

Packet

July 26, 2022

**Township Board and Planning Commission
Joint Special Study Session**

Consent

Rebecca Chown

From: Mary <marymiles40@gmail.com>
Sent: Wednesday, July 20, 2022 3:56 PM
To: clerk@peninsulatownship.com
Subject: Charlie Dough Sign

Hi Becky,

I'm Mary Kennedy with the Friends of Peninsula Community Library. We would like to get the township board's approval for usage of the Charlie Dough sign on Center Rd as we have in the past to advertise the Friends annual book sale. It is August 12-20. We would change the lettering about a week before and remove immediately after the sale once we get the legion hall's authorization. Thank you.

Mary Kennedy

Mary Kennedy
Friends of PCL, President

Business

PENINSULA TOWNSHIP

MEMO

To: Township Board and Planning Commission
From: Jenn Cram, AICP
Date: July 25, 2022
Re: Proposed Zoning Ordinance Amendments related to Winery-Chateau and Farm Processing Facilities

The attached redline of proposed zoning ordinance amendments is based on recommendations from the Citizens' Agricultural Advisory Committee and the Township Attorney related to recent decisions made by Judge Maloney in the WOMP lawsuit.

The recommendations of the Citizens' Agricultural Advisory Committee were forwarded to the Planning Commission at the May 16, 2022 meeting. Staff took the committee through a very deliberate process over a time period of several months. Staff asked specific questions to understand where the committee stood on certain issues and documented the consensus of the committee for policy recommendations. These recommendations have been attached for reference as well.

The primary goals for the proposed amendments to the zoning ordinance include:

- Updating the zoning ordinance so that it is legally defensible based on decisions made in the WOMP lawsuit.
- Updating the zoning ordinance so that the farm processing use is equitable for all agricultural operators from growing and processing lavender to honey crisp apples to grapes and so on.

Proposed amendments to the zoning ordinance include:

- Removing the Winery-Chateau use under Sections 6.7.3(22), 8.7.2(11) and 8.7.3(10);
- Updating the Farm Processing Facility as a use by right under Section 6.7.2(19);
- Adding new uses for Retail Farm Processing Facilities that are approvable with a Special Use Permit under Sections 6.7.3(22), 8.7.2(11) and 8.7.3;
- Modifying Section 3.2 – Definitions as they pertain to Farm Processing Facilities and Winery Chateaus;
- Modifying Section 7.6.3(9) – Off-Street Parking and Loading Requirements by removing Winery-Chateaus and adding requirements for Farm Processing Facilities; and

- Updating the Table of Contents as appropriate for all proposed amendments.

The joint study session on July 26th is intended to allow the Township Board and Planning Commission to discuss the proposed amendments in an open meeting. Public comments will be taken.

The Citizens' Agricultural Advisory Committee compared the Farm Processing and Winery-Chateau Regulations and provided input on March 10th. Staff summarized what was discussed and proposed policy direction on April 14, 2022. Below is final summary of the policy direction that will be shared with the Planning Commission.

Policy Direction for Winery Chateau:

- The **majority** of the Citizens' Agricultural Advisory Committee recommends **removing/repealing** the existing winery-chateau ordinance in its entirety.

Policy Direction for Farm Processing Facility:

- The Citizens' Agricultural Advisory Committee **unanimously** recommends replacing the existing Farm Processing Facility as a use by right with a scaled approach to provide parity for all agricultural operations on Old Mission Peninsula.

Policy Direction for Farm Processing Facility as a Use by Right:

