife viewing, farmland art and photography, and food or beverage service related to on-site products including processed products.[1]

BREWERY, DISTILLERY A facility licensed by the Michigan Liquor Control Commission and the TTB for the manufacture of, beer or distilled spirits from fruit, grain or other agricultural products. A brewery, distillery may include buildings and structures used for the crushing, fermenting, aging, blending, bottling, storage, and distribution of finished product. A brewery, distillery may include, by right, a tasting room as an accessory use, subject to permit approval by the Township and the Michigan Liquor Control Commission.

Deleted: The tasting room shall be incidental and subordinate to the principal agricultural use.

COTTAGE FOOD OPERATION A home-based food business permitted under the Michigan Cottage Food Law, Public Act 113 of 2010, as amended, that prepares and sells non-potentially hazardous food products from a residential kitchen directly to consumers. Cottage food operations do not require a state food license and are limited to the sale of approved products through direct-to-consumer channels, including but not limited to farm markets, farm stands, roadside stands, internet, mail-order, and third-party delivery sales.[2]

FARM A parcel of land used, whether as a principal or accessory use, for the commercial production of farm products. A Farm includes a farm operation conducted in compliance with the Generally Accepted Agricultural and Management Practices (GAAMPs), and encompasses land, plants, animals, buildings, structures (including ponds used for agricultural or aquacultural purposes), machinery, equipment, and all other appurtenances necessary for the commercial production of farm products.

FARM MARKET A Farm Market is part of a farm operation where transactions between operator and customers take place seasonally or year-round. A farm market may include, but is not limited to, a farm stand, u-pick operation, CSA distribution site, tasting room, tasting kitchen, where agricultural products produced on the affiliated farm are sold to the public.

FARM OPERATION All activities necessary for the commercial production, harvesting, storage, and marketing of farm products. This includes selling produce at roadside stands or farm markets; generating normal farm-related noise, odors, dust, and other conditions; operating farm machinery and equipment; preparing fields, planting, and spraying; applying fertilizers and pesticides; using alternative pest management techniques; caring for and managing livestock; handling and applying manure or other agricultural by-products; shifting between different types of farm activities; and employing labor needed to carry out these functions.[3]

[1] As adopted by the Agricultural Advisory Committee in September 2025.
[2] Michigan Cottage Food Law, Public Act 113 of 2010
[3] Michigan Right to Farm Act, Act 93 of 1981, 'Farm Operation definition'

FARM STAY A paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option and focus for guests to participate in such activities. Farm Stay accommodations may include: guest rooms within the primary dwelling, guest dwellings on the subject property, campsites on the subject property meeting the requirements of the State Campground Division. Farm Stays may also include meals for guests. The owner, or tenant farmer, must reside on the property.

GROSS ACREAGE The total area of a parcel of land as shown on the most recent recorded deed or survey, measured to the exterior property lines, and on which all building size, coverage, density, and related zoning calculations shall be based, exclusive of any public rights-of-way but inclusive of all other land area, regardless of topography, wetlands, floodplains, or other physical constraints.

NON-AGRICULTURAL-RELATED PRODUCTS Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts, or knick-knacks.

Deleted: imported from other states or countries.

PROCESSING The handling, transformation, preservation, packaging, or preparation of agricultural products produced on an affiliated farm intended for direct-to-consumer or wholesale sales. Processing may include, but is not limited to, packing, washing, cleaning, sorting, pitting, pressing, fermenting, distilling, packaging, cutting, cooling, curing, storage, canning, drying, freezing, or otherwise preparing an agricultural product for market. On-farm processing is an accessory and subordinate activity intended to support agricultural production and direct marketing.[4]

STRUCTURE Any man-made object or improvement that is constructed, erected, placed, or installed on land and that requires, or would ordinarily require, a building permit or other construction approval under applicable state or local codes, including but not limited to buildings, building additions, decks, platforms, pavilions, roofs, walls, tents, canopies, containers, or similar facilities, whether permanent or temporary, and whether enclosed or unenclosed.

TASTING ROOM A licensed area located on the premises of a manufacturer (e.g., winery, brewery, cidery, distillery) where alcoholic beverages produced by that manufacturer may be sampled, tasted, and sold for on-premises consumption, subject to state license type and rule limitations. A tasting room is an accessory use for the purposes of direct-to-consumer marketing and sales

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[4] Michigan Agricultural Processing Act 381 of 1998.

VALUE-ADDED AGRICULTURAL PRODUCT A farm product that has been enhanced or improved, on or by the farm owner or operator, to make the product more attractive or readily usable to the buyer. Such enhancement or improvement may include processing, addition of other ingredients, transformation, or packaging.

