

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

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

## **Agricultural Advisory Committee Regular Meeting**

**April 15, 2025, 2:00 p.m.**

**Township Hall**

**Notice/Agenda**

1. Call to Order
2. Pledge
3. Roll Call
4. Brief Citizen Comments (for agenda items only)
5. Approve Agenda
6. Conflict of Interest
7. Consent Agenda
  - A. Approve meeting minutes: Agricultural Advisory Committee meeting, March 18th, 2025
8. Business:
  - A. Continued Discussion – Identify Alternate for Agricultural Advisory Committee
  - B. Continued Discussion – Proposed New Ordinance, “Wish List”
  - C. Continued Discussion – Changes to Current Ordinance
    - I. Reduce or eliminate acreage minimums for farm-based processing.
    - II. Adjust setback requirements to provide flexibility for small farms.
    - III. Allow on-farm processing and sales as a by-right use rather than requiring a special use permit.
    - IV. Revise definitions in Section 3.2 to reflect modern farm operations, including scalable processing models.
    - V. Permit on-farm direct sales of processed goods and allow for year-round sales strategies like local deliveries and farm subscriptions.
    - VI. Clarify the difference between farm-based processing and large-scale industrial processing to ensure small farms are not over-regulated.
9. Citizen Comments
10. Board Comments
11. Adjournment

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

# PENINSULA TOWNSHIP

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MI 49686

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## Agricultural Advisory Committee Meeting

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

### Township Hall

### Minutes

1. **Call to Order** by Kroupa 2:00 PM
2. **Pledge**
3. **Roll Call**  
Present: Edmondson, Bramer, Heller, Kroupa, Hafeli, Gomez, Baldyga  
Excused absent: Hemming
4. **Approve Agenda**  
**Hafeli moved to approve the agenda as presented with a second by Edmondson. Motion passed by consensus**
5. **Citizen Comments: none**
6. **Conflict of Interest: none**
7. **Consent Agenda:**
  - a. Approve Meeting minutes: Agricultural Advisory Committee meeting, February 18, 2025
  - b. Approve sending Farms Signage Ordinance recommendations to Planning Commission  
**Hafeli moved to approve item A and move item B to business item one with a second by Baldyga. Motion passed by consensus**
8. **Business:**
  1. Approve sending Farms Signage Ordinance recommendations to Planning Commission  
**Heller:** sign size, 20 square foot sign, is too large. Distracts from rural character and scenic views. I think larger than six square feet is necessary. Addition of season placards is good, but in addition to 20 square feet is a lot of signs.  
**Baldyga:** does the planning commission [PC] want specific recommendations?  
**Beard:** when possible, most helpful. Any specific language will come through the planner.  
**Sanders:** For expeditiousness - work with the planner, keep a redline copy that is continuously updated so the history is there. The Planning Commission and [Township] Board will ask about the iterations and how [the document] came along.  
**Kroupa:** should we put together a subcommittee with the PC to work with the planner to make this language?  
**Beard:** I will discuss with the PC at the next meeting to work on sign language.  
**Edmondson:** The sign ordinance we are trying to amend is strictly for ag signage. I'm in favor of what we produced, and as a user it is something I should be able to conform to.  
**Edmondson moved to send sign ordinance recommendation to the planning commission as written with a second by Hafeli. Motion passed by majority**  
**Nay- Heller**

- Continued Discussion – Amendment 201, real world examples and recommendation for change - Farm Processing and Value-Added Agriculture

**[Discussion]**

**Kroupa:** We put together a document [pdf page 14 in the packet addition] to start with

**Edmondson:** John, is that the document that you sent? Erin sent another document.

**Hafeli:** I sent a comparison of 201 and 139. That is separate to what we are looking at here which is a proposed new document.

**Edmondson:** Amendment 139 was abolished along with the winery chateau ordinance, and we are now working with Amendment 201. I thought the new document was very good, and seems to accommodate the current situation and is applicable and functional to the [entire farming] community, whereas Amendment 201 is specific to this big operation which is out of scale for the peninsula.

**Baldyga:** This is the streamlined version of that “Bill of Rights” for what are the basic things that a farm processor might want, there are a lot of things that need to be added. If you have a farm and you want to make something or sell something there should be a use by right way to do it.

**Bramer:** I hear a lot of farmers asking for a use by right which was removed by 201, I don’t know if kitchens would be part of this farm processing? The 100-foot setbacks from facilities and crops seems like a long distance.

**Edmondson:** I spoke with Ryan Coffey Hoag with [MSU Extension] GAAMPS/Right to Farm and the acreage restrictions are not something that he feels is defensible.

**Bramer:** I included neighboring townships showing minimum active agriculture.

**Edmondson:** It is important to be consistent with other townships so we don’t have an imbalance.

**Kroupa:** The majority of the feedback I got on 201 weaknesses was size requirements; those size requirements are immediately limiting.

**Edmondson:** when you think about that threshold of 60 acres, that is way out of scale for Peninsula Township.

**Baldyga:** Setbacks provide quiet enjoyment of neighboring residential. Acreage requirements are very different. Do we need to grow anything on site or is that a form of valid agribusiness?

