

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Phone: 231.223.7322 Fax: 231.223.7117

www.peninsulatownship.com

PENINSULA TOWNSHIP AGRICULTURAL ADVISORY COMMITTEE

Regular Committee Meeting

AGENDA

March 18, 2025

2:00 p.m.

1. Call to Order
2. Pledge
3. Roll Call
4. Approve Agenda
5. Brief Citizens Comments – for items not on Agenda
6. Conflict of Interest
7. Consent Agenda
 - A. Approve meeting minutes: Agricultural Advisory Committee meeting, February 18th, 2025
 - B. Approve sending Farm Signage Ordinance recommendations to Planning Commission
8. Business
 - A. Continued Discussion - Amendment 201, real world examples and recommendations for change
 - B. Continued Discussion – Right to Farm and GAAMPs integration
 - C. Introduction – Additional uses by right for agricultural land, generate wish list
9. Citizen Comments
10. Board Comments
11. Adjournment

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the Clerk.



Maura Sanders, Supervisor

Posted March 10, 2025, 2:30 p.m.

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Agricultural Advisory Committee Meeting

February 18, 2025, 2:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Kroupa 2:00 PM

2. **Pledge**

3. **Roll Call**

Present: Bramer, Hemming, Kroupa, Hafeli, Gomez, Edmondson

Absent: Heller, Baldyga

Kroupa: Lou Seibold has resigned from the committee.

4. **Approve Agenda**

Hafeli moved to approve the agenda as presented with a second by Kroupa.

Motion passed

by consensus

5. **Citizen Comments:**

Barb Wunsch, 17017 Peninsula Drive: here to read a letter for John Wunsch. "Agriculture advisory committee members. First, I want to thank you all for volunteering to serve. With no intent to advocate for any particular path forward, I want to provide two informational comments. One, I agree with Jed Hemming's point regarding the value of processing operations that do not necessarily grow product or hold significant acreage. Fortunately, amendment 201 did not remove that option. It still exists as section 8.5 "Food Processing Plants in A-1 Districts," which allows for processing on any agriculture parcel with no requirement to grow products and no minimum acreage required. Two, reference was made by a citizen comment that seemed to imply that one of the problems with amendment 201 is that it removes the small acreage option that was needed by and targeted by Devils Dive Vineyard so they could open a winery. Without knowledge of or comment upon the attended business plan of Devils Dive Vineyard, I think it's important for the public to know that before the 201 amendment, a vineyard had to be on a 20 acre, minimum size parcel, and also had to own or control a total of 40 acres. Again, without knowing the relevance to Devils Dive Vineyard, the public should know there was no option before 201 for a 10 acre vineyard. Thank you for your attention."

Susie Shipman, 14735 Shipman Road: review of the non-motorized transportation plan that has been discussed over the last three years. Start to pull in our agricultural community. Our goal is to complete a plan that is specific to the unique issues and concerns we have on Old Mission Peninsula. Our goals are:

- Increased safety on shared use roads, at key junctions and road sections with heavy cyclist and pedestrian activity.
- Development of side paths, buffered lanes, advisory lanes and bike lanes.
- Creation of connector trails between existing neighborhoods, public parks and township businesses for cyclists, pedestrians, recreation and commuter routes.

- Establishment of connections to existing and planned regional facilities, routes and trails such as those developed by TART, Cherry Capital Cycling Club, Travers City, and the Michigan Department of Transportation.

The goals of completing a planning project are to work with a consultant, to meet with the stakeholders, to have a robust public engagement process with multiple meetings. A plan that will address safety, accessibility and mobility. Complete the planning process with active and extensive engagement for our target population. We want to finalize a plan that will identify and prioritize meaningful and substantial improvements to the township, and we want those improvements to be achievable. Doing the plan allows us to apply for funding. The TART trail and what Leland Peninsula has [is not] achievable. We don't have a rail bed to work with. Formally reach out to members of the agricultural community to have some round tables. We want to hear early on what your concerns are, your input on this and how we can better accommodate our agricultural operators. Thank you.

6. Conflict of Interest:

Hafeli: I have as it relates to business item C, Right to Farm and GAAMPS. I have an open SUP amendment I am figuring my next path forward on and I want to participate as a citizen on that portion.

7. Consent Agenda:

- a. Approve Meeting minutes: Agricultural Advisory Committee meeting, January 21, 2025
- b. Adopt committee by-laws
- c. Adopt committee schedule for 2025

Kroupa: for the committee schedule, change what was in the packet. Take July and October off.

Hafeli moved to approve the consent agenda with a second by Hemming. Motion passed by consensus

8. Business:

1. Sign Ordinance: Continued Discussion, move to Planning Commission

- Off-Premises Signage:

Recommendation to amend the existing ordinance to allow off-premises signage for agricultural operations. Approval from the landowner should be a requirement. Signs should be of a similar size to on-premises signs and consistent with the season of operation. Permanent off-premises signage is preferred over temporary ones for ease of use and aesthetic.

- Temporary and Seasonal Signage

Allow for signage based on the seasonality of products. Signs should be removed when the product is no longer available. Suggestion to implement a moratorium on enforcement for harvest-related signs. Defined "temporary" as a sign displayed only during the season of operation.

- Agricultural Sign

Discussion on whether to integrate temporary signs into the existing ordinance or create a new section. Artistic signage, such as painted images, should be considered under temporary signage. Suggested signs should be permitted if they advertise an in-season product for purchase.

- Signage on Automobiles

General agreement to prohibit signage on vehicles to avoid complications.

- Sign Size and Placement

Discussion on increasing the current signage size from 9 to 20 square feet. Considerations for placement within scenic-designated areas and compliance with MDOT regulations. Dark sky compliance discussed for illuminated signs.

- Additional Considerations:

Seasonal placards could be allowed in addition to permitted sign, hung under the 20 square feet sign limit. Suggested allowing one main entrance sign, with additional seasonal signs. Discussed restrictions on certain types of materials and lighting for signage. Noted that sandwich boards should be categorized under temporary signage, with mixed opinions on their aesthetics.

- Next Steps:

Summarize and consolidate notes, referencing neighboring jurisdictions and ordinances. Circulate the revised draft for final agreement. Present recommendations to the planning commission. Identify a representative to attend the planning commission meeting for discussion.

2. Review results of survey and prioritize next topic of discussion

The survey included 19 topics ranked by participants as high, medium, or low priority. Results were presented in a packet showing exact percentages. Topics were initially ranked based on the percentage of high-priority responses. These ranking did not align exactly with an optimized success-based approach generated by Chat GPT. Open to discussion on whether to use a different prioritization method.

- Next Steps for Determining Order of Operations

Discussion on whether to stick with the current ranking or adjust priorities. Open to alternative methods such as the Nominal Group Technique. Agreement that re-sending surveys is not preferred for efficiency.

3. Right to Farm and GAAMPS integration and Ag land diverse uses- Discussion

- Discussion

Kroupa noted this was a high-priority issue and suggested addressing agricultural land use separately if needed. Hafeli wanted to split farm market GAAMPS integration from diverse land uses, as she felt she could remain impartial on the latter.

- Agriculture as a Business & the Need for Market Access:

Hemming stressed that agriculture is inherently commercial and that without the ability to sell products, farming cannot survive. He criticized the township for restricting sales and land use. Edmondson agreed, highlighting the economic reality that farmers need direct sales opportunities. He argued that small farms should be able to create and sell value-added products (e.g., turning grapes into wine) without excessive restrictions. Bramer supported expanding roadside stand regulations and increasing permitted uses beyond GAAMPS to help small farmers compete.

- Ordinance 201 & Township Restrictions:

Kroupa suggested that rather than outright removing Ordinance 201, they should analyze and document how specific sections negatively impact farmers. Edmondson felt the ordinance had been imposed without farmer support and questioned whether the township would be receptive to change. Beard recommended focusing on amending the most problematic parts of 201 rather than trying to overturn it entirely.

- SUP (Special Use Permits) & Appeals:

Hafeli raised concerns about the lack of an appeal process for denied SUPs. If a farmer's SUP is denied or granted with unfavorable conditions, they must either start over or litigate. She suggested allowing appeals or mediation to encourage innovation. Sanders confirmed that under current rules, farmers cannot easily modify an SUP once denied. Bramer questioned whether tying GAAMPS compliance to land use rights was legally enforceable, citing past discussions with state officials.

- Changing Attitudes Toward Agriculture:

Hemming argued that the township's restrictive mindset was the real issue, saying the attitude should shift toward supporting agricultural innovation instead of restricting it. Gomez suggested

that rather than demanding full deregulation, they should present case studies of real hardships faced by farmers under the current rules. Kroupa agreed that real-world examples would help the township understand the impacts of the restrictions and proposed using 201 as an educational tool rather than simply opposing it.

- **Next Steps Proposed:**

Identify and document the specific barriers within Ordinance 201 that prevent agricultural businesses from succeeding. Provide real-world examples of how the restrictions negatively impact farmers. Explore options for appealing or modifying SUP conditions to allow more flexibility. Work on changing the township's perception of agriculture as strictly non-commercial.

9. Citizen Comments:

Susie Shipman, 14735 Shipman Road: the amendment of SUP process. Missed in that discussion is, if we get to the town board level and there isn't a smooth path forward, can get kicked back to the planning commission [PC]. In the middle of the process, that can happen as an option.

Kroupa: if the townboard has already voted it can't get kicked back. If they hadn't approved it, but presented the conditions, could it then go back?

Shipman: with other SUP's that we've had, the PC has a committee to work on issues to have a smoother path forward. There have been times where it's gone through the PC, gone on to the town board, and they're finding issues. They send it back to the PC. Not one way that it always happens the same.

Kevin Beard, PC representative: with issues raised at the board level, possibility the PC might reconsider some of the terms and conditions that were proposed on the SUP. But there's no guarantee that anything will change.

10. Board Comments:

Hafeli: wanted to speak as citizen, but was told by Sanders as this was not a public hearing, could not speak from audience. Wants to look at by-laws to better inform speaking when dealing with conflict of interest.

Hemming: everyone on the board has conflict of interest with these subjects.

Beard: conflict of interest only when voting on something that directly affects.

Bramer: doesn't this all affect our properties?

Beard: not directly, voting on your own SUP would be a conflict. Making recommendations on ordinance changes that may have an effect down the road is ok.

11. Adjournment

Gomez moved to adjourn with a second by Hemming.

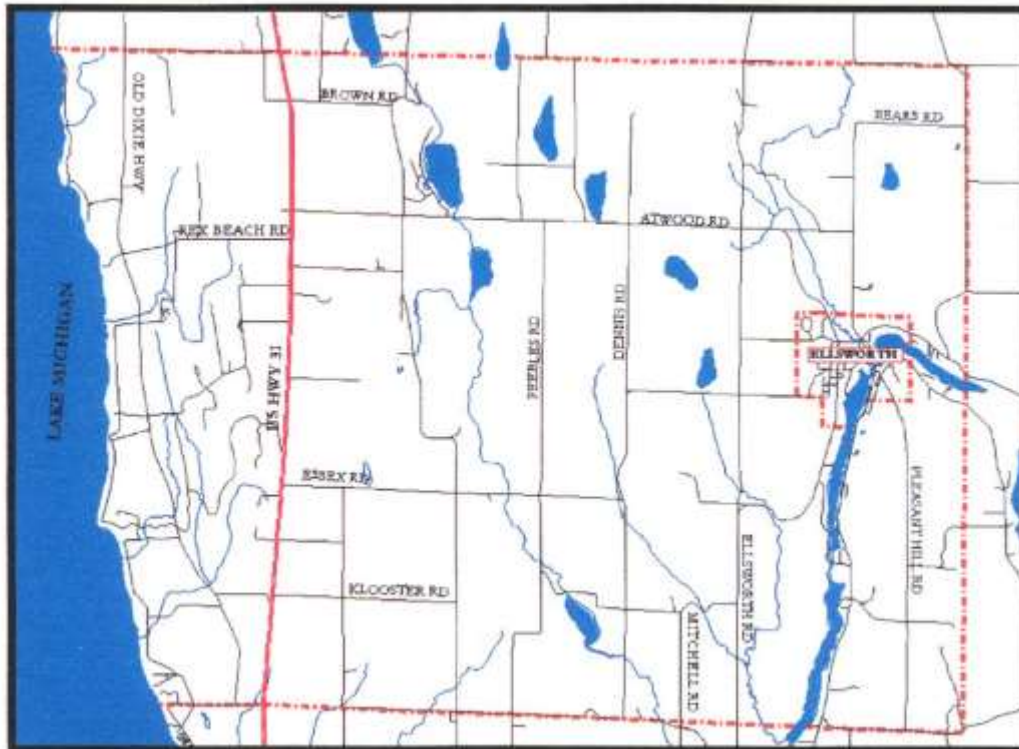
Motion approved by consensus

Adjourned at 3:32 p.m.

Agricultural Advisory Committee – Farm Signage Ordinance Recommendations

Farm Signage Ordinance	Recommendations	Explicit Language	Relevant Citations
Right to Signage	Recommend amending the ordinance to acknowledge standards included in Generally Accepted Agricultural Management Practices for Farm Markets.	"A minimum of one roadside sign is allowed."	2025 Michigan Commission of Agricultural & Rural Development, Definitions
Off-Premises Signage	Recommend allowance for off-premises signage for agricultural operations. Approval from the landowner should be required. Signs should match on-premises sign size and align with the season of operation. Permanent signs are preferred over temporary, for ease of use and aesthetics.	"Off-premises signage shall be permitted for agricultural operations with written consent from the landowner. Such signage shall not exceed the size limitations of on-premises signs and must be removed at the end of the operational season."	Banks Twp. §4.21.3(d); Bingham Twp. §3.13.5(A); Elmwood Twp. §6.6.2(G)
Temporary & Seasonal Signage	Support signage based on product seasonality, requiring removal when the product is no longer available. Suggested continued moratorium on enforcement for harvest-related, directional signs. Defined "temporary" as signs displayed only during the season of operation.	"Temporary signage for agricultural operations shall be permitted during the active season of the advertised product. Such signage must be removed within seven (7) days of product unavailability. Enforcement moratorium shall be in effect for harvest-related signs."	Bingham Twp. §3.13.4(B); Elmwood Twp. §6.6.6(A)
Agricultural Signs	Discussed whether to integrate temporary signs into the existing ordinance or create a new section. Artistic signage (e.g., painted images) should be categorized under temporary signage. Signs should be permitted if they advertise an in-season product for sale.	"Agricultural signage, including artistic representations of products, shall be categorized as temporary signage and permitted during the season of availability. Such signage shall not exceed 20 square feet."	Bingham Twp. §3.13.5(A); Elmwood Twp. §6.6.5
Seasonal Signs	Suggested seasonal placards in addition to permitted signage, as long as they stay within the signage limit. Recommended one main entrance sign, with additional seasonal signs. No sandwich boards.	"Agricultural operations may display one primary entrance sign, not exceeding 20 square feet, with additional seasonal placards that do not exceed an additional 20 square feet. Sandwich boards shall not be permitted."	Banks Twp. §4.21.3(f); Bingham Twp. §3.13.6(B); Elmwood Twp. §6.6.8
Size Requirements	Establish clear visibility guidelines for agricultural signage to ensure readability for passing motorists while maintaining aesthetic harmony with rural landscapes.	"No larger than 20 square feet, with a maximum height of 8 feet above grade."	Banks Twp. §4.21; Bingham Twp. §3.13.8(F); Letter Visibility Chart (VisualPro)

BANKS TOWNSHIP



Adopted: May 15, 2000
Effective: June 1, 2000

Including Amendments Adopted Through June 2020

least six (6) feet in height, measured from the surface of the ground of the abutting residential district.

- c. General landscaping. All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs or other suitable plant material. A mixture of evergreen and deciduous trees of species native to northwestern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.
- d. Landscape preservation. Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.