- The farm processing facility shall require ownership of a minimum of 40 acres. The 40-acre requirement may be met with two non-contiguous parcels at 20 acres each. Both 20-acre parcels shall be owned by the operator of the farm processing facility. (40 acres is the current standard with 20 acres owned and 20 acres leased or owned. Leases are hard to track and enforce.) **Majority agreement.**
- The parcel containing the specific farm processing facility shall be a minimum of 20-acres and a minimum parcel width of 330 feet. (Current standard)
- The farm processing facility shall be the principal use of the parcels associated with the 40-acre minimum requirement. (Further clarification to current standard)
- Single-family residences shall be allowed as a supporting use. (Current standard)
- There shall be no more than one single-family residence on the 20-acre parcel containing the farm processing facility and no more than one single-family residence on the remaining required 20-acres while the farm processing facility **exists or is in operation**. (Current standard, further clarification provided) **Majority agreement.**
- No short-term rentals are permitted. A single-family residence that is owner occupied may receive approval of a bed and breakfast as specified in Section 8.7.3. (6) of the zoning ordinance. (Current standard)
- A minimum of 25 acres of the total 40 acres shall be in active crop production. The 25-acre minimum may be divided between the two 20-acre parcels such that there is no less than 5-acres in production on any given parcel. (Note that the required acreage in crop production can be reduced if preserving natural resources such as wetlands and/or mature tree stands. (Current standard only specifies 5 acres in crop production.) **Unanimously agreed.**
- Eighty-five (85) percent of the produce that is processed shall be grown on the specific farm operation where the farm processing facility is located. Fifteen (15) percent of the produce processed may be grown on another Old Mission Peninsula farm. (Current standard)
- If crop conditions or natural disaster result in a shortage of produce grown on the property associated with the farm processing facility for a particular year; the Township Board may approve a larger proportion of produce grown off the land owned for the specific farm processing facility for that particular year, provided that verification of such conditions is

presented to the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five years. (Current standard)

- The size of the farm processing facility and all supporting structures is limited to 250 square feet per acre up to a 30,000 square foot maximum. (Current standard)
- All proposed structures that are a part of the farm processing facility shall be subject to the required setbacks of the A-1-Agricultural zone district. (Current standards)
- Parking shall meet the requirements of Section 7.6 of the zoning ordinance. (Current standards)
- All signage shall comply with Section 7.11 of the zoning ordinance. (Current standards)
- All lighting shall comply with Section 7.14 of the zoning ordinance. (Current standards)
- A Land Use Permit is required. (Current standards)
- Retail sales of fresh produce and or processed produce may be allowed with the approval of a Special Use Permit. (New standard - Removing the retail component as a use by right will be consistent with the new farm market standards. In terms of scale, you have a roadside stand that is a use by right with conditions, then a farm market with approval of an SUP as it allows for a larger building with retail sales and limited processing, then the farm processing facility as a use by right and farm processing with approval of an SUP.) **Majority agreement.**

Policy Direction for Farm Processing Facility with approval of a Special Use Permit:

- All standards for a farm processing facility as a use by right shall be met. One exception is made to the percentage of produce processed as noted below. It is reduced from 85% to 80%.
- Retail Sales are permitted indoors. (Current standard with further clarification.) **Majority agreement.**
- Hours of operation for retail sales shall be limited. Define opening and closing time. Open no later than 9:30 pm. (Current standard clarified for retail only) **Unanimously agreed.**
- Retail sales may occur in a separate structure from the processing facility. (New standard to provide flexibility for location with greater visibility and to site processing facility in best location on parcel.) **Majority agreement.**
- The floor area for retail sales is limited to 25% of the allowed square footage of the farm processing facility up to a maximum of 1,500 square feet. (Current standard)
- In addition to the required setbacks for structures within the A-1-Agricultural zone district. All proposed retail spaces shall be a minimum of 200-feet from all existing residential structures or from the property line where future residential uses are allowed. (Current standard)
- In addition to retail sales of fresh produce and processed produce, merchandise with the logo of the agricultural operation providing produce for the farm processing operation may be sold as long as the logo is prominently displayed and permanently affixed to said merchandise. (Current standard)
- Outdoor uses may be permitted that are clearly incidental to the farm and farm processing facility. (i.e., uses that directly support agriculture) (Current ordinance is silent, new standard allows for greater flexibility.) **Majority agreement.**
- Outdoor uses offered to the public shall be a minimum of 500-feet from all existing residential structures or from the property line where future residential uses are allowed. No amplified sound shall be permitted as part of any proposed outdoor use. (New standard to mitigate

potential negative impacts.) **Majority agreement. Will need to tighten up perhaps a requirement that no sound heard at the property line?**