U-PICK A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from that farm.

USE BY RIGHT A land use that is permitted outright in a zoning district and may be established, conducted, and continued without discretionary review, special land use approval, or public hearing, provided the use complies with the applicable standards and requirements of this ordinance and all other relevant local, state, and federal regulations.

WINERY, CIDERY A facility licensed by the Michigan Liquor Control Commission (MLCC) and the TTB for the manufacture of wine or cider. A winery/cidery may include buildings and structures used for the crushing, fermenting, aging, blending, bottling, storage, and distribution of wine or cider. A winery/ cidery may include, by right, a tasting room as an accessory use, subject to permit approval by the Township and the Michigan Liquor Control Commission.

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SECTION A-1 DISTRICT: AGRICULTURAL

PURPOSE

The agricultural district is characterized by parcels of farmland interspersed with rural residential properties. The purpose of this ordinance is to establish a clear and comprehensive regulatory framework that supports the continued viability of agriculture within Peninsula Township. These provisions are intended to enable farms to diversify operations, participate in agritourism opportunities, and maintain economic stability while preserving farmland, protecting the Township's rural landscape, and ensuring that agriculture remains a central and enduring component of the Township's identity and economy.

USES PERMITTED BY RIGHT

GENERAL USES

General and specialized agricultural uses and farm operations, as defined by the current Michigan Right to Farm Act and current GAAMPs, are permitted by right. Such uses include the raising, growing, and production of crops, livestock, poultry, bees, fish, and other farm animals, and the production of agricultural products and foodstuffs. Buildings and structures may be erected and used by right for farm operations, including the storage, preservation, processing, collection, and distribution of agricultural products.

1. **SALE OF PRODUCTS**
   The sale of agricultural products, including direct-to-consumer and farm-to-processor sales, as well as value-added agricultural products, as defined by GAAMPS.

2. **FARM MARKET**
   As defined above and in compliance with the following[5].

   a. **Form and Structure**
      A farm market may operate within a permanent or temporary structure, including a building or tent, or as a designated outdoor area where direct transactions occur between a farmer and consumers.

[5] As defined by GAAMPs Farm Market, 2026

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b. **Setbacks**
Any farm stand or farm market structure exceeding one hundred twenty (120) square feet in floor area shall be setback a minimum of one hundred sixty-five feet (165') from all non-farm residences.

c. **Products Offered for Sale**
A farm market may sell fresh agricultural products and processed or value-added agricultural products. At least 50 percent of the farm products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, cherries in cherry jam, etc.

d. Retail and finished spaces for the public
The aggregate area of all structures as defined above used for sampling, sales, tasting, retail, or other similar public-facing activities shall not occupy more than two percent (2%) of the gross parcel area. Where the aggregate area of buildings or structures used for these purposes exceeds two percent (2%) of the gross parcel area, such use may be subject to a site-plan review of physical impacts to infrastructure in accordance with the procedures and standards set forth in this ordinance. To encourage the use of existing structures, this (2%) allowance shall not apply to existing nonconforming structures or uses, which shall remain subject to all applicable provisions of this ordinance.

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e. **Ownership and Location**
The farm market shall be located on property owned or controlled by the producer of the products offered for sale, including property held under lease.

f. **Tastings**
Tastings incidental to the sale of farm products are permitted where otherwise allowed by state law.

g. **Signage**
Shall be permitted in accordance with Peninsula Township Sign Ordinance.

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3. **INCIDENTAL FARM ENGAGEMENT AND AGRITOURISM ACTIVITIES**
Low-intensity, customary farm engagement and agritourism activities that generate minimal off-site impacts may occur as accessory uses in conjunction with the agricultural uses permitted in Sections 1 through 2 above. Such activities are intended to support and promote the sale of farm products and shall maintain the general agricultural character of the farm.[6]

a. **Permitted Activities**
Incidental farm engagement and agritourism activities may include, but are not limited to:

i. Guided farm tours and farm walks

ii. School visits and educational programming

iii. Hayrides

iv. Seasonal demonstrations

v. Corn mazes and pumpkin patches with associated activities

vi. Instructional classes or workshops with on-site demonstrations

b. **Relationship to Agricultural Production**
All activities permitted under this section shall be clearly accessory and subordinate to active agricultural production and shall not displace farming as the principal use of the parcel.

c. **Kitchens and Processing Facilities**
Kitchens and processing facilities used in conjunction with incidental agritourism activities may be utilized for the preparation, cooking, processing, or preservation of agricultural products produced on the affiliated farm. Products prepared or processed under this subsection may be sold on-site or through other lawful distribution channels.

d. **Operational Standards**
Incidental farm engagement and agritourism activities shall comply with the following standards:

i. **Sound**
All sound and noise generated by activities shall comply Peninsula Township Ordinance #62.