Section 4.20 Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush-mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 4.21 Signs

The purpose of this section is to preserve the desirable character of Banks Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes the right of residents to be free of advertising that could affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

1. Signs Not Requiring a Sign Permit: The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - a. One (1) non-illuminated identification sign per use, not exceeding two (2) square feet of sign surface.
 - b. Street name signs, route markers, and other traffic control signs erected or approved by state, county or village agencies when necessary to give proper directions or to otherwise safeguard the public.
 - c. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
 - d. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional

messages), provided the sign surface does not exceed the maximum size limitations of subsection 2. below.

- e. Non-advertising signs marking a historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
- f. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
- g. Temporary real estate signs, not exceeding ten (10) square feet, on individual lots advertising a premise for sale or rent.
- h. Signs advertising sales such as garage, estate, auction, moving, and yard sales, which last no more than seven (7) consecutive days, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
- i. Political and noncommercial signs provided the sign surface does not exceed the maximum size limitations of subsection 2. below.

2. Size Restrictions

The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business there transacted, to express non-commercial political views, or directing to some other locale, shall be regulated as follows:

Use District	Maximum Size of Sign per Side
R-1, R-2 and MH	Sixteen (16) square feet
C/R	Twenty-four (24) square feet
A, V and M	Forty (40) square feet

3. General Sign Regulations

In addition to the size limitations stated in Subsection 4.21.2, the following conditions shall apply to all signs and billboards erected in any use district:

- a. No sign, except non-illuminated residential name plates and signs specifically identified in subsection 1 above, shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by a Planning Commission (PC) approved site development plan. After the ZA or PC approval, the required sign permit shall be issued.
- b. No signs or billboards shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
- c. Illumination of signs shall be directed, shaded or designed so as not to interfere with the vision of persons on the adjacent highway, streets or properties. The projected light shall not emanate beyond the sign and unnecessarily illuminate the night sky. Illuminated signs shall not be of the flashing, moving or intermittent type.
- d. In those instances where a business use or tourist service facility is not located directly on a major route, but is dependent upon passer-by traffic for support, not more than two (2)

signs per business may be permitted in V, A and M Districts subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per six hundred sixty (660) feet of road frontage or per lot, may be allowed, EXCEPT if the signs are directional signs as provided by the Michigan Department of Transportation and approved by the Zoning Administrator. No off-premise signs shall be permitted in R-1, R-2, MH and C/R.

- e. All directional signs located along the highway, to direct traffic to a business off the highway, must conform to the standards used by the Michigan Department of Transportation for such signs. Wherever possible such directional signs will be clustered.
- f. Freestanding signs, pole signs or advertising pylons may be permitted in a required front yard for uses set ten (10) feet or more behind the front property line. No freestanding sign shall exceed a maximum of twenty (20) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
- g. Both sides of any freestanding or overhanging sign may be used for display.
- h. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way (county or state).
- i. Roof position signs or billboards are specifically prohibited.
- j. The number of signs allowed will be decided by the Planning and Zoning Commission at the time of development plan review. Factors considered will include building size, location and length of street frontage, and lot size.
- k. In no case shall a sign or signs exceed a total of ten percent (10%) of the building face to which they are attached.
- l. Portable signs shall be prohibited, except where allowed for in this section or such signs have been approved by the Planning Commission as meeting a special purpose need and/or being appropriate for the particular need. Approved sandwich board portable signs shall not exceed twenty-four (24) inches in width by forty-eight (48) inches in height.
- m. Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for a period not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
- n. In the case of Special Events, which occur no more than once every six (6) months, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, are permitted with Planning Commission approval, for a period of not more than seven (7) days prior to the event and shall be removed within one (1) day of the completion of the event.
- o. In the case of seasonal recurring events, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, are permitted with seasonal Planning Commission approval, such advertising devices shall not be used for a period of more than twenty-four (24) hours prior to the event and shall be removed immediately following the event.
- p. Political signs: Political signs shall be removed within five (5) days after the election.

- q. The use of any outdoor business or informational sign erected and in use at the date this amendment is enacted, may be continued. Such signs shall be designated as “Nonconforming Signs”. The maintenance, reconstruction, alteration, discontinuation, and change in the nonconforming nature of a Nonconforming Sign shall be governed by Article VI, Section 4.02 - Nonconformities of this ordinance the same as for other nonconforming uses under this ordinance.
4. Off-premise signs and billboards regulated by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972 and amendments, shall also be subject to the size limitations of Subsections 1. All other off-premise signs shall be subject to the limitations of Subsections 4.21 2 and 3.

Section 4.22 Private Waterfront Access

All private waterfront accesses (regardless of district) will conform to the minimum lot area requirements, including lot width and square footage, of the Conservation Recreation District. A private waterfront access site of the required minimum size can support a maximum use density of five (5) non-waterfront properties. If the access property is designated for use by more than five (5) non-waterfront property owners, an additional twenty (20) feet of width and four thousand (4,000) square feet of land shall be required for each additional non-waterfront dwelling unit with designated use of the access site.

Section 4.23 Planned Unit Development

1. Intent

The intent of the Planned Unit Development is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Township Planning Commission is to be the judge of whether or not the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

2. Criteria

A Planned Unit Development shall be judged against the criteria outlined below. The discretionary judgmental process shall follow, first the procedures specified in this Article and second other conditions specified in this Ordinance, such as under the General Provisions and Supplemental Site Development Standards.

a. Size

- i. A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.

Bingham Township Zoning Ordinance

(as amended through June 2019)

- B. Natural vegetation shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
- C. Any additional planting must be of native species, or those easily naturalized.
- D. No fertilizer shall be applied in the greenbelt.

SECTION 3.13 SIGNS

(Annotation: Section amended in its entirety by Amendment 18-004, effective November 2, 2018)

SECTION 3.13.1 PURPOSE

The purpose is to encourage the effective use of signs as a means of communicating and informing while minimizing the impact on the landscape. Regulation of signs will lessen the impact on the aesthetic environment, while allowing for the promotion of economic development.

SECTION 3.13.2 DEFINITIONS

BANNER: A sign made of non-rigid material; however, not including pennants or flags.

FIXED SIGN: A sign structurally affixed to the ground or to some other portion of a structure, but not a wall sign.

FLAG: A sign made of non-rigid material having a distinctive size, color and design used as a symbol or emblem.

INCIDENTAL SIGN: A sign that is less than two (2) square feet in area.

PENNANT: A small, often triangular, banner used in multiples as a device to call attention to a land use or activity.

PORTABLE SIGN: A sign placed on the ground which is portable and not anchored or secured.

SHARED SIGN: A sign attributed to a group of contiguous commercial or industrial entities located within the complex or group.

SIGN: Any device, structure, fixture, banner, placard or other object used for the display of any message that is afforded public visibility from outdoors.

TEMPORARY SIGN: A sign, banner or advertising display, with or without a structural frame, intended for a limited period of display, including displays for holidays or public events.

WALL SIGN: A sign painted on, or attached directly to and parallel to an exterior wall.

WINDOW SIGN: A sign affixed to, in contact with, or within twelve (12) inches of a window installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.

UNALTERED GRADE: Grade or topography existing prior to any excavation, clearing, grading, or filling.

SECTION 3.13.3 PROHIBITED SIGNS

- A. Any sign not specifically permitted by this Article.
- B. A sign that contains any moving or animated parts or has the appearance of having any moving or animated parts when such sign is visible from any public right of way or from any private driveway or vehicular easement. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light.
- C. Pennant flags, streamers, searchlights, over-the-street banners, or other similar material or devices.
- D. A temporary or movable sign and air blown device not specifically permitted herein.
- E. Any regulated sign placed or painted upon trees or rocks or natural features.
- F. A sign placed on any light pole, utility pole, or other support.
- G. A sign erected in any place where, by reason of its position, shape, color, or other characteristic, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
- H. A sign erected, located, or maintained that prevents free ingress or egress from any door, window, or fire escape or that is attached to a standpipe or fire escape.
- I. A sign erected at the intersection of any street in such a manner as to obstruct free and clear vision of motorists.
- J. A sign on a motor vehicle if the motor vehicle is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.

SECTION 3.13.4 SIGNS NOT REQUIRING A PERMIT

The following signs are authorized in any district without a sign permit and are not included towards the maximum number of signs allowed on a parcel, but shall conform to the applicable requirements of this chapter and the applicable building codes.

- A. Incidental signs.
- B. Temporary signs as allowed in Section 3.13.5 Signage Allowed Per District. Temporary signs shall be removed within ten (10) days after the final date of the event.
- C. Signs erected by, or on behalf of a governmental body for purposes of protecting the public health, safety, and welfare.
- D. Official signs erected by public utilities.
- E. Flags or insignia.
- F. Any sign not visible to motorists or pedestrians on any road, water body, public lands, or adjacent parcel(s).
- G. Signs painted on or integral to vending machines, fuel dispensing pumps or fuel storage tanks, as long as they are not readable from off the site.
- H. Legal postings required by law.
- I. Window signs not permanently affixed to the interior of a building.
- J. Public signs or signs sanctioned by a public body on public land are not subject to this chapter.

SECTION 3.13.5 SIGNS ALLOWED PER DISTRICT

The following charts show the quantity and types of signs allowed per parcel:

A. Agricultural and Rural Residential Districts

Agricultural and Rural Residential Districts	Permit Required	Illumination	Maximum Height	Max Number of Signs	Maximum Sign Area
Temporary Sign	No	No	5 feet above unaltered grade	2	3 square feet per sign
Fixed Sign, Wall Sign or combination of the two	Yes	Yes, See Sect. 3.14	8 feet above unaltered grade	N/A	16 square feet per parcel
Portable Sign	No	No	4 feet	1	8 square feet

B. Residential District

<u>Residential District</u>	Permit Required	Illumination	Maximum Height	Max Number of Signs	Maximum Sign Area Per Sign
Temporary Sign	No	No	5 feet above unaltered grade	2	3 square feet
Fixed Sign	No	No	5 feet above unaltered grade	1	2 square feet
Wall Sign	No	No	Below eave line	1	2 square feet

C. Commercial and Industrial Districts

Commercial and Industrial Districts	Permitted Required	Illumination	Maximum Height	Max Number of Signs	Maximum Sign Area Per Sign
Temporary Sign	No	No	5 feet above unaltered grade	2	8 square feet
Fixed Sign	Yes	Yes, See Sect. 3.14	12 feet above unaltered grade	1 (a)	24 square feet
Wall Sign	Yes	Yes, See Sect. 3.14	Below eave line	1 (a)	24 square feet
Shared Sign	Yes	Yes, See Sect. 3.14	12 feet above unaltered grade	1	24 square feet
Portable Sign	No	No	4 feet	1	8 square feet

(a) In the case of a shopping/business center or other integrated group of stores or commercial buildings, one (1) sign or wall sign may be erected per unit or street frontage. In addition, one (1) shared sign is allowed.

SECTION 3.13.6 PORTABLE SIGN REGULATIONS

Such signs are not to be counted in the maximum allowable sign area on the parcel. Portable signs must comply with the following standards:

- A. One portable sign may be displayed per business.
- B. Maximum size of eight (8) square feet with a maximum height of four (4) feet.
- C. Can only be displayed during hours of operation.
- D. Cannot be permanently affixed to the property.
- E. May not be illuminated.
- F. Shall not obstruct vehicular or pedestrian traffic.

SECTION 3.13.7 WALL SIGN REGULATIONS

Such signs are to be counted in the maximum allowable sign area on the parcel unless they are not visible to motorists or pedestrians on any public road, water body, public lands, or adjacent parcel(s). Wall signs must comply with the following standards:

- A. One wall sign may be displayed per building.
- B. Maximum size of twenty-four (24) square feet.
- C. The height of the sign may not be above the eave line of the wall it is affixed to.

SECTION 3.13.8 REGULATIONS THAT APPLY TO ALL SIGNS

- A. Area of sign shall be based upon the following:
 - 1. Structural elements necessary for the support of the signs shall not be included in the square footage computation so long as they are separate from the sign face by a reveal or a change in materials.
 - 2. Square footage calculation shall include such elements as decorative borders, frames, top caps, and drop signs.
 - 3. For a sign painted or applied to a building, wall or window shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters, symbols, borders, and designs.
 - 4. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area except where two faces are placed back to back and are at no point more than two (2) feet from each other.
- B. No signs shall be allowed in the road right-of-way without written permission from the local, county, or state road agency.

- C. No sign shall be erected or maintained in such a manner as to obstruct vision or interfere with traffic visibility on a curve, at an ingress or egress, or within thirty (30) feet of the intersection of two (2) roads.
- D. For the safety of the general public, no spinners, pennants, or inflatable signs may be used in conjunction with any sign or business.
- E. For the safety of the general public, no unshielded lights, or lights directed upward or horizontally at sign faces, flashing lights, scrolling or moving electronic lights, or other distractive devices may be used in conjunction with any sign or business.
- F. If allowed in the district, signs may be illuminated by a shielded light shining downward onto the sign in accordance with Section 3.14 Outdoor Lighting Standards. The source of the light shall be baffled so it is not visible to vehicles or pedestrians on any road, alley, water body, public lands, adjacent parcels, or in the air above the illumination.
- G. All signs shall be installed only with the prior approval of the property owner.
- H. All signs and sign structures shall be maintained in good, safe, structural condition and repair. All signs and display surfaces shall be neat in appearance and neatly painted or posted, and not ripped, tattered or faded. Premises immediately surrounding signs shall be kept clean and free of rubbish, weeds and debris.
- I. Once the purpose of the sign has ended, the sign shall be removed within thirty (30) calendar days. Anything formerly used to solely support or provide a structure for a sign and not in use for any other purpose shall be removed.

SECTION 3.13.9 NONCONFORMING SIGNS

- A. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this chapter may be continued, repaired and maintained as is necessary to keep in a sound condition.
- B. The nonconformity of a sign and/or its structure may not be increased. Illumination may not be added to a nonconforming sign.
- C. A nonconforming sign and/or its structure may not be moved except to bring the sign into greater conformity with this chapter.
- D. If a nonconforming sign is destroyed to the extent it is impractical to be restored using a majority of its existing major components, it may not thereafter be repaired, reconstructed or replaced except in conformity with all

the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land.

- E. The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.

SECTION 3.14 OUTDOOR LIGHTING STANDARDS *(Effective May 2, 2003)*

SECTION 3.14.1 INTENT

Outdoor lighting requirements are intended to protect the character of the night sky from light pollution originating from light fixtures. Additionally, guidelines are necessary to prevent unwanted illumination of adjacent properties, and to maintain safe nighttime vehicular and pedestrian traffic.

SECTION 3.14.2 EXCEPTIONS

The following types of outdoor lighting are exempt from the provisions of these standards except that there are no exemptions from Section 3.14.3.F Regulations.

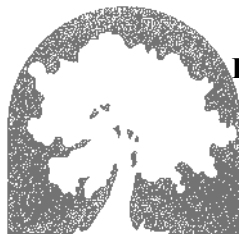
- A. Residential decorative lights such as low wattage incandescent porch lights, low level lawn lights, or holiday lights (any light less than 70 watts).
- B. Traffic control, warning lights, or signal lights required because of traffic regulations including marine navigation lights.
- C. Commercial and institutional holiday decorative lights, provided they do not include search lights, strobe lights, or flood lights.
- D. Fossil fuel lights such as kerosene lanterns and gas lights.
- E. Security lighting energized by motion detection devices provided it meets Section 3.14.2.A.
- F. Illumination of the U.S. flag or State of Michigan flag provided that the light is directed vertically and not more than one hundred fifty (150) watts.