- All other commercial activities such as bars, restaurants, event centers and other social or recreational functions for hire shall be prohibited in the A-1 – Agricultural zone district. (Current standard, clearly stated.) **Unanimously agreed.**
- Eighty (80) percent of the produce that is processed shall be grown on the specific farm operation where the farm processing facility is located. Twenty (20) percent of the produce processed may be grown on another Old Mission Peninsula farm or from a farm located within any of counties directly adjacent to Grand Traverse County. (Leelanau, Benzie, Manistee, Wexford, Missaukee, Kalkaska and Antrim) (This is a modification to the current standard to allow greater flexibility through the Special Use Permit process.) **Majority agreement.**

Policy Direction for Farm Processing Facilities that require a Liquor License (winery, cidery, brewery, etc.) with approval of a Special Use Permit:

- All standards for a farm processing facility as a use by right shall be met. One exception is made to the percentage of produce processed as noted below. It is reduced from 85% to 80%.
- Evidence of adequate access from a public road is required. The adequacy of the access will be based off of a traffic study. (New standard for public, health safety and welfare.) **Majority agreement. It was noted that this should be a requirement for other SUP's as well.**
- A farm processing facility proposed for a farm processing use that requires a liquor license requires ownership of a minimum of 80 contiguous acres. (Current standard for winery-chateau = 50 acres) **Majority agreement.**
- The farm processing facility that holds a liquor license shall be the principal use of the 50-acre parcel. (Current standard for winery-chateau)
- A single-family residence shall be allowed as a supporting use. (Current standard for winery-chateau)
- One single family residence shall be allowed on the 80-acre parcel for the use by the owner or manager of the farm processing facility with a liquor license. (New standard - consistent with existing farm processing facility as a use by right. All agreed that a winery was a more intensive use than a single-family residence and standards should be clarified to be consistent with the farm processing facility as a use by right.) **Majority agreement.**
- No guest rooms or short-term rentals are permitted. A single-family residence that is owner occupied may receive approval of a bed and breakfast as specified in Section 8.7.3. (6) of the zoning ordinance. (New standard, the majority agreed that guest rooms should no longer be permitted. No STR's is current standard.) **Majority agreement.**
- A minimum of sixty-five (65) percent of the total acreage shall be maintained in active crop production. Note that the required acreage in crop production can be reduced if preserving natural resources such as wetlands and/or mature tree stands. (New standard - this is comparable to the required 25 acres on 40 acres for a regular farm processing facility. All agreed that standards should be consistent.) **Majority agreement.**
- Eighty (80) percent of the produce that is processed shall be grown on the specific farm operation where the farm processing facility is located. Twenty (20) percent of the produce processed may be grown on another Old Mission Peninsula farm or from a farm located within any of counties directly adjacent to Grand Traverse County. (Leelanau, Benzie, Manistee,

Wexford, Missaukee, Kalkaska and Antrim) (New standard - consistent with existing and proposed for new scaled farm processing facility.) **Majority agreement.**