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[6] As defined under GAAMPs Farm Market definition of 'marketing' activities.

ii. **Parking**
All parking shall be accommodated on-site in a manner that minimizes impacts to neighboring properties and public roads.

iii. **Hours of Operation**
Activities open to the public shall occur between the hours of 5 am to 10 pm.

4. **ON-FARM PROCESSING**
On-farm processing shall be permitted by right as an accessory use to a farm operation within the Agricultural District for parcels with gross acreage of at least five (5) acres.

a. **Processing Activities**
Activities may include, but are not limited to:

i. Cleaning, washing, grading, sorting, and packing of agricultural products.

ii. Cold storage, dry storage, and controlled-atmosphere storage.

iii. Preservation activities such as freezing, drying, curing, fermenting, aging, or barreling.

iv. Processing of agricultural products into value-added products, including baked goods, preserves, cider, wine, vinegar, cheese, syrups, sauces, beer, distilled spirits, and similar products.

v. Preparation of agricultural and value-added products for direct-to-consumer sale, wholesale distribution, or off-site retail sale, where otherwise lawful.

b. Structures and Facilities

i. Buildings or portions of buildings used for on-farm processing may be permanent or temporary and may include barns, sheds, outbuildings, farmhouses, or purpose-built processing structures.

ii. Structures used for on-farm processing shall remain accessory and subordinate to the principal agricultural use of the parcel.

iii. Set backs for the processing facility shall be 200 feet from a residential or dwelling unit on an adjacent property.

iv. Processing activities may be conducted seven days a week, 24-hours per day as needed. The operator must comply with all Federal, State, and local laws and regulations applicable to the type of processing facility proposed and obtain and or comply with all permits, license, approval, and operational requirements.

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5. **FARM STAY**
   As defined above, Farm Stays shall be permitted by right as an accessory use to a principal agricultural use or normal farm operation within the Agricultural District for parcels with gross acreage of at least five (5) acres in compliance with the following.

a. **Guest Room Limitations**
   A maximum of three (3) guest rooms shall be permitted for each five (5) acres of parcel area. A site review may be necessary for more than (9) rooms.

b. **Location and Structures**
   A Farm Stay may include lodging within an existing dwelling, farmhouse, or agricultural structure converted for overnight accommodation, or within detached accessory structures approved for such use, provided that the primary use of the parcel remains agricultural and all structures meet required setbacks, local, and state regulations.

c. **Food Service**
   A Farm Stay may serve food only to registered guests. Meals may be served at any time, provided that the cost of food is included in the lodging price. A Farm Stay shall maintain any food service permits required by the applicable health department or regulatory authority.

d. **Events and Non-Agricultural Activities**
   Non-agricultural activities or special events involving individuals other than registered guests are not permitted.

e. **Use Limitations**
   A Farm Stay shall offer temporary lodging only up to a maximum of (10) days, and shall not permit permanent residency. A Farm Stay shall not operate as a hotel, motel, or stand-alone short-term rental unrelated to agricultural use.

USES REQUIRING ADMINISTRATIVE APPROVAL

1. **SPECIAL EVENTS AND ACTIVITIES**
   Special events and activities not directly related to the production, harvesting, processing, or sale of agricultural products grown on the parcel, and which attract members of the public primarily for events, gatherings, or entertainment.

   a. **Applicability**
      Special events and activities regulated under this section may occur in conjunction with a licensed winery, cidery, brewery, distillery tasting room, or farm market, where otherwise permitted. Such activities are distinct from accessory farm-based marketing and agritourism uses and may require additional review due to their scale and intensity.

   b. **Activities Subject to Review**
      Activities subject to this section that are non-agricultural include, but are not limited to:

      i. Weddings, receptions, and private celebrations

      ii. Corporate retreats and special events

      iii. Concerts or events with amplified entertainment

      iv. Ticketed or large-scale harvest festivals not directly tied to on-site crop sales

      v. Event venues or multipurpose gathering facilities

   c. **Review and Approval**
      Special events and activities shall be subject to:

      i. Abbreviated site plan review by the Zoning Administrator.

      ii. Events that exceed thresholds established in this section or that generate significant off-site impacts may be required to obtain Special Land Use approval.