**Hafeli:** A processing ordinance that is agreeable to the majority of the community members is important to avoid the special use permit process for farmers.

**Kroupa:** That is often the comment about 201’s weakness, that the use by rights parts is taken out. Like the letter from John Wunsch, he supports use by right for small, innovative ideas and that’s it in a nutshell. It needs to be use by right, get away from the special use permit.

**Hafeli:** we should also be aware of the process looks like in advance. I think we can talk about how something is “subordinate to” based on a lot of different qualitative and quantitative factors but I don’t think that gross sales should be part of that. The more as a community we can incentivize farmers to derive income from cashflow it will help to preserve farmland long term.

**Baldyga:** GAAMPS has language regarding 50% grown on site, 50% retail space, or business plan language so there are a lot of things that are spelled out. Are you saying there should be no restrictions on revenue?

**Hafeli:** suspend disbelief, say you had a farmer who is growing a [farm product] and they find out it is a cure for cancer. They process it, and someone is going to pay \$100,000, and you do it one time a year. The density of use is very light, it's a quiet use – it's one person. Who cares if the farmer made \$100,000? It's their farm product. It's an innovative use of farm products. It's un-American to say you shouldn't be able to charge what you can charge for that.

**Heller:** It's a slippery slope the "use by right." We need guidelines, including lot coverage. We're an ag advisory committee but we need to remember our residential property owners and these businesses established next to them. We are a democracy and residential outnumbers agriculture. I don't have a problem with people trying to make a living, but we need to provide the process.

**Baldyga:** this is a rough framework, all of that needs to be added. Land use permit needs to be included.

**Bramer:** we received a land use permit; the main issue that took so long was that we wanted to know the rules and there weren't clear rules. We are trying to come up with the rules so we have something to follow.

**Gomez:** I think the idea of a processing facility with zero acreage wouldn't fit. We need guidelines for agritourism to tie sales to your agriculture production business.

**Edmondson:** I believe the majority of people on Old Mission support agriculture to a high percentage, and think they would be in favor of more opportunities for sales. We're not as incompatible as we may think. PDR is a perfect example of how people support agriculture. If we come up with concepts to reduce the degree of difficulty to get to the roadside for retail, I think we will be pleasantly surprised by how happily our community will support it.

**Heller:** Preservation of rural character [is important], in developing these things we need to retain the rural character.

**Sanders:** the Town Board is getting ready to do the survey, agricultural themes are important for the survey.

**Hafeli:** we need to also consider the WOMP lawsuit and impact on all farmers, as things will change one way or another.

**Baldyga:** the judge said regardless of the results, guidelines will still need to be developed.

**Hafeli:** the WOMP lawsuit was stated outwardly as a reason why my use permit had financial restrictions imposed on it.

**Heller:** I agree that the [WOMP] misinformation out there will impact this process.

**Baldyga:** the lawsuit should not impact the work product that we make and put forward.

**Heller:** there is no definition of agritourism.

**Kroupa:** whether we have a definition or not, we know what we need to survive and need to educate people.

**Heller:** if you include agritourism for what you want, you need to come up with an explanation because there is no definition.

**Baldyga:** I will pull Michigan Department of Ag and cut and paste them in the [document].

**Kroupa:** our committee is not designed to get into the definition, we should leave that to the PC and the Town Board, the planner, and the professionals. We should do big ticket items. Minimalist, a place to start. We have 3 pages as a framework.

**Baldyga:** How do we bridge that gap; do we go through this as a starting point or take this month and add on what we think it needs for next meeting?

**Gomez:** Kevin, [can] you provide bullet points on what to look at?

**Beard:** off the top of my head, you might 1) react to what's in 201 or how 201 Amended the code as the code has been codified, or 2) come up with a "wish list" of the things needed to survive. Where do you need consideration? Not worry about where it fits in the code right now.

**Baldyga:** this is the "wish list" approach. The danger of starting at 201 is that it's so far off the mark, we're starting at such a high point that wherever we land will not be a midpoint. I don't think it's a great starting point.

**Edmondson:** what's really relevant is access to the market. Access to the market today seems to be getting by the road to sell your product. That seems simple to me. Farm families did not support Amendment 201 but it flew through PC and the Board, that scares me. We need to be focused on market. How can we get to the market? I hope that's what we're trying to achieve here. I'm concerned whether our effort is going to be enough?

**Kroupa:** we need to go at it with an honest effort, and it falls flat we can say we tried.

**Gomez:** to Nancy's point, we need to educate and bring it to the community. Before I came to this committee today, I sat through a grower's meeting with a processor. They are understanding that it's not a good deal. They said they are not buying tart cherries from up north Michigan, if you're lucky maybe you'll sell your sweets. The market is no longer here, there needs to be something for us to do.

**Heller:** diversify.

**Gomez:** diversify, or use by right language that doesn't scare people. Understanding that we are just trying to survive at this point.

**Edmondson:** we can't squelch creativity. The processing community is not there, we need to be able to create our own market.