- If crop conditions or natural disaster result in a shortage of produce grown on the property associated with the farm processing facility for a particular year; the Township Board may approve a larger proportion of produce grown off the land owned for the specific farm processing facility for that particular year, provided that verification of such conditions is presented to the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five years. (Current standard)
- The floor area for retail sales is limited to 25% of the allowed square footage of the farm processing facility up to a maximum of 1,500 square feet. (Current standard for farm processing facility) **Unanimously agreed.**
- In addition to the required setbacks for structures within the A-1-Agricultural zone district. All proposed retail spaces shall be a minimum of 200-feet from all existing residential structures or from the property line where future residential uses are allowed. (Current standard)
- A tasting room is allowed within the total allowable square footage of the retail sales space. (New standard, consistent with existing farm processing) **Unanimously agreed.**
- All retail sales and tasting rooms shall be located indoors. (Current standard allows retail sales and tasting rooms in existing facility, clarification that they should be indoors.) **Unanimously agreed.**
- Retail sales of wine by the glass or bottle is permitted in the indoor retail sales and tasting rooms subject to liquor license requirements. (New standard, provides clarification. All were okay with wine by the glass and bottles.) **Unanimously agreed.**
- Alcoholic beverages that are produced within the farm processing facility with an approved liquor license may be purchased indoors within the allowable tasting room and taken outside as part of an approved outdoor space. (New standard, provides clarification.) **Unanimously agreed.**
- In addition to retail sales of fresh produce and processed produce, merchandise with the logo of the agricultural operation providing produce for the farm processing operation may be sold as long as the logo is prominently displayed and permanently affixed to said merchandise. (Current standard for farm processing)
- Food for immediate consumption (i.e., pre-packaged food, cheese, crackers, nuts, dried fruit, chocolate and similar) that does not require a commercial kitchen for preparation, or any heated food may be sold inside the indoor tasting room. (New standard, all agreed that some food should be provided with a tasting room. The majority agreed that they did not want to open up full food service with farm processing facilities.) **Majority agreement.**
- Outdoor uses may be permitted that are clearly incidental to the farm and farm processing facility, i.e., uses that directly support agriculture. (Current ordinance is silent, new standard allows for greater flexibility. All agreed that uses that support ag should be allowed.)
- Outdoor uses associated with the farm processing facility that are offered to the public shall be a minimum of 500-feet from all existing residential structures or from the property line where future residential uses are allowed. No amplified sound shall be permitted as part of any proposed outdoor use. (New standard, based on existing nuisance complaints.) (Note: Outdoor spaces have to be clearly defined with a fence or landscaping. Discuss putting a cap on the number of patrons, Bingham Township has a cap of 20 up to a maximum of 50.) **Majority agreement. Also thought that a cap was worth looking into.**

- The 500-foot setback requirement for outdoor uses adjacent to residential uses may be decreased if sufficient buffers are provided but shall be no less than 200-feet. **Unanimously agreed.**
- Hours of operation for retail sales/tasting rooms shall be limited. Define opening and closing time. Open no later than 9:30 pm. (Current standard clarified for retail/tasting room) **Unanimously agreed.**
- All other commercial activities such as bars, restaurants, event centers and other social functions for hire are prohibited in the A-1 – Agricultural zone district. (Current standard, clearly stated.) **Unanimously agreed.**

Additional Policy Direction:

- Define and create use specific standards for agritourism with the approval of a special use permit.
- Define a Wedding Venue/Event Center, Restaurant and Hotels/Motels as commercial uses allowed in the C-1- Commercial zone district with the approval of a Special Use Permit.



up to 200 sq. ft.



Roadside Stand
Use by Right for all "farms"

201 to 6,000 sq. ft.
(on min. 20 acres)



Farm Market
w Special Use Permit

6,001 to 10,000 sq. ft.
(on min. 40 acres)



Farm Processing Facility
Use by Right

up to 30,000 sq. ft.
(on min. 40-50 acres)



Farm Processing Facility
w Special Use Permit

Scaled approach to agricultural product sales and processing
(for discussion purposes only)

Easement: See Right-of-Way.

Erected: The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, main, drains, sewers, pipes, conduits, cable, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, departments, or commissions.

Event: A planned gathering or activity on a set date & time and at a specific location. **(ADDED BY AMENDMENT 190)**

Existing Building: A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

Existing Use: A use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

Family: (1) An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or (2) a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Farmhouse: A single family dwelling on a farm used or previously used as the residence of the farm owner. **(ADDED BY AMENDMENT NO 113A)**

Farm Processing Facility – With Indoor Retail Sales: A retail farm processing facility is an accessory use to the active production of agricultural crops. The building or buildings associated with the farm processing facility contain an area for processing equipment where raw 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 limited area indoors for retail sales to customers. An indoor retail sales area may include a tasting room for the consumption of fresh or processed raw agricultural produce, including wine. The facility also includes necessary access from a public road as well as parking, lighting and landscaping. **(ADDED BY AMENDMENT 201)**