   d. **Licensing and Regulatory Compliance**
      All special events and activities shall be conducted in compliance with applicable local, state, and federal licensing and permitting requirements, including those related to alcohol service, food service, and public gatherings.

   e. **Parking and Traffic Management**

      i. All parking shall be provided on-site.

ii. Parking on any state, county, or private road is prohibited.

iii. Parked vehicles shall not obstruct fire lanes or emergency access routes.

f. **Occupancy and Attendance**
Attendance shall be limited based on contiguous parcel size, calculated at twenty-five (25) attendees per five (5) acres, not to exceed two hundred (200) attendees. Attendance shall also comply with the maximum occupant load permitted under applicable building, fire, and safety codes, or as determined by the appropriate regulatory authority.

g. **Sanitation Facilities**
Sanitary facilities shall be provided as required by the applicable construction code or appropriate regulatory agency. Additional portable restroom facilities shall be provided when attendance exceeds the capacity of existing permanent facilities.

h. **Hours of Operation**

i. Indoor events and activities may extend beyond posted operating hours.

ii. Outdoor events and activities may extend beyond posted operating hours not to exceed 10:00 p.m.

i. **Sound, Music, and Amplification**
Sound, music, and amplification shall comply with Section _____ .

j. **Event Record Reporting**
The operator shall maintain a log of special events, including the date, type of event, and number of attendees, and shall make such records available upon request by the Zoning Administrator within (3) business days of such a request. The operator shall also provide a current contact phone number for the on-site event manager to enforcement officers, the Zoning Administrator, and neighboring property owners upon request.

k. **Lighting**
Exterior lighting shall comply with Section _____ of this Ordinance (Outdoor Lighting Standards) and shall be designed to minimize glare and light spillover onto adjacent properties.

TOWNSHIP OF ACME
GRAND TRAVERSE COUNTY, MICHIGAN

SHORT-TERM RENTAL ORDINANCE
ORDINANCE NO: 2017-01

ARTICLE 1: OVERVIEW

Section 1.1: Title

This Ordinance shall be known as the Acme Township Short-Term Rental Ordinance, referenced within as "Ordinance".

Section 1.2: Findings

The Acme Township Board of Trustees declares the following findings:

- **a.** The Township staff, elected and appointed officials have received complaints involving excess noise, litter, disorderly conduct, overcrowding, traffic, congestion, parking, and safety associated with short-term rentals.
- **b.** The transitory nature of occupants of short-term rentals makes continued enforcement and administration of existing ordinances against the occupants difficult.
- **c.** Short-term rentals provide a community benefit by contributing to a variety of lodging facilities for guests to utilize, supporting the local economy by increasing the number of visitors to the area, and assisting owners of short-term rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- **d.** The Township wishes to preserve and maintain the residential character of the community and quality of life for all residents.
- **e.** The provisions of this Ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residents posed by short-term rentals.

Section 1.3: Purpose

This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of Acme Township by requiring the registration and permitting of short-term renting of single-family and duplex dwelling units.

Section 1.4: Applicability

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Acme Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, associations or rental agreements.

Section 1.5: Definitions

Bedroom: A separate room with a door, closet, and window that is used or intended to be used specifically for sleeping purposes. A bedroom must be a habitable space not be less than seventy (70) square feet, not less than seven (7) feet in one dimension, not located in an attic or basement without egress meeting standards in applicable building, residential and fire codes, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms or living rooms.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one family, and having cooking facilities.

Dwelling, Duplex: A single building with two dwelling units designed for or occupied exclusively by two families living independent of each other.

Dwelling, Single-Family: A detached dwelling unit designed for the exclusive occupancy by a single family.

Extenuating Circumstances: Conditions under which a violation of this Ordinance has occurred that may include a) committed by a non-renter and the renter(s) attempted to prevent or halt the violation, b) resulted from an act of nature, c) other circumstances that the property owner or local agent could not reasonably anticipate and prevent, and could not reasonably control.

Good Visitor Guidelines: A document prepared by the Township Zoning Administrator that includes:

1. A summary of the following Acme Township Ordinances and all applicable penalties:
    a. Consumer Fireworks Ordinance [2016-01]
    b. Fire Prevention Ordinance [2015-01]
    c. Refuse Collection Ordinance [2011-01]
    d. Junk Ordinance [2005-04]
    e. Noise Ordinance [2005-03]
    f. Trespass Ordinance [87-2]
2. A reminder that the short-term rental may be operating in a residential neighborhood and that the neighbors may not be vacationing.
3. A reminder that the short-term rental may be operating in an agricultural district and that necessary agricultural activities may take place that are protected under the Michigan Right to Farm Act (Public Act 93 of the Public Acts of 1981)
4. A statement informing the occupant(s) that neighboring property owners may contact the local agent, sheriff's department, Township, or Township designee to report any issues relating to the property.