**Heller:** positive creates positive, we need to move forward. I don't feel the community at large understands how critical our business is now.

**Kroupa:** Are we at a spot to look at this [new] document as a framework, put ideas and thoughts together and come back in April with all of our wish list items? It is going to evolve over months.

#### **[Summary]**

Concern of Ordinance 201's restrictive requirements. Expressed need for use-by-right processing facilities, through reducing acreage and setback restrictions. Look for consistency with neighboring townships.

- Economic Challenges for Farmers

Declining local processing options, highlights the importance of market access. Need for diversification of agricultural income.

- Land Use Permit and Special Use Permit Process

Simplifying application procedures. Massive financial barriers to the small grower. Need to create clear guidelines and definition for agricultural businesses.

- Right to Farm and GAAMP Regulations

Incorporating state agricultural management practices and ensuring flexibility in regulatory framework. Should be referencing existing agricultural standards.

- Community Support and Rural Character

Balancing agricultural development with preservation of peninsula's agricultural heritage. Importance of educating the public about farmers' economic realities.

- Future Action Items

Developing a collaborative ordinance document. Start with reviewing and refining proposed agricultural policy. Prepare possible questions for upcoming community survey.

Work on wish list for what would help farmers. Broad concepts and specific to amend the zoning ordinance. Find the points of contention in 201 to discuss next month.

#### 9. Citizen Comments:

**Bern Kroupa, 3183 Shore Wood Drive:** on the topic of 201. Didn't have the same kind of input when we did 139, 25 years ago. Hard fought battle for about nine months. Concluded with a packed house standing as one in favor. 201, I don't think it intended to derail all those parcels that were assembled 25 years ago, carving out parcels that were going to shed their development rights, but were going to stand for farm processing. Did one or two with the Regional Land Conservancy to make sure we did it right so that we acquired these parcels, shed most of the development rights but kept alive necessary room for farm processing. I'm hoping we get that back, because we did a lot of work on what was necessary and what wasn't necessary for size back then. I hope we emerge with something that looks like 139. If the lawsuit was to just go away today, 201 would not function very well with the existing wineries. It hasn't given rise to any new farm processing facilities. Incorporating a special use permit is very difficult with such lead time that we have in farming in general. The lead time, and then to have everything in place, and then have to have one more public hearing. We know the results of that doesn't work. On the topic of GAAMPS and so forth. The Right to Farm Act was signed in 1980, it was a beautiful bill, one page. The then secretary of agriculture said, "Don't rest on your laurels, folks, because there will be people shooting at that." Which gave rise to the GAAMPS. I hate to see GAAMPS be decided township by township.

**Susie Shipman, 14735 Shipman Road:** non-motorized transportation planning. Appreciate feedback from you I can filter through our consultants. Between Archie Park and where Pyatt Lake property joins Peninsula Drive, there are about 40 points of interest in our community. One of our initiatives has been, how do we connect these points of interest? What are the methods of connecting? Wanted to express to our agricultural community in particular, that if there are agricultural operators or wineries that have interest in being a part of a route in whatever form that might take, please get in touch with me.

PC does support GAAMPS. Concern is how to prevent an accessory use from becoming a main use and from farming then becoming an accessory use to other activities.

#### 10. Board Comments:

**Sanders:** need to appoint another alternate. If you need to have additional special meetings, I set a budget to account for. Many things for you to work on, such as a possible farm market on the

Peninsula Township  
Agricultural Advisory Committee  
Laura Martin, Recording Secretary

peninsula, and avenues for education.

**Bramer:** for the alternate, consider the two other applicants to the committee that didn't get appointed.

**Edmondson:** recommend Bern [Kroupa].

**Gomez:** for education, what is the format for that?

**Sanders:** have experts give presentations on high level issues.

**Bramer:** like Ryan Coffey Hoag?

**Sanders:** yes, MSU extension, whoever you want to have.

**Heller:** have bullet points. Northwest Michigan, we are the last to harvest. Help educate the public that nature rules.

## **11. Adjournment**

**Kroupa moved to adjourn with a second by Hafeli.**


**Motion approved by consensus**

**Adjourned at 3:55 p.m.**

## 1. Farm Processing Facility and Value-added Agriculture

- a. It is the intent of this subsection to promote a thriving local agricultural industry and preservation of rural character by allowing the construction and use of farm processing facilities.
- b. The principal use permitted upon the site shall be a farm processing facility. Single Family residences shall be allowed as support uses on the same property as the farm processing facility.
- c. Retail and wholesale sales of raw or processed produce are permitted in Agricultural A-1 Zone subject to licensing and compliance by the Michigan Department of Agriculture and Rural Development (MDARD) and appropriate agencies.
- d. Production and sale of alcohol with tasting room is permitted in Agricultural A-1 Zone subject to licensing and compliance by MDARD and Michigan Liquor Control Commission (MLCC).
- e. In addition to the principal and support uses, accessory uses shall be permitted, provided that all such accessory uses shall be no greater in extent than those reasonably necessary to serve the principal use.
- f. Sales of products in the retail area for on-premise and off-premise consumption is allowed, pursuant to the minimum requirements of the MDARD and MLCC rules and related permits. MDARD, MLCC and appropriate agencies shall control licenses, permits and compliance.