SECTION 3.14.3 REGULATIONS

- A. Outdoor lighting shall be designed and constructed in such a manner as to:
 - 1. Ensure that direct or directly reflected light is not directed off the property.
 - 2. Ensure that light sources and lenses are shielded, hooded or louvered to provide a glare free area beyond the property line or edge of any public or private road right-of-way.

Charter Township of Elmwood Zoning Ordinance

**As Amended Through
December 27, 2024**



**Final Public Hearing August 14, 2017
Adopted August 14, 2017
Published August 24, 2017
Effective September 1, 2017**

SECTION 6.6 SIGNS

SECTION 6.6.1 Intent

The intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, welfare, and traffic safety. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, it also recognizes that the failure to regulate them may lead to poor identification of individual business, deterioration and blight of the business and residential areas of the township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this section has the following objectives:

1. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
2. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
3. To keep signs within a reasonable scale with respect to the buildings they identify;
4. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
5. To promote a quality manner of display which enhances the character of the township;
6. To prevent the proliferation of temporary signs which might promote visual blight; and
7. Promote economic development by allowing a fair opportunity for each property owner to attractively display their message in a clean and clear way.

SECTION 6.6.2 General Requirements

- A. All signs, unless otherwise specified in this Article, require a sign permit. Signs may also be subject to fees and/or a performance guarantee.
- B. Sign Quality. Each sign erected pursuant to this Ordinance must be constructed of permanent materials. The structure, surface and paint must be kept in good repair to ensure safety and aesthetics. Damaged or structurally unsound signs shall be prohibited, as well as signs with chipped paint, rust, cracking, or damaged lettering, and other forms of damage or wear. Signs shall be anchored to a permanent structure or sunk to a depth in the ground sufficient to ensure stability.
- C. Illumination.
 1. Each sign, which is artificially illuminated, shall have the light source shielded from the direct vision of individuals using adjacent roadways, properties, or sidewalks. Any applicable electrical permits for the sign shall be obtained and filed with the Zoning Administrator.
 3. Signs shall not emit light directly into the sky. The light source shall not be positioned so that the center of the light source exceeds more than 45 degrees from ground level.
 4. Illumination by bare bulbs or flames is prohibited excluding miniature LED lights used in changeable copy signs.
 5. Underground wiring shall be required for all illuminated signs that are not attached to a building.

D. Sign Clearance. Signs shall not project into the road right-of-way, a sidewalk, pedestrian easement or other area normally used by pedestrians even if such usage is on private property.

E. Sign Measurements.

1. Area.

- a. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle) or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separate by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprise(s) all of the display areas, including the space between different elements. See Table 6-1 area calculations.

Example of calculations:



Table 6-1

FORMULAE: COMMON GEOMETRIC SHAPES

Even the most complex sign backgrounds are simply combinations of various geometric shapes. Included here are useful formulae to assist in the computation of the areas of common shapes. Some of these formulae utilize the Greek letter pi, designated as the symbol π . The approximate numerical value of π is 3.1416.



CIRCLE

The AREA of a circle is found by multiplying the square of its radius (radius is the distance from the center to the outer edge or circumference) by π (3.1416). **Area = πr^2**



SQUARE, RECTANGLE, PARALLELOGRAM

The AREA of a square, rectangle, or parallelogram (all four sided figures with two pair of parallel sides) is found by multiplying the length by the width. **Area = $L \times W$**



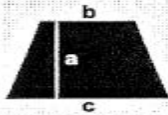
TRIANGLE

The AREA of a triangle (three sided figure) is found by multiplying one-half of the base times the height. **Area = $\frac{1}{2} (bxh)$**



ELLIPSE

The AREA of an ellipse is found by multiplying half the length of the major axis by half the length of the minor axis, then multiplying the result by π (3.1416). **Area = $\pi (axb)$**



TRAPEZOID

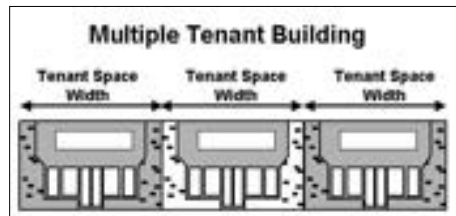
A four sided figure with only one pair of parallel sides. The AREA equals one-half the product of its altitude (a) multiplied by the sum of its bases (the bases are the two parallel sides - b and c). **Area = $\frac{1}{2} a (b+c)$**



REGULAR POLYGONS

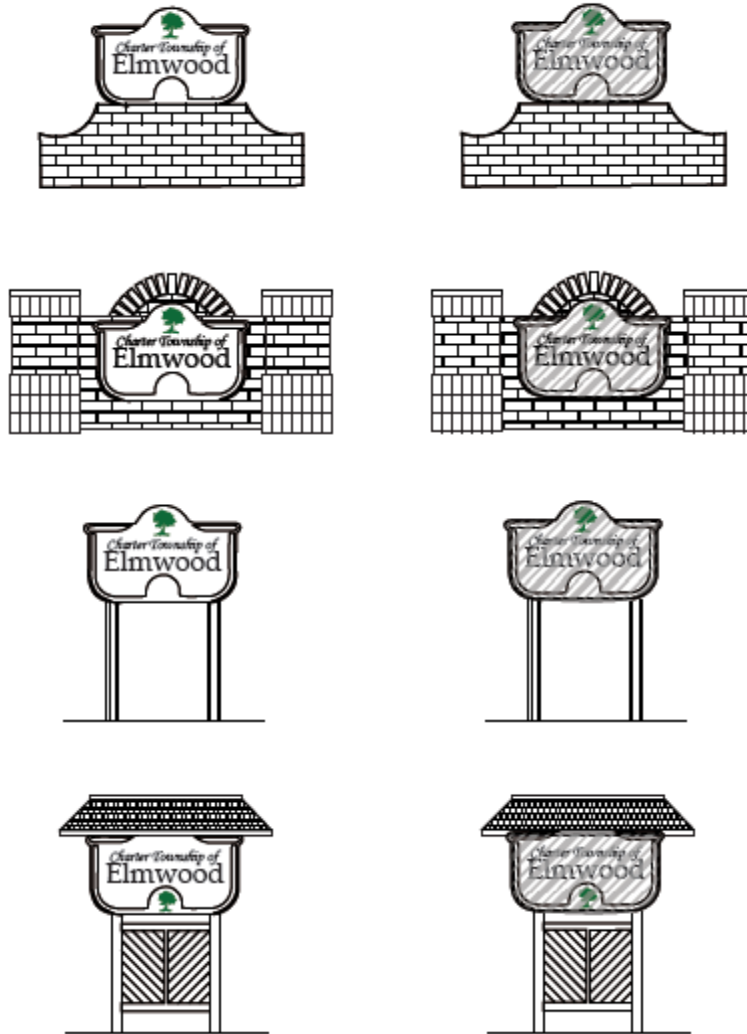
Polygons are figures bounded by straight lines called sides. The AREA of a polygon equals the number of triangles within it times the area of each triangle. See formula for triangle. **Area = $\frac{1}{2} (bxh) \times \text{number of triangles}$** .

- b. In a Business Center, each tenant may, on that portion of the building or site occupied by it, construct a wall sign as permitted in the zoning district in which it is located.



- c. Pole covers, framing, support structures, etc. are excluded from the measurement of sign area provided there is no written advertising copy. Property address numbers may be part of the embellishments or be placed on the supporting structure, but shall not be included in the measurement of sign area.

Examples of area to be used in calculating sign area in shaded area



- d. Signs may be double-faced, but only the greater face shall be measured in determining size.

SECTION 6.6.3 Prohibited Signs

The following signs are prohibited in any district:

- A. Any sign not specifically permitted by this Article.
- B. A sign that contain any moving or animated parts or have the appearance of having any moving or animated parts when such sign is visible from any public right of way or from any private driveway or vehicular easement. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light.

- C. Pennant flags, streamers, searchlights, strings of lights, balloons, over-the-street banners, or other similar material or devices used for advertising purposes, except as provided in Section 6.6.6. of this Ordinance.
- D. A temporary or movable sign and air blown device not specifically permitted herein.
- E. A sign placed or painted upon trees or rocks or natural features.
- F. A sign affixed to gas station pumps that can be read from off the site, except those as may be required by state or federal regulations.
- G. A sign placed on any light pole, utility pole, or other support.
- H. A sign erected in any place where, by reason of its position, shape, color, or other characteristic, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
- I. A sign erected, relocated, or maintained that prevent free ingress or egress from any door, window, or fire escape or that are attached to a standpipe or fire escape.
- J. A sign or other advertising structure erected at the intersection of any street in such a manner as to obstruct free and clear vision of motorists.
- K. A sign on a motor vehicle if the motor vehicle is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.
- L. Trailer mounted or similar portable sign, such as a wheeled device.

SECTION 6.6.4 Signs Not Requiring A Sign Permit

The following signs are allowed in all districts without a sign permit:

- A. Incidental signs.
- B. Signs containing only non-commercial speech totaling 12 sq ft per parcel and not more than 4 feet in height
- C. Signs located at the entryway of a subdivision provided that:
 - 1. Signs are limited to 1 per entry street.
 - 2. Signs are a maximum of 12 sq ft in area.
 - 3. Signs are not more than 4 feet in height.
 - 4. Signs are made out of natural or natural looking materials (stone, wood, limestone, etc).
- D. Signs placed inside business windows provided that:
 - 1. Sign area, in total, shall not exceed twenty (20) percent of the window area.

2. Signs are located less than 12 feet above grade.

E. Vehicle mounted signs with a permanent message displayed on trucks, buses, trailers, or other such vehicles which are being operated or stored in the normal course of a business, provided that the primary purpose of such vehicle is not for the display of signs, and provided, further, that such vehicle is parked or stored in an area regularly used by business patrons or the employees of the business.

SECTION 6.6.5 Table Of Sign Regulations for Commercial Uses

Sign	Zoning District	Size		Height above grade	Number	Location
		Base Area	Area Bonus			
Freestanding	Municipal Center**	32 sq ft	For dark or opaque background: 10 additional square feet	8 ft	1 per parcel or business, whichever is less	On premise, outside of road right of way
	Neighborhood Commercial**					
	General Commercial**					
	Light Industrial**					
	Shoreline Commercial**		For signs located 20 feet or more from the road right of way: 10 additional square feet			
	Agricultural-Rural	24 sq ft		8 ft	1 per parcel or business, whichever is less	On premise, outside of road right of way
	Residential-1 Residential-2 Residential-3	12 sq ft	For dark or opaque background: 4 additional sq ft	4 ft	1 per approved commercial use, excluding home occupation use	On premise, outside of road right of way
	Manufactured Home Park					
	Rural Residential					

Sign	Zoning District	Size		Height above grade	Number	Location
		Base Area	Area Bonus			
Wall	Municipal Center	12 sq ft	For dark or opaque background: 6 additional square feet	12 ft	1 per business per wall	On premise
	Neighborhood Commercial					
	General Commercial					
	Light Industrial					
	Shoreline Commercial					
	Agricultural-Rural					
	Residential-1	3 sq ft		12 ft	1 per approved commercial use including home occupation use	
	Residential-2					
	Residential-3					
	Manufactured Home Park					
	Rural Residential					

** Lots with frontage on two streets may have a second sign identifying the business provided the signs are not located on the same street and the second sign does not exceed 16 square feet in area.

SECTION 6.6.6 Special Event Signs

Temporary special event signs at an event approved in Section 3.17 shall be allowed only with a permit for each sign and subject to the following:

- A. Such temporary signs shall be erected not more than sixteen (16) days prior to the special event and removed within three (3) days following a special event.
- B. Such signs shall be of a design and materials to withstand moisture, wind and similar weather-related conditions.
- C. Such signs shall be maintained as required by Section 6.6.2.B.
- D. Any special event signs not approved by the Zoning Administrator may be removed by the Zoning Administrator without having to so advise the sponsoring organization in advance of the signs being removed.

Section 6.6.7 Changeable Copy Signs (LED or manual change)

Freestanding signs incorporating manually changeable letters, digital static messages, or images that change are permissible in the MC, GC, and SC zoning districts, provided the changeable copy does not exceed 20%

of the permitted base area and provided further that the rate of change between two static messages or images is not less than five (5) minutes. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure.

Section 6.6.8 Billboards

A. Intent.

1. To allow Elmwood Township to regulate the height, size, display area, setback, lighting, and distances between billboards, and other regulatory powers pursuant to Act 153 of 1990 to control outdoor advertising along M-72 and M-22.
2. To allow billboards for the purposes of outdoor advertising that provide information, identification, and/or direction without jeopardizing the beauty of the natural landscape, disrupting the environment of historically significant features or sites, or creating a potential distraction that may be hazardous to motorists.
3. To allow signs which are appropriate, proportional, and in scale with adjacent uses and roadways and are compatible with the character of the community.
4. To regulate outdoor advertising in such as way as to foster land use objectives, and to prevent signs that would detract from scenic roadways and scenic views.
5. To ensure compatibility with rural lands, neighborhoods, and business areas in order to protect land values, thereby enhancing the image of the community for residents, tourists, and visitors.

B. Requirements.

1. Billboards can only be located along M-72 and M-22 on properties zoned General Commercial (GC).
2. Billboards shall be considered a principal use on any commercial lot/parcel and shall comply with all relevant and appropriate General Commercial (GC) requirements within the Ordinance.
3. The parcel on which the billboard is to be located shall be vacant, (i.e., there are no other business, industrial, or residential uses on said parcel).
4. All billboards must be setback a minimum of fifty (50) feet from all property lines.
5. No billboard shall be illuminated. LED billboards are not allowed.
6. There shall be a minimum horizontal spacing of two thousand (2,000) feet between any two (2) billboards, including both sides of a highway.
7. A permit from the State of Michigan is required to obtain a sign permit from the Township.

C. Size and Height.

1. A billboard may not exceed thirty-two (32) square feet in area, and no billboard shall be longer than four (4) times its height. The maximum height of each billboard shall be ten (10) feet, as measured in accordance with Section 6.6.2.E.
2. The area of the billboard shall be determined by circumscribing the exterior limits of each display erected on one billboard structure, including the background.
3. The square foot area measurement shall be based on one (1) display face, but both sides of the billboard face may be used for advertising purposes without exceeding the maximum allowed area of the billboard. Parallel billboard faces shall not be separated by more than four (4) feet. V-type billboard faces shall not exceed an inside angle of forty-five (45) degrees. Otherwise, the second face shall be counted as another billboard.

D. The following billboards are prohibited:

1. A billboard within five hundred (500) feet of any residential zoning district, park, school, church, hospital, retirement home, cemetery, or government building.
2. A billboard that is stacked, tiered, stepped, or placed next to or alongside of any other billboard or sign.
3. Billboards containing flashing, intermittent, changing, or moving lights or sequential reflectorized lettering or parts, and billboards with moving or revolving parts or messages.
4. Billboards affixed to trees, rocks, shrubs, fences, utility poles, and/or natural features.
5. A billboard that would, by its erection, destroy significant natural vegetation and/or cause significant existing vegetation to be removed.
6. Billboards utilizing vehicles, trucks, vans, or other wheeled devices, tripods, or sandwich boards.
7. A billboard mounted on or over the roof of a building.
8. Billboards that may otherwise be prohibited by any other laws, ordinances, or regulations.

SECTION 6.6.9 RESERVED

SECTION 6.6.10 Nonconforming and Abandoned Signs

A nonconforming sign may not be altered, modified or reconstructed except:

- A. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;

- B. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel or repainting a signs face, and does not permit changes to the structure, framing, erection or relocation of sign unless such changes conform to subsection ‘A’ above.
- C. Abandoned signs shall be removed from the premise upon formal notification mailed to the property owner’s address on file with the Township when the time has lapsed causing the sign to become abandoned. The Zoning Administrator shall file an affidavit with the Register of Deeds stating that the property contains an abandoned sign.