Local Agent: An individual designated to oversee the short-term rental of a dwelling unit in accordance with this Ordinance. The local agent shall respond to calls from renters, concerned citizens, and representatives of the Township, live or maintain a place of business within thirty (30) miles of the dwelling unit, be available twenty-four (24) hours a day while the short-term rental property is occupied, and respond within sixty (60) minutes to any issues that may arise. A property owner who meets these criteria may be the local agent.

Occupant: Any individual living in, sleeping in, or having possession of a dwelling unit, or portion thereof pursuant to a rental agreement. This does not include guests who are visiting between the hours of 8:00 am and 11:00 pm.

Owner: The person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental.

Parking Space: An improved, designated area on the property where a short-term rental operates that is legally available for the occupants to park motorized vehicles and trailers. This may include garages, carports, parking bays and driveways. This does not include yards and street right-of-ways.

Short-Term Rental: The commercial use of renting a dwelling unit, or portion thereof, for a period of time less than thirty-one (31) consecutive calendar days. This does not include approved bed and breakfast establishments, hotels/motels, tenant housing, or campgrounds.

Special Event: Outdoor parties, lawn parties, weddings, family reunions, bachelor/bachelorette parties, or other similar gatherings that exceed the maximum number of occupants allowed.

Tourist Home: A short-term rental operation in which a portion of a dwelling unit is rented out where the owner of the property resides full-time in the dwelling unit and is primarily present at the time of occupation.

Vacation Home: A short-term rental operation in which the entire dwelling unit is rented out without the property owner residing at the dwelling unit at the time of occupation.

Section 1.6: Severability

If any section, provision, or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

ARTICLE 2: GENERAL STANDARDS

The following standards shall apply to all short-term rentals:

Section 2.1: Permit

All short-term rentals shall be required to register with, and be permitted by the Township. Permits shall:

- **a.** Be valid for one calendar year,
- **b.** Be required for each short-term rental unit,
- **c.** Be issued prior to advertising a short-term rental,
- **d.** Not transfer with the sale of the property, or be transferred from one property to another.
- **e.** Be displayed on the front door, or in a prominent location on the façade or nearby window not more than five (5) feet from the front door, measured from the edge of the door frame, except in the case of tourist homes,
- **f.** Display the maximum number of occupants allowed,

g. Display the contact information for the local agent and Township, or Township designee.

Furthermore, the short-term rental permit number shall be posted and clearly evident on any and all advertisements related to the short-term rental of a property.

Section 2.2: Exceptions and Exemptions

A dwelling unit does not need a short-term rental permit as required in this Ordinance when the occupancy of the dwelling unit occurs under the following circumstances:

a. *Family occupancy*. Any member of a family (and that family member's guests) may occupy a dwelling as long as any other member of that family is the owner of the dwelling or dwelling unit. Family occupancy also exempts guest houses or similarly separate dwelling units located on the same premises as the owner's domicile, when occupied by family guests, exchange students, visiting clergy, medical caregivers, and child care givers, without compensation to the owner.

b. *House-sitting*. During the temporary absence of the owner and owner's family the owner may permit non-owner occupancy of the premises, without compensation to the owner, without a short-term rental permit.

c. *Dwelling sales*. Occupancy by a prior owner after the sale of a dwelling under a rental agreement.

d. *Estate representative*. Occupancy by a personal representative, trustee, or guardian of the estate and his family, with or without compensation.

e. *Limited Duration* – Any dwelling unit that is rented on a short-term basis for fourteen (14) or less days per calendar year.

Section 2.3: Local Agent

Each owner of a short-term rental shall designate a local agent meeting the criteria as defined in this Ordinance who has access to and authority to assume management of the short-term rental and take remedial measures. For tourist homes, the owner shall be the local agent.

Section 2.4: Good Visitor Guidelines:

A copy of the Good Visitor Guidelines established by the Township shall be provided to all occupants for review and remain on premises.

Section 2.5: Refuse and Recyclables

The storage and disposal of all refuse and recyclables shall meet the following:

a. All refuse and recyclables shall be stored in a container with a tight-fitting lid approved by the waste hauler.

b. Refuse and recyclable containers shall be placed in front of the premise for pick up only on the day designated by the waste hauler.

Section 2.6: Pets

All pets shall be confined on the property or on a leash at all times. Pets that cause frequent or long continued noise that disturb the comfort and repose of any person in the vicinity shall be found in violation of this ordinance.