### g. Parcel and Building Requirements:

- i. The minimum parcel size shall be ten (10) acres 
- ii. The facility shall have at least two hundred (200) feet of frontage on a state or county road.
- iii. The Farm processing facility shall be the principal building on the site.
- iv. All lighting shall conform to the requirements of Section 7.14.
- v. Accessory uses such as facilities, meeting rooms, and food and beverage services shall be located on the same site as the principal use to which they are accessory.
- vi. Well and septic system: Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by the owner.


*Erin Hafeli*  
2025-04-07 10:16:38

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3/18/25 Meeting  
Comment:  
Discuss reducing  
acreage  
requirements.



Erin Hafeli  
2025-04-07 10:03:51


3/18/25 Meeting  
Comment:  
Discuss  
reducing  
setbacks.

- vii. Signs as allowed by Section 7.11. 
- viii. A one hundred (100) foot setback shall be maintained between guest accommodations and facilities and agricultural crops, unless it is demonstrated that a lesser setback can be maintained which will provide for an equal level of protection from agricultural activities to residents, visitors and guests of the winery or winery tasting room.
- ix. Temporary structures including tents and canopies are allowed.

Erin Hafeli  
2025-04-07 10:08:30

New Comment:  
Allow for Two-  
family dwellings  
as permitted in  
section 6.7.2 (2)  
of the current A-1  
District ordinance

 h. Single Family Homes

- i. A farm processing facility may construct not more than one (1) single-family home on the parcel containing the farm processing facility
- i. Guest Rooms or Bed and Breakfast
  - i. The single-family dwelling located on the parcel may rent out guest rooms provided they have a permitted Bed and Breakfast subject to Pen Twp's BnB Ordinance (Section ???) 


Erin Hafeli  
2025-04-07 10:15:35

Bed and Breakfast  
Establishments:  
currently provided  
in section 6.2.4 (5)  
special use permit  
subject to Article  
VIII, Section 8.7.3  
(6)

j. Retail Operations

- i. Farm Processing Facilities may engage in all activities allowed under Federal and Michigan law without prior approval of the Township Board.
- ii. These activities include, but are not limited to the following whether or not a fee is charged:
  - 1. Operating a retail area where product demonstrations occur through sampling and/or sales for on- and off-premises consumption;
  - 2. Facility tours;
  - 3. Catering on-premises by vendors or off-premises by Facility operator with appropriate MDARD permits;
  - 4. Room and facility rentals for private events and meetings;
  - 5. Weddings, family reunions, funeral receptions, birthday parties, baby showers and similar activities;

6. Live music, both indoors and outdoors, and other forms of entertainment;
7. The sale of merchandise regardless of whether the merchandise bears any logo;
8. The sale of pre-packaged food and non-alcoholic beverages;
9. The sale of produce

- iii.  The number of guests allowed for the retail operations shall be limited to the maximum occupancy set by the Fire Marshall for indoor activities and limited to the number of parking spaces at the facility multiplied by 7.

**Erin Hafeli**  
2025-04-07 10:15:21

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3/18/25 Meeting Comment:  
Add Production Kitchen to  
allowable uses

## **Comparison of Current Ordinance and New Processing Strategy Adjustments**

One of the most significant differences between the existing zoning ordinance and the proposed New Processing Strategy is how on-farm processing and market access are regulated. The current zoning code, particularly under Section 6.7.2(20), imposes strict parcel size requirements for processing facilities. Retail Farm Processing operations with indoor sales must be on parcels of at least 50 acres, while those with outdoor seating require a 60-acre minimum. The ordinance also establishes large setback requirements of 50 feet in the front, 200 feet on the sides/rear, and 350 feet for outdoor seating areas. The New Processing Strategy proposes reducing or eliminating these acreage minimums, allowing more farms—particularly smaller operations—to engage in value-added processing and direct-to-consumer sales. Additionally, adjustments to setback requirements would provide more flexibility for farms looking to integrate small-scale processing facilities.

Another key difference is the treatment of by-right farming and processing. Under the current ordinance, processing activities require a special use permit, and wholesale farm processing is restricted to parcels 40 acres or larger. The new strategy proposes removing these special use permit requirements and allowing on-farm processing and retail sales by right. This would ensure that processing is recognized as a core component of agricultural operations, rather than a separate commercial enterprise subject to restrictive zoning limitations. To facilitate this, the definitions in Section 3.2 would need to be updated to reflect modern farming practices, explicitly acknowledging that on-farm processing is an essential part of agricultural viability.

The New Processing Strategy also introduces the concepts of Farm Processing Facilities (FPF) and Value-Added Agriculture (VAA) to support scalable processing on smaller farms. The current ordinance treats processing as a large-scale, commercial activity, limiting farmers' ability to create and sell value-added products like essential oils, dried herbs, and farm-based food products. Under the new strategy, processing would be allowed at varying scales, recognizing that small farms benefit from being able to sell processed goods without needing excessive acreage or permits. This revision would also clarify the distinction between farm-based processing and large industrial processing operations, ensuring that regulations encourage rather than inhibit small-scale farm enterprises.