SECTION 6.6.11 Sign Permits

A. Permit Required.

It shall be unlawful for any person to erect, or alter a sign within the Township any sign as defined herein, without first obtaining a sign permit from the Zoning Administrator and making payment of the fee as set by the Township Board, unless specifically exempted herein.

Compliance with the provisions of this Ordinance does not, nor is intended to, relieve any owner or proprietor of the obligation of meeting all local, state and federal requirements with regard to signs and appropriate Codes.

B. Application and Approval.

- 1. Application forms for sign permits are provided by the Zoning Administrator and shall contain or have attached thereto the following information at a minimum:
 - a. Name, address, and telephone number of applicant.
 - b. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - c. If proposed to be attached to a building, its proposed location on the building.
 - d. A sketch or scale drawing with dimensions of the plans and specifications, and method of construction and attachment to the building or placement in the ground.
 - e. Name of person, firm, or corporation erecting the sign.
 - f. Written consent of the owner of the building, structure, or lot to which or upon which the sign is to be erected.
 - g. Other information as the Zoning Administrator shall require to establish compliance with this Section.
 - h. For temporary signs, the specific dates that the sign is to be displayed.
- 2. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign. If the proposed sign meets all ordinance requirements, the

Zoning Administrator shall issue the sign permit within fifteen (15) days of receipt of a fully completed application.

3. Administrative decisions made by the Zoning Administrator, which relate to signs, may be appealed to the Zoning Board of Appeals in accordance with the procedures of Article 12 of this Ordinance.

C. Revocation and Extensions of Sign Permits.

1. Any sign or other advertising structure regulated by this Ordinance which is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is otherwise not in compliance with this Ordinance shall be a violation of this Ordinance.
2. If the work authorized under a sign permit is not completed within one (1) year after the date of issuance, the permit shall become null and void. However, the Zoning Administrator may grant a three (3) month extension without payment of an additional fee if the extension is requested prior to the original sign permit becoming null and void.

SECTION 6.6.12 Substitution Clause

Any non-commercial message may be substituted for a commercial message on any sign permitted by this Ordinance.

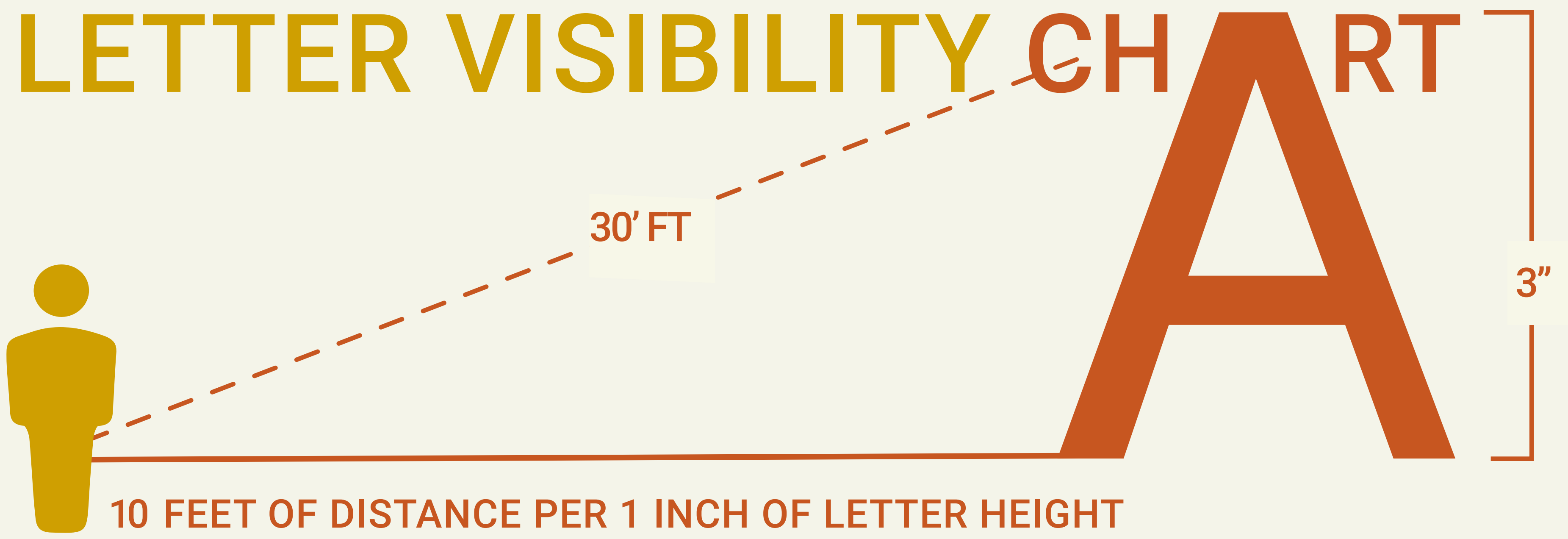
SECTION 6.6.13 Removal

The Zoning Administrator may remove any sign or other advertising structure that is determined to be an immediate peril to persons or property without notice prior to removal, but with notice as soon as practicable after removal.

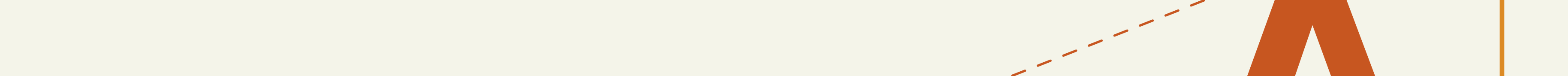
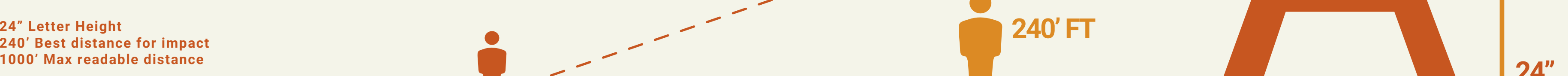
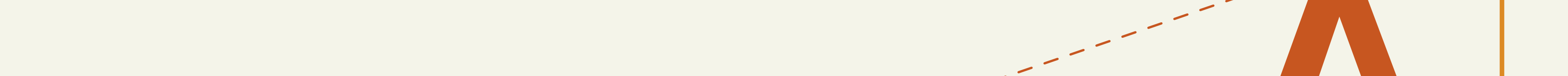
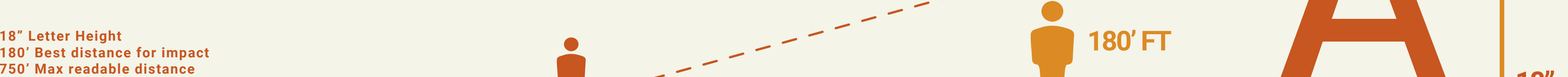
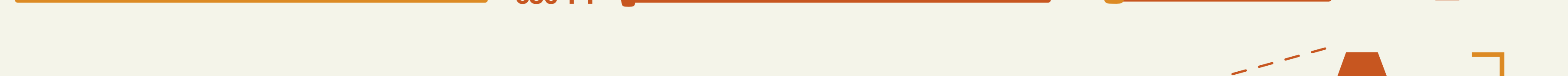
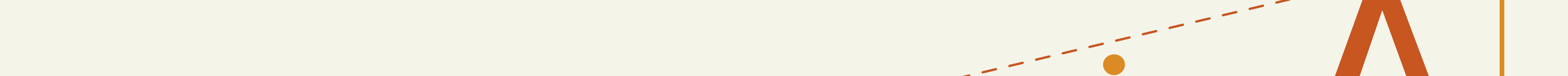
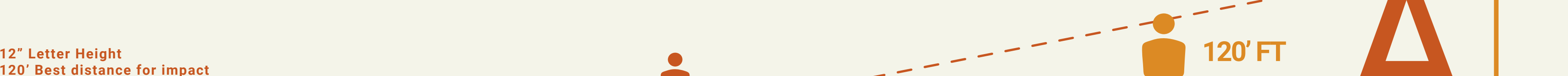
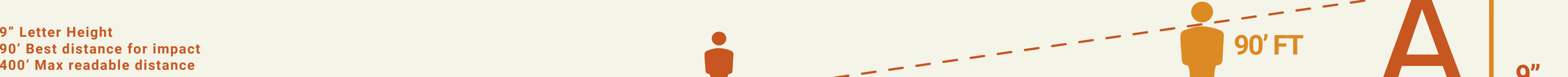
Signs, which do not comply with any of the requirements of this Ordinance, are in violation of this Ordinance. The Zoning Administrator shall order the removal of such signs.

The Zoning Administrator shall provide the property owner with written notice of the violation and give the property owner 10 days to correct the violation or remove the sign. The property owner has a right to be heard and appeal the Zoning Administrator's determination. Appeals shall be heard by the Zoning Board of Appeals after noticing as required by the Michigan Zoning Enabling Act, as amended. The Zoning Board of Appeals shall determine if the sign is in violation of this Zoning Ordinance, as contained in the written notice that was provided by the Zoning Administrator.

LETTER VISIBILITY CHART



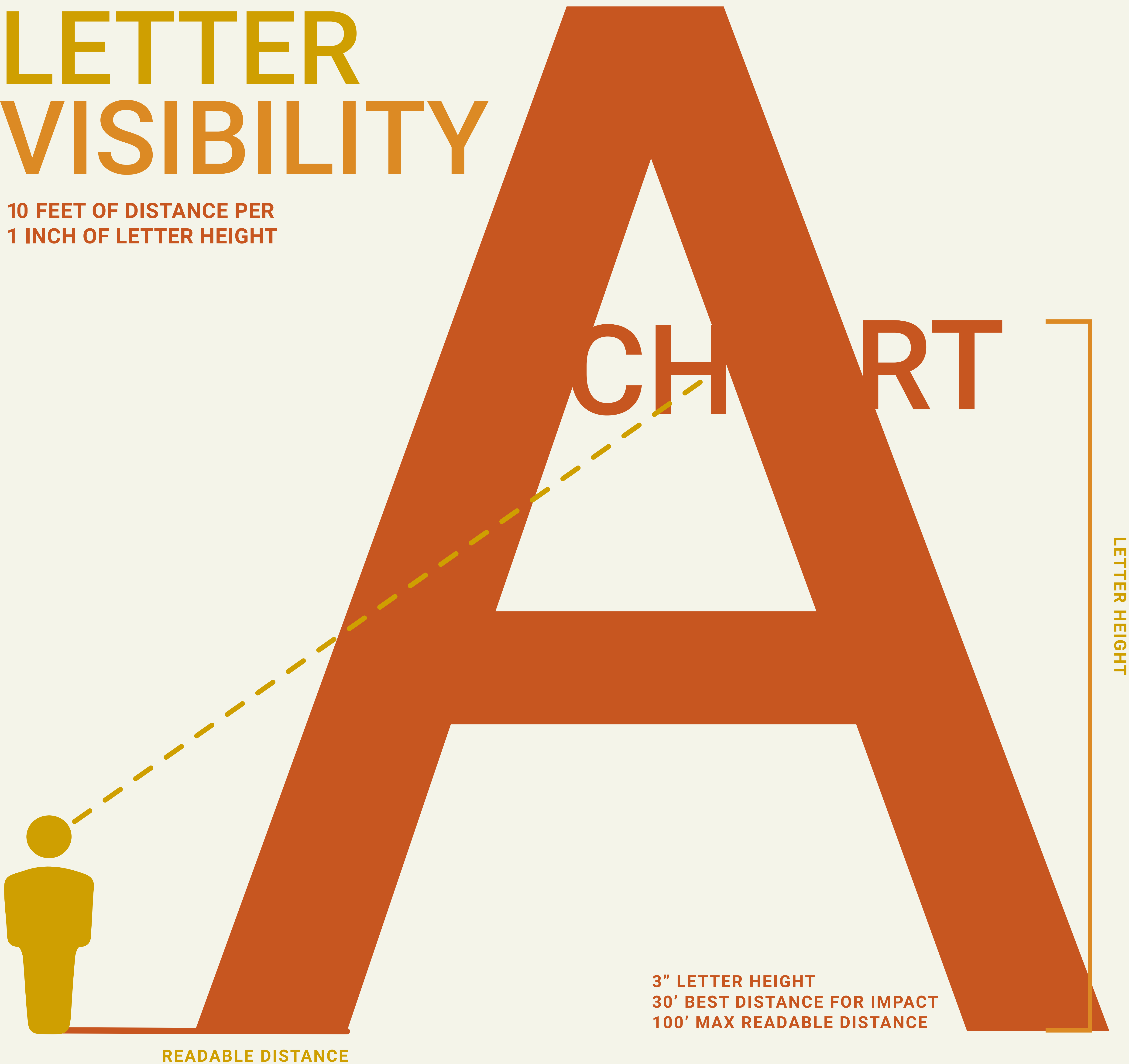
MAX. READABLE DISTANCE **BEST DISTANCE FOR IMPACT** **LETTER HEIGHT IN INCHES**



Calculations based on an externally lit sign with all up-per case Helvetica letters utilizing optimal negative space. Factors that may affect required letter size are: color scheme, font selection, traffic and weather conditions.

LETTER VISIBILITY

10 FEET OF DISTANCE PER
1 INCH OF LETTER HEIGHT



**PENINSULA TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT NO. 201**

At a regular meeting of the Township Board of Peninsula Township, Grand Traverse County, Michigan, held at the Peninsula Township Hall on December 13, 2022, at 7:00 p.m., Township Board Member Rudolph moved to adopt the following Ordinance, which motion was seconded by Township Board Member Acham:

An Ordinance to amend the Peninsula Township Zoning Ordinance to provide for the amendment of definitions, the amended authorization and regulation of Wholesale and Retail Farm Processing Facilities, the amended authorization and regulation of Remote Tasting Rooms, and the deletion and repeal of Winery-Chateaus as authorized uses; to impose conditions and requirements for the operation of such facilities and operations; and to repeal any ordinances or parts of ordinances or resolutions in conflict with this Ordinance; in order to maintain the public health, safety, and welfare of the residents of and visitors to Peninsula Township.