Section 2.7: Wastewater

The owner shall maintain a properly functioning septic system per the Acme Township Uniform Septage Control Ordinance (2004-2), or sewer connection per the Grand Traverse County Public Works Department Uniform Sewer Use Ordinance (1994, as amended).

Section 2.8: Parking

All parking by the occupants and guests of a short-term rental shall only park in designated parking spaces as defined by this Ordinance.

Section 2.9: Fireworks

The discharge of consumer fireworks is prohibited except on the day before, the day of, and the day after a National Holiday between the hours of 8:00 am and 1:00 am. Furthermore, the use of untethered sky lanterns shall be prohibited in Acme Township.

Section 2.10: Noise

No person within the Township shall cause a noise or disturbance, which is defined as sound created by human activity with or without the use of any device, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities. This includes, but is not limited to, the following prohibited acts:

- **a.** The playing of any radio, television, phonograph, or other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to unreasonably annoy or disturb the quiet, comfort, or repose of persons in the vicinity.
- **b.** The keeping of any animal or bird which, by causing frequent or long continued noise, shall unreasonably disturb the comfort and repose of any person in the vicinity.
- **c.** The use of any motor vehicle, including motorcycles, in such a manner as to create an unreasonably disturbing noise, including but not limited to, the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler.
- **d.** Shouting or other raucous or boisterous behavior for an unreasonable length of time.

Section 2.11: Signage

Signage advertising the existence of a short-term rental is prohibited.

Section 2.12: Events

Special events are not permitted.

Section 2.13: Recreational Vehicles

Recreational vehicles shall not be used on the property by occupants or the property owner while a short-term rental is being occupied.

Section 2.14: Fire Safety

All short-term rental operations shall meet the necessary safety standards established by Grand Traverse Metro Fire Department, including but not limited to smoke detectors, carbon monoxide detectors and fire extinguishers.

ARTICLE 3: TOURIST HOME STANDARDS

In addition to the General Standards in Article 2, the following standards shall apply to all tourist home short-term rentals:

Section 3.1: Allowable Locations

Tourist homes shall be permitted in all zoning districts.

Section 3.2: Maximum Occupancy

The maximum occupancy of any tourist home shall be based on the number of bedrooms, whereas:

- **a.** A maximum of two (2) occupants per bedroom shall be allowed,
- **b.** A maximum of three (3) bedrooms shall be rented to occupants of a tourist home.

The property owner shall inform the Township of any renovations or additions to the tourist home that will result in an increase in the maximum occupancy.

Section 3.3: Owner Occupancy

The owner of the tourist home shall have their legal residence established at the location of the operation, and be living in the dwelling unit and present overnight at the time occupants are staying on the property.

Section 3.4: Application

- **a.** *Responsibility* – It shall be the responsibility of the owner of a tourist home to register the operation and obtain a permit from the Township.
- **b.** *Application* – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the Township:

1. Name, address, telephone number, and email of the owner of the tourist home.
2. Name, address, telephone number, and email of the designated local agent.
3. The number of bedrooms in the tourist home intended to be used by occupants.
4. A sketch of designated parking spaces.
5. An affidavit signed by the owner acknowledging the provisions of this Ordinance, and all applicable local and state laws.

c. *Fee* – An application for a tourist home permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator.

d. *Number of Permits* – The number of tourist home permits issued annually by the Township through application shall not exceed fifty (50). Permittees that have a valid permit and are in good standing with the Township shall have first priority in receiving a permit for the following calendar year. The remaining balance of permits may be issued to applicants who have submitted a complete application. If the number of applications, including renewal applications, exceeds fifty (50), then the Township will conduct a lottery to determine which of the new applicants shall receive a permit.

e. *Renewal* – All tourist home permits shall expire on December 31st of the calendar year they are issued. The owner of a permitted tourist home may reapply for the next calendar year at any point between October 1st and October 31st. All renewal permits shall be issued by November 15th. The number of permittees that have not submitted an application for renewal by October 31st shall have their permit added to the balance of permits available to new applicants and may apply as a new applicant.

ARTICLE 4: VACATION HOME STANDARDS

In addition to the General Standards in Article 2, the following standards shall apply to all vacation home short-term rentals:

Section 4.1: Allowable Locations

Vacation homes shall be allowed in the agricultural zoning district, and in single-family dwellings in the commercial zoning districts.