Market access is another area where the current ordinance presents barriers. Currently, retail sales must occur within enclosed buildings, and direct off-farm sales are heavily restricted. The New Processing Strategy proposes expanding retail options to include on-farm sales of processed goods while also allowing for local delivery, farm-based subscriptions, and seasonal sales models. These adjustments are particularly important for creating year-round market opportunities, ensuring that farms can maintain economic viability even during the off-season. This is especially relevant for snowbirds—seasonal residents who leave during the winter—as new strategies like

winter CSA subscriptions, farm-based product delivery, or online pre-ordering systems would allow them to continue supporting local farms year-round.

Finally, the definitions and terminology in Section 3.2 would need substantial updates. The current zoning code uses restrictive definitions that treat processing as a separate activity from farming, imposing size and operational limitations that do not align with modern agricultural business models. The new strategy recommends broadening these definitions to account for diverse farm processing activities, ensuring that small and mid-sized farms can engage in value-added production without being classified as commercial businesses. Key revisions would include expanding the definitions of Farm Processing Facilities (FPF) and Value-Added Agriculture (VAA) to acknowledge that on-farm processing is an integral part of sustaining agricultural land use.

**Summary of Necessary Ordinance Changes:**

- 1. Reduce or eliminate acreage minimums for farm-based processing.**
- 2. Adjust setback requirements to provide flexibility for small farms.**
- 3. Allow on-farm processing and sales as a by-right use rather than requiring a special use permit.**
- 4. Revise definitions in Section 3.2 to reflect modern farm operations, including scalable processing models.**
- 5. Permit on-farm direct sales of processed goods and allow for year-round sales strategies like local deliveries and farm subscriptions.**
- 6. Clarify the difference between farm-based processing and large-scale industrial processing to ensure small farms are not over-regulated.**

By implementing these changes, the township would create a regulatory framework that supports local farmers, encourages value-added agriculture, and maintains agricultural land use without excessive commercialization.

Category	Current Code (Amendment 201)	New Processing Strategy Adjustment
<b>Parcel Requirements (Section 6.7.2(20))</b>	<ul style="list-style-type: none"> <li>- 50-acre min. for Retail Farm Processing with indoor sales.</li> <li>- 60-acre min. for Retail Farm Processing with outdoor seating.</li> <li>- Setback requirements: 50 ft (front), 200 ft (side/rear), 350 ft (outdoor seating).</li> </ul>	<ul style="list-style-type: none"> <li>- Remove or reduce acreage minimums to allow smaller farms to engage in processing.</li> <li>- Adjust setback requirements to accommodate more farm operations.</li> </ul>
<b>By-Right Farming and Processing</b>	<ul style="list-style-type: none"> <li>- Processing requires a special use permit.</li> <li>- Wholesale processing requires 40-acre min.</li> <li>- Retail processing not allowed by right.</li> </ul>	<ul style="list-style-type: none"> <li>- Permit on-farm processing and sales as a by-right use.</li> <li>- Remove special use permit requirements for farm-based processing.</li> <li>- Expand farm operation definition (Section 3.2) to include processing as a normal part of farming.</li> </ul>
<b>Farm Processing Facility (FPF) &amp; Value-Added Agriculture (VAA)</b>	<ul style="list-style-type: none"> <li>- Processing facilities are subject to strict acreage and setback requirements.</li> <li>- Retail sales limitations prevent expanded VAA operations.</li> </ul>	<ul style="list-style-type: none"> <li>- Introduces Farm Processing Facility (FPF) and Value-Added Agriculture (VAA) concepts to allow scalable processing on smaller farms.</li> <li>- Revises processing definitions to support modern small-farm operations.</li> </ul>
<b>Expanding Market Access</b>	<ul style="list-style-type: none"> <li>- Retail sales must occur inside enclosed buildings.</li> <li>- Direct off-farm sales prohibited without designated channels.</li> </ul>	<ul style="list-style-type: none"> <li>- Allow on-farm direct sales of processed goods.</li> <li>- Establish clearer rules for local deliveries, farm-based subscriptions, and seasonal sales models.</li> <li>- Support year-round farm activity, including winter sales that cater to snowbirds.</li> </ul>
<b>Definitions &amp; Terminology</b>	<ul style="list-style-type: none"> <li>- Restrictive definitions limit processing based on size and operation.</li> <li>- Heavy focus on large-scale commercial vs. small farm-based processing.</li> </ul>	<ul style="list-style-type: none"> <li>- Expand Section 3.2 definitions to reflect modern farm-based processing practices.</li> <li>- Differentiate Farm Processing Facilities (FPF) from large-scale commercial processing.</li> <li>- Broaden terminology to support diversified farm businesses.</li> </ul>



# Generally Accepted Agricultural and Management Practices for Farm Markets

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**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**