THE TOWNSHIP OF PENINSULA ORDAINS:

Section 1. Amendment of Section 3.2, Definitions: The Peninsula Township Zoning Ordinance, Section 3.2, shall be amended to add, amend and delete the following definitions as specified below:

Active Production: Active Production means the production of agricultural crops on a continuing basis in accordance with generally-accepted agricultural management practices, including periodic crop rotation and scheduled fallow farming practices. **(ADDED BY AMENDMENT 201)**

Alcoholic Liquor: Alcoholic Liquor means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission according to alcoholic content as belonging to 1 of the varieties defined in Chapter 1 of the Michigan Liquor Control Code of 1998. **(ADDED BY AMENDMENT 201)**

Contiguous: Contiguous describes two or more parcels of land with a common boundary or point that may be separated solely by a private roadway or public right-of-way. **(ADDED BY AMENDMENT 201)**

Entertainment: Entertainment as it pertains to a Retail Farm Processing Facility with a state-approved liquor license may allow monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing by issuance of an entertainment permit by the Michigan Liquor Control Commission, provided that such entertainment shall be conducted entirely indoors on the licensed premises and only during Township-approved hours of operation. **(ADDED BY AMENDMENT 201)**

Farm Operation: A Farm Operation is a person, corporation, partnership, or other legal entity

engaged in the commercial production of Farm Products on land that it controls and operates. **(ADDED BY AMENDMENT 201)**

Farm Products: Farm Products include those plants and animals useful to human beings produced by agriculture and includes, 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. **(ADDED BY AMENDMENT 201)**

[Delete definition of Farm Processing Facility]

Processing: The alteration or change in form of Raw Produce through crushing, cooking, chemical reaction, fermentation, distillation, or other methods, but not including the picking, sorting, or handling of Raw Produce in preparation for wholesale sale in its natural state. **(ADDED BY AMENDMENT 201)**

Raw Produce: Raw Produce includes Farm Products in their natural state as harvested, prior to Processing. **(ADDED BY AMENDMENT 201)**

Retail Farm Processing Facility – With Indoor Sales: A Retail Farm Processing Facility is an accessory use to a Farm Operation. The building or buildings used as part of the Retail Farm Processing Facility may contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a limited area indoors for retail sales to customers. Processing and retail sales shall be conducted within an entirely enclosed building(s). An indoor retail sales area may include a Tasting Room for the consumption of fresh or processed Raw Produce, including Alcoholic Liquor. The facility shall also include direct access from a public road as well as parking, lighting and landscaping. **(ADDED BY AMENDMENT 201)**

Retail Farm Processing Facility – With Indoor Sales and Outdoor Seating Area: A Retail Farm Processing Facility is an accessory use to a Farm Operation. The building or buildings used as part of the Retail Farm Processing Facility may contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a limited area indoors for retail sales to customers. Processing and retail sales shall be conducted within an entirely enclosed building(s). An indoor retail sales area may include a Tasting Room for the consumption of fresh or processed Raw Produce, including Alcoholic Liquor. In addition to a limited indoor retail sales area with a Tasting Room, a clearly defined outdoor seating area with limited seating capacity may be approved. The facility shall also include direct access from a public road as well as parking, lighting and landscaping. **(ADDED BY AMENDMENT 201)**

Tasting Room: A room in conjunction with a Retail Farm Processing Facility, including a Remote Tasting Room, where the following takes place; a) tasting of fresh and/or processed Raw Produce such as Alcoholic Liquor and non-alcoholic beverages; b) retail sales of Alcoholic Liquor and non-alcoholic beverages by the bottle for off-premises consumption; and c) sales of Alcoholic Liquor

and non-alcoholic beverages by the glass for on- premises consumption.(**ADDED BY AMENDMENT 139A**)(**REVISED BY AMENDMENT 181**)(**REVISED BY AMENDMENT 201**)

Vested Right: A Vested Right is a right protected by law that cannot be impaired or taken away without the owner's consent. (**ADDED BY AMENDMENT 201**)

Viewshed: An area designated as a Viewshed on the Prime Scenic Views Map adopted by the Township Board as Appendix 1 to the Purchase of Development Rights Ordinance, Ordinance #23, as amended. (**ADDED BY AMENDMENT 201**)

Wholesale Farm Processing Facility: A Wholesale Farm Processing Facility is an accessory use to a Farm Operation. The building or buildings may contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale sales. Processing shall be conducted within an entirely enclosed building(s). The facility shall also include direct access from a public road as well as parking, lighting and landscaping. (**ADDED BY AMENDMENT 139A**) (**REVISED BY AMENDMENT 201**)

[Delete definitions of Winery and Winery-Chateau]

Section 2. Amendment of Subsection 6.7.2(19), Wholesale Farm Processing Facility: The Peninsula Township Zoning Ordinance, Subsection 6.7.2(19), shall be amended to read as follows:

(19) Wholesale Farm Processing Facility: (**REVISED BY AMENDMENT 201**)

(a) Statement of Intent: It is the intent of this Subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Wholesale Farm Processing Facility only where and when accessory to a minimum dedicated acreage of a Farm Operation's land in Active Production within the Township, and that accessory use does not predominate over the Farm Operation's Active Production within the Township. The Wholesale Farm Processing Facility accessory use includes wholesale sales of fresh and processed Raw Produce only. At least sixty-five percent (65%) of the Raw Produce sold fresh or processed shall be grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the accessory Wholesale Farm Processing Facility. Since a Wholesale Farm Processing Facility is considered to be an industrial use that is inconsistent with the A-1 Agricultural District when not accessory and subordinate to a Farm Operation, the approval and operation of a Wholesale Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for an accessory Wholesale Farm Processing Facility or the land dedicated to the Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Wholesale Farm Processing Facility use is discontinued or curtailed. This Subsection shall not supersede or amend the terms of any conservation easement.

(b) A Wholesale Farm Processing Facility is permitted only as an accessory use

subordinate to a Farm Operation in the A-1 Agricultural District and shall not predominate over the Farm Operation's Active Production within the Township. An accessory Wholesale Farm Processing Facility shall be subject to the following requirements:

1. Wholesale Sales: Wholesale Sales of fresh or processed Raw Produce are allowed subject to the requirements of Subsection (19)(b) 2 of this Section and further provided:

- i. All processing shall be conducted indoors.
- ii. At least 50% of the ingredients as measured by weight of any processed products sold at the Wholesale Farm Processing Facility shall be derived from Raw Produce grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the Wholesale Farm Processing Facility.
- iii. No retail sales or consumption of Raw Produce or processed products on the premises is permitted.
- iv. If Alcoholic Liquor is proposed to be produced or sold at wholesale on the premises, the Michigan Liquor Control Commission shall grant applicable wholesale liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.
- v. The Michigan Department of Agriculture and Rural Development shall grant applicable wholesale food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.

2. Sources of Raw Produce:

- i. Processing is limited to Raw Produce of the same species of Farm Products as are raised by the Farm Operation on the parcel on which the Wholesale Farm Processing Facility is located. For example, an apple may be processed into apple juice or applesauce.
- ii. Not less than ~~sixty-five~~ percent (65%) of the Raw Produce sold fresh or processed by the Wholesale Farm Processing Facility shall be grown on land that is controlled and operated by the specific Farm Operation that operates the accessory Wholesale Farm Processing Facility.
- iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that

year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the accessory Wholesale Farm Processing Facility, provided that the verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Wholesale Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Wholesale Farm Processing Facility in any of the preceding five (5) years.

3. Parcel requirements:

- i. At least forty (40) acres of land shall be dedicated to the operation of a Wholesale Farm Processing Facility.
- ii. The dedicated acreage shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the accessory Wholesale Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least sixty-five (65%) percent of the acreage dedicated to the Wholesale Farm Processing Facility shall be in Active Production.
- iii. At least twenty (20) acres of the dedicated land must be in a single parcel with a minimum parcel width of 330 feet and shall contain the Wholesale Farm Processing Facility. There shall be at least ten (10) acres in Active Production on the same parcel as the Wholesale Farm Processing Facility. The parcel shall not be divided for as long as the Wholesale Farm Processing Facility continues in operation.
- iv. The remaining acreage necessary to meet the 40-acre minimum dedication shall consist of a single parcel or two contiguous parcels.
- v. Not more than one (1) single-family dwelling may be located on the parcel containing the Wholesale Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
- vi. None of the dedicated land shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Wholesale Farm Processing Facility continues in operation.

4. Setbacks: The minimum setbacks for the Wholesale Farm Processing Facility including required parking shall be:

- i. Front yard 50 feet.
- ii. Side and rear yards 200 feet.
- iii. No Wholesale Farm Processing Facility shall be located within a Viewshed, except as permitted by recommendation of the Planning Commission and approval of the Township Board. For those parcels where a Farm Processing Facility is proposed that is entirely within a Viewshed, a location will be considered that minimizes the negative impacts to the Viewshed.

5. Wholesale Farm Processing Facility Size:

- i. A Wholesale Farm Processing Facility shall not include retail space.
- ii. The total floor area of a Wholesale Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land comprising the dedicated parcel that contains the Wholesale Farm Processing Facility and shall not exceed a maximum of 30,000 square feet of total floor area above finished grade.
- iii. The Wholesale Farm Processing Facility may consist of more than one building; however, all buildings used by the Wholesale Farm Processing Facility shall be located on the 20-acre minimum parcel that contains the accessory Wholesale Farm Processing Facility and shall not collectively exceed the floor area allowed by Subsection (19)(b) 5 ii above.
- iv. Underground floor area may be allowed in addition to the permitted square footage of floor area above finished grade, provided it is entirely below the pre-existing ground level and has no more than one loading dock exposed. **(REVISED BY AMENDMENT 197)**

6. Pre-existing Buildings: (built prior to December 13, 2022) may be used for Wholesale Farm Processing Facilities provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

7. Vested Right: Approval of a special use permit for an accessory Wholesale Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Wholesale Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Wholesale Farm Processing Facility use is discontinued or curtailed.

8. Parking: Parking shall conform to the requirements of Section 7.6.
9. Signs: All signs shall conform to the requirements of Section 7.11.
(REVISED BY AMENDMENT 174)
10. Lighting: All lighting shall conform to the requirements of Section 7.14.
(REVISED BY AMENDMENT 175B)
11. Access: Access to the Wholesale Farm Processing Facility shall be from a public road. An access permit from the County Road Commission or Michigan Department of Transportation shall be required before a land use permit can be issued.
12. Water: Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
13. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
14. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
15. Data and Records:
 - i. The Farm Operation operating the Wholesale Farm Processing Facility shall annually by April 15 of each year provide data and records from the previous calendar year to the Director of Planning demonstrating that (a) a minimum of sixty-five percent (65%) of the Raw Produce processed as measured by weight is grown on land that is exclusively controlled and operated by that Farm Operation, (b) a minimum of fifty percent (50%) of the ingredients as measured by weight of any processed products sold was derived from Raw Produce grown on land that is exclusively operated and controlled by that Farm Operation and (c) all land within the Township controlled and operated by the Farm Operation meets the dedicated acreage requirements.
 - ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

- iii. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance and may be a basis for revocation of the Land Use Permit.

16. Approval Process:

- i. Site plan review shall be required for all Wholesale Farm Processing Facilities. A site plan drawn to scale (one or more sheets as appropriate) shall be submitted to the Director of Planning along with the appropriate site plan review fee as established by the Township Board.
- ii. The site plan shall include at least:
 - a. the parcel or parcels with parcel numbers dedicated to the Wholesale Farm Processing Facility with calls and dimensions on all property lines;
 - b. legal descriptions of all parcels;
 - c. all existing and proposed structures including setbacks from property lines;
 - d. proposed parking, landscaping and lighting;
 - e. floor plan showing all processing areas; and
 - f. the name, email address, mailing address, and phone number of the Farm Operation.
- iii. Site plan approval for a Wholesale Farm Processing Facility shall be issued by the Director of Planning upon showing that the minimum requirements of this Ordinance, including parcel(s), building size, building height, minimum acreage in crop production, setbacks, and parking are met as well as any requirements of a conservation easement.
- iv. Once the site plan is approved by the Planning Director, a Land Use Permit application may be submitted to the Zoning Administrator.
- v. A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Wholesale Farm Processing Facility can be issued.
- vi. No processing or wholesale sales of products shall take place until a final site plan approval is issued by the Director of Planning and a Land Use Permit is issued by the Zoning Administrator. The 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.

- vii. Any violation of the Site Plan Approval issued by the Director of Planning or 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 revocation of the Site Plan Approval and the Land Use Permit.
17. Residence within a Wholesale Farm Processing Facility. **(ADDED BY AMENDMENT NO 146)** A single-family dwelling may be allowed as part of a structure containing a Wholesale Farm Processing Facility provided the following requirements are met:
- i. The dwelling and Wholesale Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above;
 - ii. The dwelling shall be the only dwelling on the 20-acre parcel containing the Wholesale Farm Processing Facility.
 - iii. The dwelling shall meet all dimensional requirements of Section 6.8 for the A-1 Agricultural District. **(UPDATED BY AMENDMENT 201)**

Section 3. Amendment of Subsection 6.7.3(22), Retail Farm Processing Facilities: The Peninsula Township Zoning Ordinance, Subsection 6.7.3(22), is amended to read as follows:

(22) Retail Farm Processing Facilities: Subject to all requirements of Article VIII, Section 8.7.3(10) and (11). **(UPDATED BY AMENDMENT 201)**

Section 4. Amendments of Subsection 7.6.3 (9) and (10), Table of Parking Space Requirements: The Peninsula Township Zoning Ordinance, Subsections 7.6.3 (9) and (10), in the Table of Parking Space Requirements, are amended to read as follows:

<p>(9) <u>Retail Farm Processing Facilities</u></p>	<p>One (1) for each one hundred (100) square feet of retail floor space plus one (1) for each employee of maximum working shift, plus three (3) spaces for tour buses or cars with trailers.</p> <p>In addition, truck loading and unloading areas shall be designated.</p>
---	---

(10) <u>Wholesale Farm Processing Facilities</u>	Five (5) plus one (1) for each one (1) employee for the largest working shift. In addition, truck loading and unloading areas shall be designated.
--	---

Section 5. Amendment of Subsection 8.7.2(11), Retail Farm Processing Facilities: The Peninsula Township Zoning Ordinance, Subsection 8.7.2(11), is amended to read as follows:

(11) Retail Farm Processing Facilities in the A-1 Agricultural District.

Section 6. Amendment of Subsection 8.7.3(10), Retail Farm Processing Facility (Indoors Only): The Peninsula Township Zoning Ordinance, Subsection 6.7.3(22), is amended to read as follows:

(10) Retail Farm Processing Facility (Indoors Only): (ADDED BY AMENDMENT 201)

(a) Statement of Intent: It is the intent of this Subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Retail Farm Processing Facility only where and when accessory to a minimum dedicated acreage of a Farm Operation's land in Active Production within the Township, and that accessory use does not predominate over the Farm Operation's Active Production within the Township. The Retail Farm Processing Facility accessory use includes wholesale sales and indoor retail sales of fresh and processed Raw Produce only. At least sixty-five percent (65%) of the Raw Produce sold fresh or processed shall be grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the accessory Retail Farm Processing Facility. Since a Retail Farm Processing Facility is considered to be an industrial and commercial use that is inconsistent with the A-1 Agricultural District when not accessory and subordinate to a Farm Operation, approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for an accessory Retail Farm Processing Facility or the land dedicated to the Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Retail Farm Processing Facility use is discontinued or curtailed. This Subsection shall not supersede or amend the terms of any conservation easement.

(b) A Retail Farm Processing Facility is permitted by special use permit only as an accessory use subordinate to a Farm Operation in the A-1 Agricultural District and shall not predominate over the Farm Operation's Active Production within the Township. An accessory Retail Farm Processing Facility shall be subject to the following requirements:

1. Retail Sales: Retail sales of fresh or processed Raw Produce are allowed

subject to the requirements of Subsection (10)(b) 2 of this Section and the following additional requirements:

- i. All processing and retail sales shall be conducted indoors.
- ii. At least 50% of the ingredients as measured by weight of any processed products sold at the Retail Farm Processing Facility shall be derived from Raw Produce grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the Retail Farm Processing Facility.
- iii. The consumption of processed products on premises is permitted indoors only.
- iv. A Tasting Room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed Raw Produce, including Alcoholic Liquor.
- v. Free entertainment may be provided within a retail sales/Tasting Room indoors only.
- vi. The hours of operation for retail sales, including a Tasting Room, shall be limited to an opening time no earlier than 9:00 a.m. and a closing time no later than 9:30 p.m.
- vii. If Alcoholic Liquor is proposed to be produced, consumed, or sold on the premises, the Michigan Liquor Control Commission shall grant applicable retail liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
- viii. The Michigan Department of Agriculture and Rural Development shall grant applicable retail food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
- ix. Those Retail Farm Processing Facilities that hold a liquor license may serve limited food items indoors in the retail sales area to offset the effects of consuming alcohol. Food items not processed within the Retail Farm Processing Facility are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. No restaurants, cafes or off-site catering shall be permitted as part of a Retail Farm Processing Facility.

2. Sources of Raw Produce:

- i. Processing is limited to Raw Produce of the same species of Farm Products as are raised by the Farm Operation on the parcel on which the

Retail Farm Processing Facility is located. For example, an apple may be processed into apple juice or applesauce.