Farm Processing Facility – With Indoor Retail Sales and Outdoor Seating Area: A retail farm processing facility is an accessory use to the active production of agricultural crops. The

building or buildings associated with the farm processing facility contain an area for processing equipment where raw ~~agricultural~~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 limited area indoors for retail sales to customers. A retail sales area may include a tasting room for the consumption of fresh or processed raw agricultural produce, including wine. 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 also includes necessary access from a public road as well as parking, lighting and landscaping. (ADDED BY AMENDMENT 201)

Farm Processing Facility - Wholesale: A wholesale farm processing facility is an accessory use to the active production of agricultural crops. The Means a building or buildings containing an area for processing equipment where raw agricultural produce is processed or packaged and prepared for wholesale ~~and/or retail sales~~. Processing shall be conducted within an entirely enclosed building(s). 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 access from a public road as well as parking, lighting and access to a public road/landscaping.(ADDED BY AMENDMENT NO 139A AND UPDATED BY AMENDMENT 201)

Feeder Lot: An area used for the concentrated feeding of large numbers of marketable meat producing animals carried on as a commercial operation rather than as part of a normal farming operation.

WECS shall mean a combination of:

- (1) A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
- (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Tower Height:

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades;
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

Interconnected WECS: A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

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 Chateau: A state licensed facility whereat (1) commercial 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 and (2) a limited number of guest rooms with meals are offered to the public.~~

Winery: A state licensed facility where agricultural fruit production is maintained, juice is processed into wine from raw produce, 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.**(ADDED BY AMENDMENT NO 139A)(REVISED BY AMENDMENT 181)**

(19) Wholesale Farm Processing Facility (~~ADDED BY AMENDMENT 139~~ UPDATED BY AMENDMENT 201)

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

(b) A Wholesale Farm Processing Facility is permitted only as an accessory use to the active production of agricultural crops on a farm operation in the Agricultural A-1 Agricultural Zzone subject to the following: (~~REVISED BY AMENDMENT 181~~)

1. ~~Retail and Wholesale Sales - Retail and Wholesale Sales (including tasting)~~ of fresh or processed agricultural produce is allowed subject to the requirements of subsection (b) 2 and further provided:

i. ~~All processing shall be conducted indoors.~~

ii. ~~No retail sales or consumption of processed products on the premises is permitted.~~

iii. ~~The Michigan Liquor Control Commission and the Michigan Department of Agriculture shall control applicable wholesale liquor and food licenses and compliance with said licenses;~~

ii. ~~Grape wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to "Old Mission Peninsula" appellation wine meaning 85% of the juice will be from fruit grown on Old Mission Peninsula;~~

iii. ~~Fruit wine, other than grape wine, that is processed, tasted and sold in a Farm Processing Facility under this section is limited to wine bearing a label identifying that 85% of the juice is from fruit grown on Old Mission Peninsula;~~

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

~~v. Logo merchandise may be sold provided:~~

- ~~1. The logo merchandise is directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail;~~
- ~~2. The logo is prominently displayed and permanently affixed to the merchandise;~~

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

2. Limitations on Sources of Produce

I. ~~Processing is limited to raw produce. For example, an apples may be processed into apple juice or applesauce.~~

II. ~~Not less than 85-seventy percent (70%) 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 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 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 Wholesale ~~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.~~

~~(a) 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 (b) (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.~~

III. ~~Any fruit beverage shall meet the same requirements as the wine in iii. above except for the labeling requirements.~~