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## **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. 48<sup>th</sup> Street, Suite  
107 Fremont, MI 49412  
231-924-9677  
[coffeyry@msu.edu](mailto:coffeyry@msu.edu)

Robert Beckon  
Michigan Dept. of Transportation  
517-335-2211  
[beckonr2@michigan.gov](mailto:beckonr2@michigan.gov)

John Behrens  
Farmhaus Cider  
5025 Stanton Street  
Hudsonville, MI 49426  
616-723-7087 – Cell  
[john@farmhauscider.com](mailto:john@farmhauscider.com)

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

Lori Buchan  
Buchan's Blueberry Hill  
1472 Nelson Road  
Traverse City, MI 49686  
231-649-0844  
[lbuc246@aol.com](mailto: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](mailto:hauslerj@michigan.gov)

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

Jay Korson  
MDARD  
Right to Farm Program  
517-285-1918  
[korsonj@michigan.gov](mailto:korsonj@michigan.gov)

Vikki Papesh  
Walnut Hill Farm  
54180 Dequindre Road  
Shelby Chtr. Township, MI  
48316  
[farmer@walnuthillfarmmi.com](mailto:farmer@walnuthillfarmmi.com)

Garrett Ziegler  
MSU Extension  
109 Logan Street SW, Suit B102  
Grand Rapids, MI 49503  
616-608-7436  
[zieglerg@msu.edu](mailto: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](mailto:allan@robinettes.com)

Catherine A. Mullhaupt  
Staff Attorney  
Member Information Services  
Michigan Township Association  
517-321-6467  
[catherine@michigantownships.org](mailto:catherine@michigantownships.org)

Jenn Cram, ACIP Peninsula  
Township 13235 Center Rd.  
Traverse City, MI 49686 231-  
223-7314  
[planner@peninsulatownship.com](mailto: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](mailto:WozniakM1@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)**

**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>
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(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.
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**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

Farm Processing Facility - Amendment No. 139

Peninsula Township Board - ADOPTED July 9, 2002

Recommended for approval by the Planning Commission June 17, 2002

Recommended for approval by Grand Traverse County Planning Commission June 19, 2002

An Amendment to add Farm Processing Facility as a use by right in the A-1 Agricultural Zone.

**AMENDMENT NO. 139A:** That Section 3.2 Definitions shall be and is hereby amended by the addition of the following definitions:

**Farm Processing Facility:** Means a building or buildings containing an area for processing equipment where agricultural produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a retail sales area for direct sales to customers and a tasting room for the tasting of fresh or processed agricultural produce including wine. The facility also includes necessary parking, lighting and access to a public road.

**Wine:** Means the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.

**Winery:** A state licensed facility whereat agricultural fruit production is maintained, juice is processed into wine, stored in bulk, packaged, and sold at retail or wholesale to the public with or without the use of a wine tasting facility. The site and buildings are used principally for the production of Wine.

**Tasting Room:** A room in conjunction with a Winery where: a) tasting of fresh and processed agricultural produce such as wine, fruit wines, and non-alcoholic fruit juices takes place at no charge to the individual; and b) the retail sales of winery products by the bottle for off premises consumption.

**AMENDMENT NO. 139B:** That Section 6.7.2, Uses Permitted by Right, shall be and is hereby amended to add a new Section (19) Farm Processing Facility to read as follows:

(19) **Farm Processing Facility**

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

## Conservation Easement.

- (b) Farm Processing Facility is permitted in the Agricultural A-1 Zone subject to the following:
1. Retail and Wholesale Sales
    - a) Retail and Wholesale Sales of fresh or processed agricultural produce is allowed provided:
    - b) Grape wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to "Old Mission Peninsula" appellation wine meaning 85% of the juice will be from fruit grown on Old Mission Peninsula.
    - c) Fruit wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to wine bearing a label identifying that 85% of the juice is from fruit grown on Old Mission Peninsula.
    - d) Tasting of fresh or processed agricultural products at the Farm Processing Facility is allowed. Tasting of wine is limited to that produced at the Farm Processing Facility and labeled "Old Mission Peninsula" Appellation. Bread, crackers, fruit and cheese may be served at no charge as part of the tasting of processed products.
    - e) Logo merchandise may be sold provided:
      - i) The logo merchandise is directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail;
      - ii) The logo is prominently displayed and permanently affixed to the merchandise.
      - iii) Specifically allowed are: a) gift boxes/packaging containing the approved products for the specific farm operation; b) Wine Glasses; c) Corkscrews; d) Cherry Pitter; e) Apple Peeler.
      - iv) Specifically not allowed are unrelated ancillary merchandise such as: a) Clothing; b) Coffee Cups; c) Bumper Stickers.
  2. Limitations on Sources of Produce
    - a) Not less than 85 percent of all of the agricultural produce sold fresh or processed shall be grown on Old Mission Peninsula and a majority shall be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Farm Processing Facility.
    - b) If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may approve a larger proportion of produce grown off the land owned or leased for the specific farm operation by the same party owning and operating the Specific Farm Processing Facility for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five years.