Section 4.2: Maximum Occupancy

The maximum allowed occupancy of a vacation home shall not exceed the lesser of:

a. Two (2) occupants per bedroom plus four (4) additional occupants, or

b. For parcels under ten (10) acres in size the occupancy shall not exceed ten (10) occupants, or

c. For parcels of ten (10) acres or more the occupancy shall not exceed fourteen (14) occupants.

The property owner shall inform the Township of any renovations or additions to the vacation home that will result in an increased in the maximum occupancy.

Section 4.3: Application

a. *Responsibility* – It shall be the responsibility of the owner of a vacation home to register the operation and obtain a permit from the Township.

b. *Application* – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the Township:

1. Name, address, telephone number, and email of the owner of the vacation home.

2. Name, address, telephone number, and email of the designated local agent.

3. The number of bedrooms in the vacation home intended to be used by occupants.

4. A description of the property that states the number of acres.

5. A sketch of designated parking spaces.

6. An affidavit signed by the owner acknowledging the provisions of this Ordinance, and all applicable local and state laws.

c. *Fee* – An application for a vacation home permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator.

d. *Number of Permits* – The number of vacation home permits issued annually by the Township through application shall not exceed fifty (50). Permittees that have a valid permit and are in good standing with the Township shall have first priority in receiving a permit for the following calendar year. The remaining balance of permits may be issued to applicants who have submitted a complete application. If the number of applications, including renewal applications, exceeds fifty (50), then the Township will conduct a lottery to determine which of the new applicants shall receive a permit.

e. *Renewal* – All vacation home permits shall expire on December 31st of the calendar year they are issued. The owner of a permitted vacation home may reapply for the next calendar year at any point between October 1st and October 31st. All renewal permits shall be issued by November 15th. The number of permittees that have not submitted an application for renewal by October 31st shall have their permit added to the balance of permits available to new applicants and may apply as a new applicant.

ARTICLE 5: VIOLATIONS AND PENALTIES

Section 5.1: Violations

a. *Violations* – Any violation of the provisions of this Ordinance, or any other applicable local, state, or federal ordinance shall be deemed a violation of this Ordinance. Each day a violation continues shall constitute a separate violation.

b. *Nuisance Per Se* – A violation of this Ordinance shall be a nuisance per se. The Township shall have the right to commence a municipal civil action to enforce compliance with this Ordinance.

c. *Administration* – The Acme Township Zoning Administrator is authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violations notices and/or civil infraction citations for violations of this Ordinance.

Section 5.2: Penalties

a. *Penalties* – the following penalties shall apply for violating this Ordinance:

1. *Short-Term Rental Without a Permit*

i. *First Violation* – The first violation in a calendar year shall result in a Notice of Violation delivered to the property owner through certified mail.

ii. *Second Violation* – The second violation in the same calendar year shall result in a municipal civil infraction subject to a fine of $750.

iii. *Third Violation* – The third violation in the same calendar year shall result in a municipal civil infraction subject to a fine of $1,500.

iv. *Subsequent Violations* – Subsequent violations in the same calendar year shall result in municipal civil infraction subject to a fine of $5,000 and/or 90 days in jail.

2. *All Other Violations*

i. *First Violation* – The first violation in a calendar year shall result in a Notice of Violation delivered to the property owner through certified mail.

ii. *Second Violation* – The second violation in the same calendar year shall result in a municipal civil infraction subject to a fine of $500.

iii. *Subsequent Violations* – Subsequent violations in the same calendar year shall result in a municipal civil infraction subject to a fine of $1,000.

b. *Revocation* – The Township may revoke a short-term rental permit for any dwelling unit for the reasons below and through the subsequent procedure:

1. *Requirements for Revocation* – A short-term rental permit may be revoked if at least three (3) separate violation incidents, occurring of three (3) separate days, within a calendar year.

2. *Revocation Procedure* – Upon a determination by the Zoning Administrator that the short-term rental permit of a dwelling is subject to revocation, the following procedure shall be in effect:

i. The Zoning Administrator shall issue a notice to the property owner and local agent, in writing through certified mail, that the Township intends to revoke the short-term rental permit.

ii. The property owner or local agent may request a hearing before the Township Board to show cause as to why the short-term rental permit should not be revoked within fourteen (14) days of service of the notice.

iii. If a hearing is timely requested, then the Zoning Administrator shall inform the property owner and/or local agent, and Township Board of the time and place of the hearing.

iv. The property owner and/or local agent may present evidence at the hearing that the violations of this Ordinance were due to extenuating circumstances. If the Township Board finds the violations to be due to extenuating circumstances, then they may elect to waive the revocation. Otherwise, the revocation of the short-term rental permit shall become effective.