- ii. Not less than sixty-five percent (65%) of the Raw Produce sold fresh or processed by the accessory Retail Farm Processing Facility shall be grown on land that is controlled and operated by the specific Farm Operation that operates the accessory Retail Farm Processing Facility.
- iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the accessory Retail Farm Processing Facility, provided that the verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

3. Parcel Requirements:

- i. At least fifty (50) acres of contiguous land shall be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales.
- ii. The dedicated acreage shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Retail Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least sixty-five percent (65%) of the acreage dedicated to the Retail Farm Processing Facility shall be in Active Production.
- iii. At least thirty (30) of the dedicated acres must be in a single parcel with a minimum parcel width of 330 feet and shall contain the Retail Farm Processing Facility. There shall be at least fifteen (15) acres in Active Production on the same parcel as the Retail Farm Processing Facility. The parcel shall not be divided for as long as the Retail Farm Processing Facility continues in operation.
- iv. The remaining acreage necessary to meet the 50-acre minimum dedication shall consist of a single parcel or two contiguous parcels.
- v. Not more than one (1) single-family dwelling may be located on the parcel containing the Retail Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
- vi. None of the dedicated land shall be used to satisfy acreage density or

open space requirements of any other use in the Township while the Retail Farm Processing Facility continues in operation.

4. Setbacks: The minimum setbacks for the Retail Farm Processing Facility including required parking shall be:
 - i. Front Yard Setback: 50 feet.
 - ii. Side and Rear Yard Setback: 200 feet.
 - iii. No Retail Farm Processing Facility shall be located within a Viewshed, except as permitted by recommendation of the Planning Commission and approval of the Township Board. For those parcels where a Farm Processing Facility is proposed that is entirely within a Viewshed, a location will be considered that minimizes the negative impacts to the Viewshed.

5. Retail Farm Processing Facility Size:
 - i. The total floor area of the Retail Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land comprising the dedicated parcel that contains the Retail Farm Processing Facility and shall not exceed 30,000 square feet of total floor area above finished grade.
 - ii. The Retail Farm Processing Facility may consist of more than one building; however, all buildings used by the Retail Farm Processing Facility shall be located on the 30-acre minimum parcel that contains the Retail Farm Processing Facility and shall not collectively exceed the floor area allowed by Subsection (10)(b) 5 i above.
 - iii. Underground floor area may be allowed in addition to the maximum permitted square footage of floor area above finished grade provided it is entirely below pre-existing ground level and has no more than one loading dock exposed.
 - iv. Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.
 - v. The area of any Tasting Room shall be included in the total allowed square footage for retail sales.

6. Pre-existing Buildings: (built prior to December 13, 2022) may be used for a Retail Farm Processing Facility provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

7. Vested Right: Approval of a special use permit for an accessory Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Retail Farm Processing Facility use is discontinued or curtailed.
8. Parking: Parking shall conform to the requirements of Section 7.6.
9. Signs: All signage shall conform to the requirements of Section 7.11.
10. Lighting: All exterior lighting shall conform to the requirements of Section 7.14.
11. Access: Access shall be from a paved public road. An access permit from the Grand Traverse County Road Commission or Michigan Department of Transportation shall be required before a Land Use Permit may be issued.
12. Water: Demonstration of adequate water for the Retail Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
13. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Retail Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
14. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
15. Landscaping: The front yard area and/or any side yard adjacent to public right-of-way not used for access and parking shall be planted and maintained in accord with an appropriate landscape design to integrate the Retail Farm Processing facility into the site, as approved by the Township Board.
16. Data and Records:
 - i. The Farm Operation operating the Retail Farm Processing Facility shall annually by April 15 of each year provide data and records from the previous calendar year to the Director of Planning demonstrating that (a) a minimum of sixty-five (65%) percent of the Raw Produce processed as measured by weight is grown on land exclusively controlled and operated by that Farm Operation, (b) a minimum of fifty percent (50%) of the ingredients as measured by weight of any processed products sold was derived from Raw Produce grown on land that is exclusively operated and controlled by that Farm Operation and (c) all land within the Township controlled and operated by the Farm Operation meets the dedicated acreage requirements.

- ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.
- iii. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance and may be a basis for revocation of the special use permit.

17. Approval Process:

- i. Approval of a Special Use Permit is required subject to all requirements of Article VIII, Section 8.1. followed by the administrative approval of a Site Plan.
- ii. A Site Plan application with all required submittal materials shall be submitted to the Director of Planning.
- viii. The site plan shall include at least:
 - a. the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;
 - b. legal descriptions for all parcels;
 - c. all existing and proposed structures including setbacks from property lines;
 - d. proposed parking, landscaping and lighting;
 - e. floor plan showing all processing areas; and
 - f. the name, email address, mailing address, and phone number of the Farm Operation.
- iii. Site Plan approval for a Retail Farm Processing Facility shall be issued by the Director of Planning upon showing that it is compliant with this Ordinance, all conservation easements, and the Special Use Permit approval, including minimum parcel requirements, building size, building height, acreage in crop production, setbacks, landscaping and parking.
- iv. Once the Site Plan is approved and signed by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.
- v. A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Retail Farm Processing Facility can be issued.
- vi. No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.

- vii. Such 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 requirements of the zoning ordinance.
- viii. Any violation of the Special Use Permit issued by the Township Board, the Site Plan Approval issued by the Director of Planning, or 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 revocation of the Special Use Permit, the Site Plan Approval and the Land Use Permit.

Section 7. Amendment of Subsection 8.7.3(11), Retail Farm Processing Facility (with Outdoor Seating): The Peninsula Township Zoning Ordinance, Subsection 8.7.3(11), is amended to read as follows:

(11) Retail Farm Processing Facility (with Outdoor Seating): (ADDED BY AMENDMENT 201)

- (a) Statement of Intent: It is the intent of this Subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Retail Farm Processing Facility with outdoor seating only where and when accessory to a minimum dedicated acreage of land in Active Production within the Township, and that accessory use does not predominate over the Farm Operation's Active Production within the Township. The Retail Farm Processing Facility with outdoor seating accessory use includes wholesale sales, indoor retail sales of fresh and processed Raw Produce, and the consumption of fresh and processed Raw Produce within an indoor Tasting Room or outdoor seating area only. At least sixty-five percent (65%) of the Raw Produce sold fresh or processed shall be grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the accessory Retail Farm Processing Facility. Since a Retail Farm Processing Facility is considered to be an industrial and commercial use that is inconsistent with the A-1 Agricultural District when not accessory and subordinate to a Farm Operation, approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for an accessory Retail Farm Processing Facility or the land dedicated to the Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Retail Farm Processing Facility use with outdoor seating is discontinued or curtailed. This Subsection shall not supersede or amend the terms of any conservation easement.
- (b) A Retail Farm Processing Facility with outdoor seating is permitted by special use permit only as an accessory use subordinate to a Farm Operation in the A-1 Agricultural District and shall not predominate over the Farm Operation's Active Production within the Township. An accessory Retail Farm Processing Facility shall be subject to the following requirements:

1. Retail Sales: Retail sales of fresh or processed Raw Produce are allowed subject to the requirements of Subsection (11)(b) 2 of this Section and the following additional requirements:
 - i. All processing and retail sales shall be conducted indoors.
 - ii. At least 50% of the ingredients as measured by weight of any processed products sold at the Retail Farm Processing Facility shall be derived from Raw Produce grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the Retail Farm Processing Facility.
 - iii. The consumption of processed products on premises is permitted indoors and within an approved and clearly defined outdoor seating area.
 - iv. A Tasting Room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed Raw Produce, including Alcoholic Liquor.
 - v. Free entertainment may be provided within a retail sales/Tasting Room indoors only.
 - vi. The hours of operation for retail sales, including a Tasting Room and approved outdoor seating, shall be limited to an opening time no earlier than 9:00 a.m. and a closing time no later than 9:30 p.m.
 - vii. If Alcoholic Liquor is proposed to be produced, consumed, or sold on the premises, the Michigan Liquor Control Commission shall grant applicable retail liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
 - viii. The Michigan Department of Agriculture and Rural Development shall grant applicable retail food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
 - ix. Those Retail Farm Processing Facilities with outdoor seating that hold a liquor license may serve limited food items indoors in the retail sales area to offset the effects of consuming alcohol. Food items not processed within the Retail Farm Processing Facility are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. Limited food items served indoors may be consumed within an approved outdoor seating area. No restaurants, cafes or off-site catering shall be permitted as part of a Retail Farm Processing Facility with outdoor seating

2. Sources of Raw Produce:

- i. Processing is limited to Raw Produce of the same species of Farm Products as are raised by the Farm Operation on the parcel on which the Retail Farm Processing Facility is located. For example, an apple may be processed into apple juice or applesauce.
- ii. Not less than sixty-five percent (65%) of the Raw Produce sold fresh or processed by the accessory Retail Farm Processing Facility shall be grown on land that is controlled and operated by the specific Farm Operation that operates the accessory Retail Farm Processing Facility.
- iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the accessory Retail Farm Processing Facility, provided that the verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility with outdoor seating in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

3. Parcel Requirements:

- i. At least sixty (60) acres of contiguous land shall be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales and an outdoor seating area for consumption only.
- ii. The dedicated acreage shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Retail Farm Processing Facility with outdoor seating. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least sixty-five percent (65%) of the acreage dedicated to the Retail Farm Processing Facility shall be in Active Production.
- iii. At least forty (40) acres of the dedicated land must be in a single parcel with a minimum parcel width of 330 feet and shall contain the Retail Farm Processing Facility and outdoor seating. There shall be at least twenty (20) acres in Active Production on the same parcel as the Retail Farm Processing Facility. The parcel shall not be divided for as long as the Retail Farm Processing Facility continues in operation.
- iv. The remaining acreage necessary to meet the 60-acre minimum dedication shall consist of a single parcel or two contiguous parcels.
- v. Not more than one (1) single-family dwelling may be located on the parcel containing the Retail Farm Processing Facility. Not more than one (1)

additional single-family dwelling may be located on the remaining dedicated acreage.

- vi. None of the dedicated land shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Retail Farm Processing Facility continues in operation.
4. Setbacks: The minimum setbacks for the Retail Farm Processing Facility with outdoor seating including required parking shall be:
- i. Front Yard Setback: 50 feet.
 - ii. Side and Rear Yard Setback: 200 feet.
 - iii. Outdoor Seating Area: 350 feet from all property lines to minimize negative impacts to neighboring properties from noise, light and odors.
 - iv. No Retail Farm Processing Facility shall be located within a Viewshed, except as permitted by recommendation of the Planning Commission and approval of the Township Board. For those parcels where a Farm Processing Facility is proposed that is entirely within a Viewshed, a location will be considered that minimizes the negative impacts to the Viewshed.
5. Retail Farm Processing Facility Size:
- i. The total floor area of the Retail Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land comprising the dedicated parcel that contains the Retail Farm Processing Facility and shall not exceed 30,000 square feet of total floor area above finished grade.
 - ii. The Retail Farm Processing Facility may consist of more than one building; however, all buildings used by the Retail Farm Processing Facility with outdoor seating shall be located on the 40-acre minimum parcel that contains the Retail Farm Processing Facility and outdoor seating area and shall not collectively exceed the floor area allowed by Subsection (11)(b) 5 i above.
 - iii. Underground floor area may be allowed in addition to the maximum permitted square footage of floor area above finished grade provided it is entirely below pre-existing ground level and has no more than one loading dock exposed.
 - iv. Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.
 - v. The area of any Tasting Room shall be included in the total allowed square footage for retail sales.

6. Pre-existing Buildings: (built prior to December 13, 2022) may be used for a Retail Farm Processing Facility provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.
7. Outdoor Seating Area Size:
 - i. The outdoor seating area shall be limited to 750 square feet.
 - ii. The maximum occupancy for the outdoor seating area shall be 50 persons at all times.
 - iii. The limits of the outdoor seating area shall be clearly defined with a fence and/or combination of fencing and landscaping that provides year-round screening from adjacent properties.
 - iv. Table umbrellas or permanent shade structures are permitted.
 - v. No temporary structures including tents or canopies are allowed.
8. Vested Right: Approval of a special use permit for an accessory Retail Farm Processing Facility with outdoor seating shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Retail Farm Processing Facility with outdoor seating use is discontinued or curtailed.
9. Parking: Parking shall conform to the requirements of Section 7.6.
10. Signs: All signage shall conform to the requirements of Section 7.11.
11. Lighting: All exterior lighting shall conform to the requirements of Section 7.14.
12. Access: Access shall be from a paved public road. An access permit from the Grand Traverse County Road Commission or Michigan Department of Transportation shall be required before a Land Use Permit may be issued.
13. Water: Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
14. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

15. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
16. Landscaping: The front yard area and/or any side yard adjacent to public right-of-way not used for access and parking shall be planted and maintained in accord with an appropriate landscape design to integrate the Retail Farm Processing facility with outdoor seating into the site, as approved by the Township Board.
17. Data and Records:
 - i. The Farm Operation operating the Retail Farm Processing Facility with outdoor seating shall annually by April 15 of each year provide data and records from the previous calendar year to the Director of Planning demonstrating that (a) a minimum of sixty-five percent (65%) of the Raw Produce processed as measured by weight is grown on land exclusively controlled and operated by that Farm Operation, (b) a minimum of fifty percent (50%) of the ingredients as measured by weight of any processed products sold was derived from Raw Produce grown on land that is exclusively operated and controlled by that Farm Operation, and (c) all land within the Township controlled and operated by the Farm Operation meets the dedicated acreage requirements.
 - ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.
 - iii. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance and may be a basis for revocation of the special use permit.
18. Approval Process:
 - i. Approval of a Special Use Permit is required subject to all requirements of Article VIII, Section 8.1. followed by the administrative approval of a Site Plan.
 - ii. A Site Plan application with all required submittal materials shall be submitted to the Director of Planning. The site plan shall include at least:
 - a. the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;
 - b. legal descriptions for all parcels;
 - c. all existing and proposed structures including setbacks

- d. from property lines;
 - e. proposed parking, landscaping and lighting;
 - f. floor plan showing all processing areas; and
 - g. the name, email address, mailing address, and phone number of the Farm Operation.
- iii. Site Plan approval for a Retail Farm Processing Facility with outdoor seating shall be issued by the Director of Planning upon showing that it is compliant with this Ordinance, all conservation easements, and the Special Use Permit approval, including minimum parcel requirements, building size, building height, acreage in crop production, setbacks, landscaping and parking.
- iv. Once the Site Plan is approved and signed by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.
- v. A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Retail Farm Processing Facility can be issued.
- vi. No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.
- vii. Such 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 requirements of the zoning ordinance.
- viii. Any violation of the Special Use Permit issued by the Township Board, the Site Plan Approval issued by the Director of Planning, or 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 revocation of the Special Use Permit, the Site Plan Approval and the Land Use Permit.

Section 8. Deletion of former Subsection 8.7.3(10), Winery-Chateaus: The Peninsula Township Zoning Ordinance, former Subsection 8.7.3(10), is hereby deleted and repealed.

Section 9. Amendment of Subsection 8.7.2(13), Remote Tasting Rooms: The Peninsula Township Zoning Ordinance, Subsection 8.7.2(13), is amended to read as follows:

(13) Remote Tasting Rooms within the Agricultural District A-1.