- c) Wine shall be produced and bottled in the winery and the label shall include "produced and bottled by" immediately preceding the place where bottled or packed in accordance with the Bureau of Alcohol, Tobacco and Firearms law, article 27CFR, paragraph 4.35 (a) (1) definition for "Produced and Bottled By", meaning 75% of such products will be fermented and clarified on the site (this requirement is intended to comply with federal regulations and does not supersede the requirements of 85% grown on Old Mission Peninsula). Sparkling wine or sparkling juices may be "finished" and bottled off site and so labeled.
  - d) Dried fruit, a minimum of 85% by weight which is grown on Old Mission Peninsula and a minimum of 50% by weight which is grown on the farm, may be dried off premises and sold in the Farm Processing Facility retail room, provided, no more than the amount of fruit sent out for this processing is returned for retail sale.
3. Participation in "Township Wide Events" such as "Blossom Days" as specifically approved by the Township Board shall be allowed.
4. Parcel requirements:
- a) A total of forty (40) acres of land are required to be devoted to the operation of a farm processing facility
  - b) The forty (40) acres shall be located within Peninsula Township and shall be owned or leased for the specific farm operation by the same party owning the specific Farm Processing Facility.
  - c) The parcel containing the specific Farm Processing Facility shall have a minimum area of 20 acres and a minimum parcel width of 330 feet.
  - d) The 20 acre minimum parcel (which may include public road rights-of-way) and the winery shall be owned by the same party. None of the 20 acres shall be alienable.
  - e) The 20 acre parcel may be one parcel or two contiguous parcels and the contiguous parcels may be separated by a road.
  - f) There shall be no more than one house on the 20 acre parcel containing the Farm Processing Facility and no more than one house on the remaining required 20 acres.
  - g) Up to twenty (20) of the forty (40) acres does not have to be contiguous and may be either owned by, or leased with exclusive control and use transferred to the operator of the Farm Processing Facility.
  - h) None of the minimum 40 acres shall be used to satisfy acreage density or open space requirement of any other food processing or other use in the Township while the farm processing facility use is in effect.
  - i) The number of allowed dwellings which may be built on the total 40 acres dedicated to the Farm Processing Facility use, shall be to two. However, the right to build the remaining dwelling units may be extinguished by sale or donation, provided a permanent conservation easement to that effect is recorded with the County Register of Deeds.

In addition the remaining dwelling units may be clustered on contiguous land, under the same ownership as the land from which the units are removed, providing that a permanent conservation easement is placed on the land from which the units are removed, in accordance with Section 8.3.6(3). The clustered dwelling units may not be placed on any part of the acreage which makes up the minimum 40 acres dedicated for the Farm Processing Facility use.

- j) If property is leased, the lease shall be for a minimum of one year, and the lease shall be recorded with the Grand Traverse County Register of Deeds.
- k) There shall be a minimum of 5 acres of crops grown on the same parcel as the Farm Processing Facility.
- 5. Setbacks: The minimum setbacks for the Farm Processing Facility including retail areas and customer parking shall be:
  - a) Side and rear yard 100 feet;
  - b) Front yard 50 feet;
  - c) Minimum of 200 feet from any pre-existing residence on adjoining property.
- 6. Farm Processing Facility Size: The total floor area above finished grade (one or two stories) of the Farm Processing Facility including retail space room shall be no larger 6,000 square feet or .5% of the parcel size whichever is less. The retail space shall be a separate room and may be the greater of 500 square feet in area or 25% of the floor area above finished grade. The facility may consist of more than one building, however all buildings shall be located on the 20 acre minimum parcel that contains the Farm Processing Facility. Underground buildings are not limited to, and may be in addition to, the 6,000 square feet of floor area provided that it is below pre-existing ground level and has no more than one loading dock exposed.
- 7. Pre-existing buildings (built prior to this amendment) may be used for a Farm Processing Facility provided that if it is more than 6,000 square feet in size, the retail space room shall not be larger than 1,500 square feet. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners.
- 8. Vested Interest: There shall be no vested interest in non-agricultural uses of the structures. Structures shall only be used for allowed uses in the A-1 Agriculture District in the event that the Farm Processing Facility use is abandoned.
- 9. Parking: A minimum of one parking space for each 150 square feet of floor area in the retail/tasting area. Parking shall comply with Section 7.6 of the Zoning Ordinance.
- 10. Lighting: All lighting shall be so installed as to be confined within and directed into the parcel only. All lighting fixtures shall be "fully shielded" meaning outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane. Light fixtures shall not have protruding lenses.
- 11. Signs: A "Agricultural Products" sign meeting the standards of Section 7.11 is