3. *Duration* – Upon revocation of a short-term rental permit, a property owner may not reapply for a new short-term rental permit for the dwelling at that address, or any additional dwellings in Acme Township, for a period of thirty six (36) months.

4. *Subsequent Revocations* – Any property owner who has had a short-term rental permit revoked twice for the same short-term rental shall be permanently prohibited from operating a short-term rental at that location. Furthermore, the property owner shall be prohibited from applying for any additional, new short-term rentals in the Township. If the property owner has other short-term rentals permitted in good standing in the Township at the time of the prohibition, then the property owner shall be allowed to reapply for a permit for those existing short-term rentals.

Draft Ordinance: On-Farm Agricultural Processing

Jurisdiction: Peninsula Township

Section 1: Purpose and Intent

The purpose of this ordinance is to:

1. Promote the economic viability of local agriculture by allowing farmers to add value to their crops and livestock while maintaining agriculture as the dominant land use.
2. Preserve rural character and agricultural land by ensuring processing facilities remain accessory to primary agricultural use.
3. Protect public health, safety, and welfare by establishing standards for waste disposal, traffic, and noise.

Section 2: Definitions

- **Agricultural Processing (On-Farm):** The processing, treatment, packaging, and storage of agricultural products where the raw materials are transformed into a value-added product.
- **Small-Scale Processor:** A facility where the total floor area dedicated to processing does not exceed 1% of available land and operations are subordinate to the principal farming use.
- **Primary Ingredient:** The main agricultural component of the finished product.

Section 3: Permitted Zones and Use Categories

Agricultural Processing uses are regulated based on the intensity of the operation and the source of the ingredients.

Small-Scale Accessory Processing

- **Approval Type:** Administrative / Zoning Permit.
- **Criteria:**
    - The facility is located on a parcel of at least 5 acres.
- **Sourcing Criteria:**
    - At least **51%** (by volume or weight) of the *Primary Ingredients* processed annually must be grown on the subject property **OR** on farms located within Grand Traverse County.

- Of that 51%, a minimum of **25%** must be grown on the subject property (ensures the operator is still an active farmer, not just a landowner leasing a building).

Section 4: Performance Standards

All Agricultural Processing facilities must adhere to the following standards:

A. Sourcing Requirement The operator must maintain records demonstrating compliance with the 51% on-site sourcing rule and make them available to the Zoning Administrator upon request (with proper notice).

B. Setbacks and Screening

1. **Processing Buildings:** Must be set back a minimum of 150 from all property lines and 150 feet from any existing off-site residential dwelling. Building footprint for processing does not exceed 1% of land area up to a maximum (whichever is less). Maximum building size for 5-10 acre? 10-20 acres? 20-40 acres? 40 +?
2. **Outdoor Operations:** All mechanical processing equipment must be enclosed within a building. Outdoor storage of waste or by-products is prohibited unless fully screened from view and covered.

C. Waste Management

1. **Liquid Waste:** A waste management plan must be submitted detailing how wash-water and processing fluids will be disposed of. This must comply with MDARD and Grand Traverse County standards.
2. **Solid Waste:** Pomace, rinds, and organic waste may be composted on-site provided the compost pile is located at least 100 feet from property lines and managed to prevent vector (pest) attraction.

D. Traffic and Parking

1. **Access:** The driveway must be capable of supporting heavy delivery trucks and emergency vehicles.
2. **Parking:** All employee and customer parking must be contained on-site and off the public right-of-way.
3. No more than six (6) non-family employees may be on-site at any one time.
4. **Delivery Hours:** Deliveries of raw materials from off-site farms are restricted to the hours of **7:00 AM to 7:00 PM**.

E. Regulatory Compliance The applicant must demonstrate compliance with all applicable State and Federal regulations, including but not limited to:

- MDARD Food Safety Division licenses.
- USDA or FDA facility registration.

- County Health Department approval for water and septic systems.
- Peninsula Township

F. Building Needs:

- **Separation:** It must be physically separated from any living quarters and have a direct entrance from the outside.
- **Plumbing:** You need specific dedicated sinks:
    - **Handwashing sink** (separate from prep).
    - **3-Compartment Sink** (Wash, Rinse, Sanitize) for equipment.
    - **Mop Sink** (curbed floor drain) for cleaning the facility.
- **Surfaces:** Floors, walls, and ceilings must be smooth, non-absorbent, and easily cleanable (e.g., Fiber reinforce panels, sealed concrete, stainless steel.
- **Septic/Waste:** local health department must approve the system for **wastewater.**
    - Must meet Health Department regulations/Criteria's.