Section 10. Amendment of Subsection 8.7.3(12), Remote Tasting Rooms: The Peninsula Township Zoning Ordinance, Subsection 8.7.3(12), is amended to read as follows:

(12) Remote Tasting Rooms:

- a. Statement of Intent: It is the intent of this Subsection to allow tasting of Alcoholic Liquor and non-alcoholic beverages in a tasting room that is not on the same property as the Farm Processing Facility with which it is associated by special use permit in the A-1 Agricultural District and to establish reasonable standards for the use.
- b. There shall be a minimum parcel size of five (5) acres.
- c. The five-acre parcel shall not have another use such as housing but may be used for the Active Production of agricultural crops.
- d. The building used for the Remote Tasting Room shall be consistent with the neighborhood character within one-half mile of the proposed building. Preliminary building elevations shall be submitted with the special use permit application showing roof type, pitch, and color, and siding type and color. The adaptive re-use of existing structures is encouraged.
- e. The Remote Tasting Room, the parcel on which it is located, and the Farm Processing Facility with which it is associated shall be exclusively controlled and operated by a Farm Operation that also exclusively controls and operates a minimum of 150 acres in Peninsula Township evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least 50% of the 150 acres shall be in Active Production of agricultural crops.
- f. Tasting of Alcoholic Liquor and non-alcoholic beverages produced by the Farm Operation that controls and operates the Remote Tasting Room shall be the only products tasted in the Remote Tasting Room.
- g. Sales of Alcoholic Liquor and non-alcoholic beverages by the bottle produced by the Farm Operation that controls and operates the Remote Tasting Room are allowed for off- premises consumption. Sales of Alcoholic Liquor by the glass produced by the Farm Operation that controls and operates the Remote Tasting Room are 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, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.
- h. Those Remote Tasting Rooms that hold a liquor license may serve limited food items indoors to offset the effects of consuming alcohol. Food items are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. No restaurants, cafes or off-site catering shall be permitted as part of a Remote Tasting Room.

Section 11. Severability: The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that

declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 12. Effective Date: This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

Section 13: Repeal: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: Unanimous

NAYS: —

ABSENT/ABSTAIN: —

ORDINANCE DECLARED ADOPTED


Isaiah Wunsch, Peninsula Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Peninsula Township Board at a duly scheduled and noticed meeting of that Township Board held on December 13, 2022, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Record - Eagle newspaper, a newspaper that circulates within Peninsula Township, on December 16, 2022.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on 12/19/22, 2022.

ATTESTED:


Rebecca Chown, Peninsula Township Clerk



Generally Accepted Agricultural and Management Practices for Farm Markets

2025

Michigan Commission of Agriculture & Rural
Development
PO BO 30017
Lansing, MI 48909



In the event of an agricultural pollution emergency such as a chemical/fertilizer spill, manure lagoon breach, etc., the Michigan Department of Agriculture & Rural Development and/or Michigan Department of Environment, Great Lakes, and Energy should be contacted at the following emergency telephone numbers:

Michigan Department of Agriculture & Rural Development: 800-405-0101
Michigan Department of Environment, Great Lakes, and Energy's Pollution
Emergency Alert System: 800-292-4706

If there is not an emergency, but you have questions on the Michigan Right to Farm Act, or items concerning a farm operation, please contact the:

Michigan Department of Agriculture & Rural Development
Right to Farm Program
P.O. Box 30017
Lansing, Michigan 48909
517-284-5619
877-632-1783
517-335-3329 FAX

Table of Contents

PREFACE.....	iii
INTRODUCTION	1
DEFINITIONS.....	2
PHYSICAL CHARACTERISTICS OF A FARM MARKET	3
Location	3
Buildings	3
Parking and Driveways	3
Vehicle Ingress and Egress	3
Signage	3
REFERENCES	6
ADVISORY COMMITTEE	7
PREFACE.....	iii
INTRODUCTION	1
DEFINITIONS.....	2
PHYSICAL CHARACTERISTICS OF A FARM MARKET	3
Location	3
Buildings	3
Parking and Driveways	3
Vehicle Ingress and Egress	3
Signage	3
APPENDICES	4
REFERENCES	6
ADVISORY COMMITTEE	7

PREFACE

The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981, as amended) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). These practices are written to provide uniform, statewide standards and acceptable management practices based on sound science. These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of the practices. The GAAMPs are reviewed annually and revised as considered necessary.

The GAAMPs that have been developed are as follows:

- 1) 1988 Manure Management and Utilization
- 2) 1991 Pesticide Utilization and Pest Control
- 3) 1993 Nutrient Utilization
- 4) 1995 Care of Farm Animals
- 5) 1996 Cranberry Production
- 6) 2000 Site Selection and Odor Control for New and Expanding Livestock Facilities
- 7) 2003 Irrigation Water Use
- 8) 2010 Farm Markets

These practices were developed with industry, university, and multi-governmental agency input. As agricultural operations continue to change, new practices may be developed to address the concerns of the neighboring community. Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act.

The website for the GAAMPs is <http://www.michigan.gov/righttofarm>.

INTRODUCTION

As farmers look for ways to keep their businesses economically viable, many have chosen to shift their operations from a farmer-to-processor to a direct market business model. This includes selling raw and value-added products directly to the consumer through on-farm establishments, farmers markets, and other agricultural outlets. This allows farms to take advantage of consumer interest in agritourism, the “buy local” movement, and a desire for a connection with farmers and food production. These activities have far-reaching economic impacts. Many regions have capitalized on the growth of farm markets by developing regional farm market and culinary trails, and tourism promotion based on authentic culinary experiences offered by local farm markets. Farm markets provide the opportunity for visitors to meet a farmer, learn about modern agricultural practices, and gain access to fresh, local, nutritious food. Finally, farm markets and the associated farm, help maintain green space adding to the quality of life. Thriving farmland enhances the beauty of communities, retains residents, and attracts visitors. As farm operations engage in direct sales and on-farm activities, conflicts have arisen regarding oversight of these businesses.

Michigan is a Right to Farm (RTF) state and the RTF Act defines a “farm operation” as meaning the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. This definition includes, but is not limited to, marketing produce at roadside stands or farm markets. Farm markets offer farm related experiences and farm products through a variety of agritourism activities. The experience in turn promotes sale of more farm products and provides an added income stream to support the farm business, the farm family, and surrounding communities; and keeps farmland in production.

Although the RTF Act includes farm markets in the definition of a farm operation, this definition does not define a farm market or describe specific marketing activities. These GAAMPs for Farm Markets were developed to provide guidance as to what constitutes an on-farm market and farm market activities.

DEFINITIONS

Affiliated – “Affiliated” means a farm under the same ownership or control (e.g., leased) as the farm and does not need to be on the same parcel of land.

Expanding Farm Market – An addition to an existing farm market that increases the square footage of the farm market.

Farm – A “farm” means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Market – A farm market is a year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market does not have to be a physical structure. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale at the market. Fresh products as well as processed products may be sold at the farm market. 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, strawberries in strawberry jam, etc.

Farm Product – A “farm product” means those plants and animals useful to humans produced by agriculture and includes, 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 Commission of Agriculture & Rural Development.

Marketing – Promotional and educational activities at the farm market incidental to farm products with the intention of selling more farm products. These activities include, but are not limited to, farm tours (walking or motorized), demonstrations, cooking and other classes utilizing farm products, and farm-to-table dinners.

Processed – A farm product or commodity that has been converted into a product for direct sales. Processing may include, but is not limited to, packing, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, packaging, cutting, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale.

PHYSICAL CHARACTERISTICS OF A FARM MARKET

Location

A new or expanding farm market that is greater than 120 square feet must meet a minimum setback of 165 feet from all non-farm residences.

New or expanding farm markets are not authorized under this GAAMP on platted lots within a subdivision created under the Michigan Land Division Act (Act 288 of 1967, MCL 560.101, *et seq.*) or preceding statutes and on condominium units within a condominium (sometimes referred to as “site-condos”) created under the Michigan Condominium Act (Act 59 of 1978, MCL 559.101, *et seq.*). However, farm markets are permitted in such areas if authorized by association rules or pursuant to a local ordinance designed for that purpose, unless prohibited by association rules.

A farm market should have a written site plan for potential MDARD review that preempts local government regulations.

Buildings

If the farm market is housed in a physical structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), the structure must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), including road right-of-way areas and ingress and egress points.

Parking and Driveways

Parking and driveway surfaces may be paved, vegetative, ground, gravel, or other unpaved material.

Vehicle Ingress and Egress

Any farm market and affiliated parking operating along a public road must obtain all appropriate ingress and egress permits.

Signage

A minimum of one roadside sign is allowed.

For further information concerning this GAAMP you may contact the Michigan Department of Agriculture and Rural Development or Michigan State University Extension.

APPENDICES

Appendix A: Considerations for Farm Markets

Statement of Intent

Appendix A is explicitly intended as a reference for informational and educational purposes only. Information contained in Appendix A is not intended to be utilized by Michigan Department of Agriculture and Rural Development (MDARD) Right to Farm Program as part of any Generally Accepted Agricultural and Management Practices (GAAMPs) conformance determination process.

GAAMPs Conformance and Other Regulatory Permits

Depending on the nature and location of a GAAMPs conformant farm market operation, other local, state and/or federal regulations may still apply. It is the responsibility of the farm market owner or their representative acting on the owner's behalf to contact the appropriate regulatory authorities to determine if additional permits for compliance are required prior to beginning any activity or construction.

MDARD Right to Farm Program does not have authority to determine applicability of, or compliance with, any regulation other than conformance to the management practices described within the GAAMPs.

Non-Farm Product Sales, Processing and Miscellaneous Activities

Michigan Right to Farm Act provides nuisance protection for farms and farm operations in conformance with GAAMPs including the production of farm products and the marketing and sales of farm products at farm markets. This protection may not extend to sales of non-farm products (e.g., hats, t-shirts, jewelry, etc.), on-site processing of farm products (e.g., baking pies, brewing hard cider, etc.) or other on-farm activities (e.g., wedding/event barns, bed & breakfast/lodging, restaurants, glamping, etc.). A GAAMPs-conformant farm market operation may still be subject to other local, state and/or federal regulations (see *GAAMPs Conformance and Other Regulatory Permits* above).

Signage

Farm Markets GAAMPs allows for a minimum of one roadside sign; however, this sign (and any additional signs, if permitted) may be subject to other local ordinance requirements (e.g., setbacks, lighting, height, and size)

Agritourism

'Agritourism' currently has no legal definition or recognition in Michigan law. Activities commonly identified as, and/or associated with, agritourism may or may not comply with GAAMPs. These activities must be assessed on a case-by-case basis and may be subject to additional local, state and/or federal regulations (see *GAAMPs Conformance and Other Regulatory Permits* above).

Resources

There are many professional resources available to assist farmers, government officials and others navigating Right to Farm and GAAMPs-related issues. Resources include, but are not limited to, MDARD Right to Farm Program, Michigan State University Extension, Michigan Townships Association, Michigan Farm Bureau, and Michigan Agritourism Association.

REFERENCES

State of Michigan. *Report of Recommendations*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January 2007.

State of Michigan. *Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January 2007.

Michigan Commission of Agriculture & Rural Development. *Final Report to the Michigan Commission of Agriculture & Rural Development*. Report of the Michigan Farm Market Task Force. Task Force report to the Michigan Commission of Agriculture & Rural Development. September 2008.

State of Michigan. Michigan Department of Transportation. Directory of Offices by Region.

<https://www.michigan.gov/mdot/about/regions> (Accessed 7.26.2022).

ADVISORY COMMITTEE

Listed below are the advisory committee members for the Generally Accepted Agricultural and Management Practices for Farm Markets.

Ryan Coffey Hoag - Chair
MSU Extension
4747 W. 48th Street, Suite
107 Fremont, MI 49412
231-924-9677
coffeyry@msu.edu

Robert Beckon
Michigan Dept. of Transportation
517-335-2211
beckonr2@michigan.gov

John Behrens
Farmhaus Cider
5025 Stanton Street
Hudsonville, MI 49426
616-723-7087 – Cell
john@farmhauscider.com

Janice Benson, Ex. Dir.
Michigan Agritourism Assoc.
P.O. Box 303
Traverse City, MI 49685
616-952-1151
executivedirector@michiganfarmfun.com

Lori Buchan
Buchan's Blueberry Hill
1472 Nelson Road
Traverse City, MI 49686
231-649-0844
lbuc246@aol.com

Violet Currier
Michigan Dept. of Agriculture
and Rural Development
Food Safety and Inspection
Program
Northwest Region
231-384-1874

Jeanne Hausler
MDARD
Food and Dairy Communications
P.O. Box 30017
Lansing, MI 48909
517-256-8614
hauslerj@michigan.gov

Matt Kapp
Michigan Farm Bureau
Government Relations Specialist
7373 West Saginaw Highway
Lansing, MI 48917
517-679-5338
mkapp@michfb.com

Jay Korson
MDARD
Right to Farm Program
517-285-1918
korsonj@michigan.gov

Vikki Papesh
Walnut Hill Farm
54180 Dequindre Road
Shelby Chtr. Township, MI
48316
farmer@walnuthillfarmmi.com

Garrett Ziegler
MSU Extension
109 Logan Street SW, Suit B102
Grand Rapids, MI 49503
616-608-7436
zieglerg@msu.edu

Allan Robinette
Robinette's Apple Haus and
Winery
3142 4 Mile Rd. NE
Grand Rapids, MI 49505
616-304-9068
allan@robinettes.com

Catherine A. Mullhaupt
Staff Attorney
Member Information Services
Michigan Township Association
517-321-6467
catherine@michigantownships.org

Jenn Cram, ACIP Peninsula
Township 13235 Center Rd.
Traverse City, MI 49686 231-
223-7314
planner@peninsulatownship.com

MDARD Advisors

Michael Wozniak, PE
Right to Farm Program Manager
Michigan Dept. of Agriculture
and Rural Development
P.O. Box 30017
Lansing, MI 48909
O: 517-284-5618
C: 517-285-1752
517-335-3329 - FAX
WozniakM1@michigan.gov

**GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPs)
PUBLIC COMMENT FORM**

Date:

Name:

Address, City, State, Zip:

Email Address:

Phone Number:

Set of GAAMPs being addressed (Please use a separate form to comment on other GAAMPs)

Manure Management and Utilization Site Selection and Odor Control for New and Expanding Facilities Care of Farm Animals Nutrient Utilization	Irrigation Water Use Pesticide Utilization and Pest Control Cranberry Production Farm Markets
--	--

Describe specific changes that should be made to the indicated GAAMPs:

Send comments with any supporting attachments to MDA-Right-To-Farm@michigan.gov

- (9) Existing C-1 Zone Setbacks Front - 35'; Side 10'; Rear 30'. 35% lot coverage by structures.
- (10) Security fencing shall not include electrically charged, barbed wire or razor wire, and shall not be placed in a required front yard setback area.
- (11) Spacing between structures shall be a minimum of 20 feet and emergency access shall be provided to at least three sides of all structures.
- (12) Lighting: All lighting shall conform to the requirements of Section 7.14.
(REVISED BY AMENDMENT 175B)
- (13) Signs shall comply with Section 7.11. Signs.
- (14) Vehicle Access: Access drives shall be designed to handle automobiles, vans, light trucks, and other two-axle vehicles. Access to all structures shall be as determined by the Township Board in consultation with the Peninsula Township Fire Chief.

SECTION 6.7 A-1 DISTRICT: AGRICULTURAL:

Section 6.7.1 Intent and Purpose:

This District is intended to recognize the unique ecological character of the Peninsula and to preserve, enhance, and stabilize existing areas within the Township which are presently being used predominately for farming purposes, yet recognize that there are lands within the district which are not suited to agriculture, therefore allowing other limited uses which are deemed to be compatible with agricultural and open space uses.

Section 6.7.2 Uses Permitted by Right:

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Mobile homes: Provided the mobile home shall meet the requirements of the Mobile Home Construction and Safety Standards Act (24 CFR part 3280) and bear a HUD label so indicating.
- (4) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, green houses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.
- (5) Raising and keeping of small animals such as poultry, rabbits, and goats.