IV. ~~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.~~

4.3. Parcel requirements:

- I. A total of forty (40) acres of land are required to be devoted to the operation of a Wholesale Farm Processing facility ~~Facility with wholesale sales.~~
- II. The forty (40) acres shall be located within Peninsula Township and shall be owned or leased for the specific farm operation by the same party owning the specific Wholesale Farm Processing Facility.
- III. ~~Up to twenty (20) of the required forty (40) acres does not have to be contiguous and may be either owned by, or leased with exclusive control and use transferred to by the operator of the Wholesale Farm Processing Facility.~~
- II-IV. The parcel containing the specific Wholesale Farm Processing Facility shall ~~have-be~~ a minimum ~~area~~ of 20 acres and have a minimum parcel width of 330 feet.
- III-V. The 20-acre minimum parcel ~~(which may include public road rights-of-way)~~ and the winery farm processing facility shall be owned by the same party. None of the 20 acres shall be ~~alienable further divided while the Wholesale Farm Processing Facility use is in use effect.~~
- IV-VI. The remaining 20-acre parcel(s) associated with the wholesale farm processing facility necessary to meet the 40-acre minimum requirement shall be in active crop production. The remaining 20 acres may be one parcel or two contiguous parcels and such that the contiguous parcels that make up the balance of the farm operation may be are not separated by a road.
- VII. There shall be no more than one ~~house single-family dwelling~~ on the 20-acre parcel containing the Wholesale Farm Processing Facility and no more than one ~~house single-family dwelling~~ on the remaining required 20 acres.
- V-VIII. The total number of allowed single-family dwellings which may be built on the total 40 acres dedicated to the Wholesale Farm Processing Facility use, shall be to two (2).
- I. ~~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.~~
- VI. 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 Wholesale farm-Farm

~~processing~~ Processing facility ~~Facility~~ use is in effect.

~~VII.~~

~~VIII.~~ ~~IX.~~ ~~The number of allowed dwellings which may be built on the total 40 acres dedicated to the Farm Processing Facility use, shall be to two. However, the right to build the remaining dwelling units may be extinguished by sale or donation, provided a permanent conservation easement to that effect is recorded with the County Register of Deeds. In addition the remaining dwelling units may be clustered on contiguous land, under the same ownership as the land from which the units are removed, providing that a permanent conservation easement is placed on the land from which the units are removed, in accordance with Section 8.3.6(3). The clustered dwelling units may not be placed on any part of the acreage which makes up the minimum 40 acres dedicated for the Farm Processing Facility use.~~

~~IX.~~ ~~X.~~ If property is leased, the lease shall be for a minimum of ~~one~~ five (5) years, and the lease shall be recorded with the Grand Traverse County

Register of Deeds.

~~XI.~~ There shall be a minimum of ~~ten (10)~~ 5 acres ~~of crops grown on in~~
active crop production on the same parcel as the Wholesale
Farm Processing Facility.

~~X-XII.~~ There shall be an additional fifteen (15) acres of land in active
crop production of the 40-acre minimum, such that a minimum of
sixty-five percent (65%) of the total land associated with the
Wholesale Farm Processing Facility is in active crop production.

~~5.4.~~ Setbacks: The minimum setbacks for the Wholesale Farm Processing
Facility including retail areas and customer required parking shall be:

I. Side and rear yards 1200 feet;

II. Front yard 50 feet;

~~III. Minimum of 200 feet from any pre-existing residence on adjoining
property.~~

~~6.5.~~ Wholesale 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. A Wholesale Farm Processing Facility~~
~~shall not include retail space. The total floor area of a Wholesale Farm~~
~~Processing Facility above finished grade shall equal 250 square feet per~~
~~acre of land owned or leased for the specific farm operation but may not~~
~~exceed a maximum of 30,000 square feet of total floor area above~~
~~finished grade. The Wholesale Farm Processing Facility may consist~~
~~of more than one building; however, all buildings associated with the farm~~
~~processing operation shall be located on the 20-acre minimum parcel.~~
~~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)~~

~~7.6.~~ Pre-existing buildings (built prior to ~~this amendment~~ August 9, 2022) may
be used for a Wholesale Farm Processing Facility ~~ies~~ provided that ~~if it~~
~~is they are no~~ more than 610,000 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-use shall not be inimical to
public health, safety, or welfare, particularly with regard to surrounding
property owners.

8.7. 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.