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

Amendment 139 vs. Amendment 201

Category	Amendment 139	Amendment 201	Farmer's Perspective on the Change
<b>Definition of Farm Processing</b>	Broader scope, allowing multiple forms of farm processing. [Sec. 3.2]	Narrowed scope, specifying stricter limitations on what constitutes farm processing. [Sec. 4.1]	Limits farmers' ability to diversify income streams and add value to their crops.
<b>Permitted Uses</b>	Allowed a wider range of on-farm activities. [Sec. 5.4]	Reduced the range of permitted activities, potentially restricting agritourism elements. [Sec. 6.3]	Restricts opportunities for farms to engage directly with customers and offer experiences that support financial stability.
<b>Building Requirements</b>	More lenient on the types and sizes of structures allowed for processing. [Sec. 7.1]	Imposed stricter building requirements and limitations on size. [Sec. 8.2]	Increases costs and reduces flexibility in infrastructure needed for efficient farm operations.
<b>Zoning Restrictions</b>	Allowed for broader flexibility in where processing could occur. [Sec. 9.3]	More specific zoning restrictions, possibly reducing the number of eligible properties. [Sec. 10.2]	Makes it harder for farmers to utilize their land efficiently, potentially devaluing farm property.
<b>Sales and Distribution</b>	Permitted on-site sales with fewer restrictions. [Sec. 11.2]	Increased limitations on on-site sales and distribution channels. [Sec. 12.1]	Reduces the ability to sell farm-produced goods directly to consumers, impacting profitability.
<b>Traffic and Infrastructure</b>	Fewer restrictions on traffic impact. [Sec. 13.1]	Stricter controls on road access, parking, and vehicle limits. [Sec. 14.2]	Creates unnecessary barriers for farms with agritourism or direct-to-consumer sales.

<b>Category</b>	<b>Amendment 139</b>	<b>Amendment 201</b>	<b>Farmer's Perspective on the Change</b>
<b>Environmental Regulations</b>	Less detailed regarding environmental considerations. [Sec. 15.4]	More stringent environmental guidelines and impact assessments. [Sec. 16.3]	Adds regulatory burdens and potential compliance costs that could be prohibitive for small farms.
<b>Public Input and Review</b>	Less requirement for community input. [Sec. 17.3]	Increased requirement for public hearings and reviews. [Sec. 18.1]	Adds delays and uncertainty for farmers trying to implement new practices or expand operations.

Overall, Amendment 201 appears to introduce more restrictions and oversight, making it more challenging for farmers to adapt to market conditions, expand operations, and maintain financial viability. These changes seem to prioritize regulatory control over agricultural innovation and economic sustainability.

**FW: Ag Committee Processing Example**

2 messages

agrivine@charter.net <agrivine@charter.net>  
To: ERIN HAFELI <getlightwell@gmail.com>  
Cc: John Kroupa <john@peninsulacellars.com>

Tue, Mar 25, 2025 at 11:22 AM

Hi Erin,

Could you please include this in the packet for our next ag committee meeting?

Thanks,

Jen

---

**From:** Ben Tiefenbach <tiefenb7@gmail.com>  
**Sent:** Sunday, March 23, 2025 4:17 PM  
**To:** Jen Wilhelm <agrivine@charter.net>; John Kroupa <john@peninsulacellars.com>  
**Cc:** Larry Tiefenbach <LTiefenbach@borideabrasives.com>  
**Subject:** Ag Committee Processing Example

Hey Jen/John,

I've been following the Agricultural Committee meetings and the discussions related to amendment 201 and the start of discussions related to processing out here.

I wanted to share something that hopefully you can forward as an example to the Ag Committee regarding processing (and something I would love to do someday with some of my parents' grapes and some from my new small acreage farm as well).

Tony Jacobson, a prominent winemaker for Mawby for seven years, decided he wanted to make a small production facility in his backyard (literally in an 8x10 shed) in Traverse City. The cool thing about this is that the MLCC granted a small winemaker license for him to do this in his shed, without the requirement for a substantial amount of acreage.

There is no traffic associated with this, no tasting room, no ugly building taking over a viewshed, just a passionate winemaker who is taking grapes and making wine out of it in his shed to sell locally... just another example of a way a small acreage farmer can add value-added processing to their operation without the ridiculous acreage requirements that this township requires.

Figured I would share and feel free to share this among the committee.

Hopefully my images come through, let me know if they don't.

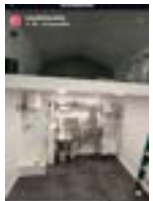
**Ben Tiefenbach**  
Havencrest Farm & Vineyard

231.499.3702  
Old Mission Peninsula, AVA

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**4 attachments**

IMG\_1071.jpeg  
188K



IMG\_1069.jpeg  
111K



IMG\_1070.jpeg  
107K



IMG\_1060.jpeg  
109K

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ERIN HAFELI <getlightwell@gmail.com>  
To: agrivine@charter.net

Mon, Mar 31, 2025 at 12:38 PM

got it!  
[Quoted text hidden]  
--  
Erin Hafeli



tonymakeswine

↗ Sia · Unstoppable







tonymakeswine

↗ Sia · Unstoppable



**tonymakeswine**

↗ Sia · Unstoppable



**Lots of exciting  
announcements coming in the  
next weeks and months.**

**My lofty goal is to make world  
class sparkling wine made  
from grapes grown in  
Michigan, a perfect climate for  
high quality sparkling wine.**

**This tiny space is my gateway  
to achieving that.**





September 13, 2024



tonymakeswine



# Market Information