- (6) Raising and keeping and boarding of livestock, such as cattle, hogs, horses, ponies, sheep, and similar livestock, except feeder lots. **(REVISED BY AMENDMENT 155B) (REVISED BY AMENDMENT 162A)**
- (7) Customary home occupations.
- (8) Farm Stand: A Farm Stand is an accessory use to the Active Production of Farm Products by a Farm Operation. A Farm Stand is subject to the following conditions:
- (a) The Farm Stand shall be located on a parcel that is owned or controlled by the Farm Operation that produces the products offered for sale at the Farm Stand.
 - (b) One Farm Stand shall be allowed per parcel.
 - (c) The Farm Stand may be located on a parcel controlled by the Farm Operation that is not engaged in Active Production provided the Farm Operation controls another parcel(s) within Peninsula Township that is engaged in the Active Production of Farm Products.
 - (d) The only items that may be offered for sale at a Farm Stand are Raw Produce and processed products as noted below.
 - (e) Processed products will be considered as produced by the Farm Operation if at least 50 percent of the product's primary or namesake ingredient was produced on and by the Farm Operation, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.
 - (f) A minimum of 50 percent of all items offered for sale must be produced and/or processed by the Farm Operation that controls the Farm Stand 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.
 - (g) No area may be formally designated for the on-site consumption of items purchased at the Farm Stand.
 - (h) No Farm Stand shall be located within a road right-of-way.
 - (i) All Farm Stands shall meet the setback requirements of Section 6.8.
 - (j) No Farm Stand greater than 120 square feet in area shall be located

closer than 165 feet from all existing non-farm residences.

- (k) If a tent or table is used as a Farm Stand it shall be properly staked or weighted to withstand wind and severe weather.
- (l) Parking surfaces for Farm Stands may be vegetative, ground, pavement, or other suitable material. All other aspects of parking for Farm Stands shall meet the requirements of Section 7.6. There shall be a minimum of five (5) parking spaces located outside of the road right-of-way. For structures or areas greater than 150 square feet, there shall be a ratio of 1 additional parking space per 150 square feet. (As an example, a 300 square foot structure or area will require 6 parking spaces.)
- (m) Signage shall meet the requirements of Section 7.11.
- (n) Exterior lighting shall meet the requirements of Section 7.14.
- (o) A Land Use Permit is required for all Farm Stands.
- (p) Access permits may be required from the Grand Traverse County Road Commission (GTCRC) or the Michigan Department of Transportation (MDOT). Private Road Association approval may also be required.
- (q) All necessary Building, Electrical and Plumbing permits shall be obtained from the Grand Traverse County Building Department per Construction Code for all proposed Farm Stands.

(REVISED BY AMENDMENT 203)

- (9) Cemeteries, public or private.
- (10) Agricultural Labor Camp for less than five (5) migrant workers. **(REVISED BY AMENDMENT 90)**
- (11) Licensed Agricultural Labor Camp. **(ADDED BY AMENDMENT 90)**
- (12) Tenant house as a part of farm property for full-time farm employees associated with the principal use and subject to the same height and setback requirements as the principal dwelling.
- (13) Public areas and public parks such as recreation areas, forest preserves, game refuges, and similar public uses of low-intensity character.

- (14) Public and private conservation areas and structures for the conservation of water, soils, open space, forest and wildlife resources.
- (15) Customary uses and structures incidental to the permitted principal use of the premises as allowed in Section 6.2.2(2).
- (16) Mining or removal of topsoil subject to provisions of Article VII Section 7.2.3.
- (17) Family Day Care & Group Day Care Homes subject to all requirements of Article VI, Section 6.2.2(7).
- (18) Barn Storage. **(ADDED BY AMENDMENT 131)**
- (a) The intent of this use is to help make it economical for farmers to keep and maintain barns that might otherwise be allowed to decay because they are obsolete. It is not intended to be a self-storage use where there is regular access to the rental space by owners of the stored materials.
 - (b) It is not intended to allow a property owner to build a barn just for rental storage, or to rent storage in a barn and then build a similar structure for farm use.
 - (c) The zoning administrator may issue a land use permit for the rental of storage space in barns for boats, campers, farm equipment or similar items in barns in the Agricultural A-1 District, provided:
 - 1. The barn has been previously used for the storage of crops or for the housing of livestock.
 - 2. The barn has been in existence in its present form for not less than twenty (20) years prior to the application for a land use permit for this use;
 - 3. The zoning administrator has determined that the barn is no longer used for farm purposes because of farm consolidation or changes in operations; and
 - 4. The barn is not increased in size, or the exterior modified for the use, however, doors or the interior may be modified if necessary to make the barn suitable for storage.
 - 5. The rental of storage space in a barn shall be discontinued if a new barn is constructed for a use that can be accommodated in the old barn.

6. The Zoning Board of Appeals may grant a variance from the minimum twenty (20) year requirement, provided the Zoning Board of Appeals determines that the request is consistent with the intent of this section to not allow a property owner to build a barn just for rental storage, or to rent storage in a barn and then build a similar structure for farm use.

(19) Wholesale Farm Processing Facility: **(REVISED BY AMENDMENT 201)**

- (a) Statement of Intent: It is the intent of this Subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Wholesale Farm Processing Facility only where and when accessory to a minimum dedicated acreage of a Farm Operation's land in Active Production within the Township, and that accessory use does not predominate over the Farm Operation's Active Production within the Township. The Wholesale Farm Processing Facility accessory use includes wholesale sales of fresh and processed Raw Produce only. At least sixty-five percent (65%) of the Raw Produce sold fresh or processed shall be grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the accessory Wholesale Farm Processing Facility. Since a Wholesale Farm Processing Facility is considered to be an industrial use that is inconsistent with the A-1 Agricultural District when not accessory and subordinate to a Farm Operation, the approval and operation of a Wholesale Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for an accessory Wholesale Farm Processing Facility or the land dedicated to the Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Wholesale Farm Processing Facility use is discontinued or curtailed. This Subsection shall not supersede or amend the terms of any conservation easement.
- (b) A Wholesale Farm Processing Facility is permitted only as an accessory use subordinate to a Farm Operation in the A-1 Agricultural District and shall not predominate over the Farm Operation's Active Production within the Township. An accessory Wholesale Farm Processing Facility shall be subject to the following requirements:
 1. Wholesale Sales: Wholesale Sales of fresh or processed Raw Produce are allowed subject to the requirements of Subsection (19)(b) 2 of this Section and further provided:
 - i. All processing shall be conducted indoors.

- ii. At least 50% of the ingredients as measured by weight of any processed products sold at the Wholesale Farm Processing Facility shall be derived from Raw Produce grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the Wholesale Farm Processing Facility.
- iii. No retail sales or consumption of Raw Produce or processed products on the premises is permitted.
- iv. If Alcoholic Liquor is proposed to be produced or sold at wholesale on the premises, the Michigan Liquor Control Commission shall grant applicable wholesale liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.
- v. The Michigan Department of Agriculture and Rural Development shall grant applicable wholesale food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.

2. Sources of Raw Produce:

- i. Processing is limited to Raw Produce of the same species of Farm Products as are raised by the Farm Operation on the parcel on which the Wholesale Farm Processing Facility is located. For example, an apple may be processed into apple juice or applesauce.
- ii. Not less than sixty-five percent (65%) of the Raw Produce sold fresh or processed by the Wholesale Farm Processing Facility shall be grown on land that is controlled and operated by the specific Farm Operation that operates the accessory Wholesale Farm Processing Facility.
- iii. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the accessory Wholesale Farm Processing Facility, provided that the verification of such conditions by

the United States Department of Agriculture Farm Service Agency. Processed products produced by the Wholesale Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Wholesale Farm Processing Facility in any of the preceding five (5) years.

3. Parcel requirements:

- i. At least forty (40) acres of land shall be dedicated to the operation of a Wholesale Farm Processing Facility.
- ii. The dedicated acreage shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the accessory Wholesale Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least sixty-five (65%) percent of the acreage dedicated to the Wholesale Farm Processing Facility shall be in Active Production.
- iii. At least twenty (20) acres of the dedicated land must be in a single parcel with a minimum parcel width of 330 feet and shall contain the Wholesale Farm Processing Facility. There shall be at least ten (10) acres in Active Production on the same parcel as the Wholesale Farm Processing Facility. The parcel shall not be divided for as long as the Wholesale Farm Processing Facility continues in operation.
- iv. The remaining acreage necessary to meet the 40-acre minimum dedication shall consist of a single parcel or two contiguous parcels.
- v. Not more than one (1) single-family dwelling may be located on the parcel containing the Wholesale Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.
- vi. None of the dedicated land shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Wholesale Farm Processing Facility continues in operation.

4. Setbacks: The minimum setbacks for the Wholesale Farm Processing Facility including required parking shall be:
 - I. Front yard 50 feet.
 - II. Side and rear yards 200 feet.
 - III. No Wholesale Farm Processing Facility shall be located within a Viewshed, except as permitted by recommendation of the Planning Commission and approval of the Township Board. For those parcels where a Farm Processing Facility is proposed that is entirely within a Viewshed, a location will be considered that minimizes the negative impacts to the Viewshed.

5. Wholesale Farm Processing Facility Size:
 - i. A Wholesale Farm Processing Facility shall not include retail space.
 - ii. The total floor area of a Wholesale Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land comprising the dedicated parcel that contains the Wholesale Farm Processing Facility and shall not exceed a maximum of 30,000 square feet of total floor area above finished grade.
 - iii. The Wholesale Farm Processing Facility may consist of more than one building; however, all buildings used by the Wholesale Farm Processing Facility shall be located on the 20-acre minimum parcel that contains the accessory Wholesale Farm Processing Facility and shall not collectively exceed the floor area allowed by Subsection (19)(b) 5 ii above.
 - iv. Underground floor area may be allowed in addition to the permitted square footage of floor area above finished grade, provided it is entirely below the pre-existing ground level and has no more than one loading dock exposed. **(REVISED BY AMENDMENT 197)**

6. Pre-existing Buildings: (built prior to December 13, 2022) may be used for Wholesale Farm Processing Facilities provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may

consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

7. Vested Right: Approval of a special use permit for an accessory Wholesale Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Wholesale Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Wholesale Farm Processing Facility use is discontinued or curtailed.
8. Parking: Parking shall conform to the requirements of Section 7.6.
9. Signs: All signs shall conform to the requirements of Section 7.11. **(REVISED BY AMENDMENT 174)**
10. Lighting: All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**
11. Access: Access to the Wholesale Farm Processing Facility shall be from a public road. An access permit from the County Road Commission or Michigan Department of Transportation shall be required before a land use permit can be issued.
12. Water: Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
13. Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.
14. Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
15. Data and Records:
 - i. The Farm Operation operating the Wholesale Farm Processing Facility shall annually by April 15 of each year

provide data and records from the previous calendar year to the Director of Planning demonstrating that (a) a minimum of sixty-five percent (65%) of the Raw Produce processed as measured by weight is grown on land that is exclusively controlled and operated by that Farm Operation, (b) a minimum of fifty percent (50%) of the ingredients as measured by weight of any processed products sold was derived from Raw Produce grown on land that is exclusively operated and controlled by that Farm Operation and (c) all land within the Township controlled and operated by the Farm Operation meets the dedicated acreage requirements.

- ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.
- iii. Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance and may be a basis for revocation of the Land Use Permit.

16. Approval Process:

- i. Site plan review shall be required for all Wholesale Farm Processing Facilities. A site plan drawn to scale (one or more sheets as appropriate) shall be submitted to the Director of Planning along with the appropriate site plan review fee as established by the Township Board.
- ii. The site plan shall include at least:
 - a. the parcel or parcels with parcel numbers dedicated to the Wholesale Farm Processing Facility with calls and dimensions on all property lines;
 - b. legal descriptions of all parcels;
 - c. all existing and proposed structures including setbacks from property lines;
 - d. proposed parking, landscaping and lighting;
 - e. floor plan showing all processing areas; and
 - f. the name, email address, mailing address, and phone number of the Farm Operation.
- iii. Site plan approval for a Wholesale Farm Processing Facility shall be issued by the Director of Planning upon showing that the minimum requirements of this Ordinance,

including parcel(s), building size, building height, minimum acreage in crop production, setbacks, and parking are met as well as any requirements of a conservation easement.

- iv. Once the site plan is approved by the Planning Director, a Land Use Permit application may be submitted to the Zoning Administrator.
- v. A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Wholesale Farm Processing Facility can be issued.
- vi. No processing or wholesale sales of products shall take place until a final site plan approval is issued by the Director of Planning and a Land Use Permit is issued by the Zoning Administrator. The 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.
- vii. Any violation of the Site Plan Approval issued by the Director of Planning or 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 revocation of the Site Plan Approval and the Land Use Permit.

17. Residence within a Wholesale Farm Processing Facility. **(ADDED BY AMENDMENT NO 146)** A single-family dwelling may be allowed as part of a structure containing a Wholesale Farm Processing Facility provided the following requirements are met:

- i. The dwelling and Wholesale Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above;
- ii. The dwelling shall be the only dwelling on the 20-acre parcel containing the Wholesale Farm Processing Facility.
- iii. The dwelling shall meet all dimensional requirements of Section 6.8 for the A-1 Agricultural District. **(UPDATED BY AMENDMENT 201)**

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 are subject to all requirements of Article VIII, Section 8.5.
- (5) Institutional Structures subject to all requirements of Article VIII, Section 8.6.
- (6) Greenhouses and nurseries selling at retail on the premises.
- (7) Riding stables and livestock auction yards.
- (8) Raising of fur bearing animals for profit.
- (9) Game or hunting preserves operated for profit.
- (10) Veterinary hospitals, clinics and kennels.
- (11) Sawmills.
- (12) Storage for agricultural products.
- (13) Golf courses and country clubs subject to all requirements of Article VIII, Section 8.7.2(4) and Section 8.7.3(4).
- (14) Public buildings and public service installations.
- (15) Incinerators and sanitary fills, sewage treatment and disposal installation subject to all requirements of Article VIII, Section 8.7.2(1) and (2), and Section 8.7.3(1) and (2).
- (16) **(DELETED BY AMENDMENT NO. 67(6))**

- (17) Airports and Airfields.
- (18) Warehousing and Light Industrial subject to all requirements of Article VIII, Section 8.7.2 (7) and Section 8.7.3(7).
- (19) Wind Energy Conversion Systems: Subject to all requirements of Article VIII, Section 8.7.3(8).
- (20) Bed and Breakfast Establishments: Subject to all requirements of Article VIII, Section 8.7.3(6).
- (21) Adult Foster Care Facilities: Subject to all requirements of Article VIII, 8.7.3(9).
- (22) Retail Farm Processing Facilities: Subject to all requirements of Article VIII, Section 8.7.3(10) and (11). **(REVISED BY AMENDMENT 201)**

Section 6.7.4 Area and Bulk Requirements:

Are subject to Section 6.8 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted, and providing minimum yard setback requirements.

Section 6.7.5 Conservation Easement Restricted Farmland.

Section 6.7.5.1 Intent

The Peninsula Township Purchase of Development Rights Ordinance allows future building sites under certain conditions and in specific locations as shown on recorded conservation easements. It is the intent of this section to allow those future building sites to be used for residents on the farm or to be sold along with all or a portion of the restricted farmland with a minimum area of one acre or more. It is also the intent of this section to avoid the conversion of preserved agricultural land by allowing access to these individual future building sites without requiring a new public or private road to the site.

Section 6.7.5.2 Reserved Building Site Access

Restricted farmland may be divided without the requirement of providing access to a public or private road irrespective of Section 7.10 Road Standards provided:

- (1) A reserved dwelling site shall have access to an existing road by either a driveway or a new private road. Access by private road shall be required if it serves or is to serve three (3) or more residences.
- (2) A residential building site may be separated from the remainder of the restricted farmland on a parcel of not less than one acre irrespective of Section 6.8.1. with access as provided in 1. above.
- (3) Where access is provided by a driveway and not a public or private road; the

front yard setback will be fifty (50) feet rather than the thirty-five (35) foot front yard setback required from a public or private road. **(ADDED BY AMENDMENT 117A)**