9.8. Parking: ~~A minimum of one parking space for each 150 square feet of floor area in the retail/tasting area. Parking shall comply with~~ conform to the requirements of Section 7.6 ~~of the Zoning Ordinance.~~

10.9. Lighting: All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

11.10. Signs: ~~All signs shall conform to the requirements of A Farm Processing Facility sign meeting the standards of Section 7.11 is allowed with a Food Processing Facility.~~ **(REVISED BY AMENDMENT 174)**

~~12.11.~~ Access: Access shall be from a public road. An access driveway permit from the County Road Commission or Michigan Department of Transportation shall be required before a land use permit can be issued.

~~13.12.~~ Data and Records:

- I. The owner of the ~~specific-Wholesale~~ Farm Processing Facility shall annually provide data and records to the ~~Zoning Administrator~~Director of Planning showing that a ~~majority~~ minimum of 70 percent of the ~~raw~~ products processed are grown on the land owned or leased for the specific farm operation by the same party owning and operating the ~~specific-Wholesale~~ Farm Processing Facility. ~~The data and records shall also document compliance with off-site processing requirements of this section.~~
- II. An up-to-date record of land ownership or lease to comply with ~~minimum~~ acreage requirements shall be provided to the ~~Zoning Administrator~~Director of Planning.
- III. The above data shall be supplied to the Township in a format or form approved by the ~~Township Zoning Administrator~~Director of Planning.
- IV. Any change in the above shall be submitted promptly in writing to the ~~Zoning Administrator~~Director of Planning. Failure to submit such changes shall be considered a violation of the Ordinance.

~~14.13.~~ Approval Process:

- I. A site plan drawn to scale (one or more sheets as appropriate) ~~is shall be~~ submitted to the ~~Zoning Administrator~~Director of Planning along with the appropriate permit fee as established by the Township Board.
- II. The site plan shall include at least:
 1. the parcel ~~or parcels associated with the farm processing operation with calls and dimensions on all property lines;~~
 2. ~~all~~ existing and proposed structures including setbacks from property lines;
 3. proposed parking and lighting;
 4. floor plan showing ~~all~~ processing ~~and retail~~ areas; ~~and~~
 5. parcel numbers and ~~or~~ legal descriptions of the parcels making up ~~all~~ the minimum ~~forty (40)-acre~~ parcel requirements; and the name, ~~mailing~~ address, and phone number of the owner(s) ~~of the property.~~
- 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.

- ~~III-V.~~ A permit from the Grand Traverse County Health Department is required before preliminary-a Land Use Permit for a Wholesale Farm Processing Facility permit can be issued.
- ~~IV.~~ ~~A preliminary Farm Processing Facility permit shall be issued by the Zoning Administrator upon a showing that the minimum requirements of parcel, building size, acreage requirement, setback and parking are met.~~
- ~~V-VI.~~ No processing or wholesales sales of products shall take place until a final site plan approval is issued by the Director of Planning and a Land Use Permit by the Zoning Administrator. Farm Processing Facility permit has been issued by the Zoning Administrator. Such final Farm Processing Facility permitThe Land Use Permit shall not be issued until copies of all permits required by Sstate, federal, and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an on-site inspection to verify compliance with all the requirements of the

Zoning Ordinance.

~~15.14.~~ Any violation of the Site Plan 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 closing-suspending approval of the retail-operations, including-tasting, portions-of Wholesale Ffarm pProcessing fFacility the use by the Township Board. In the event of any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant-owner/operator at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, then the Township Board shall hold a public hearing and may require the owner/operator require the owner to close all-retail sales-operations-the Wholesale Ffarm Processing fFacility on the premises until such time that the Township Board finds that the violation has been resolved,; after-hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate.

Commented [p2]: Make sure Site Plan approval process is consist with retail farm processing facilities.

16.15. Residence within a Farm Processing Facility. (ADDED BY AMENDMENT NO 146)

- I. A single-family dwelling may be allowed as part of a structure containing a Farm Processing Facility provided the following requirements are met:
- II. The dwelling and Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above.
- III. The dwelling shall be the only dwelling on the 20-acre parcel containing the farm processing facility.
- IV. The maximum height of the structure shall be 35 feet or 2 ½ stories whichever is less.

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

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

(5)

- (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) Winery Chateau Retail Farm Processing Facilities: Subject to all requirements of Article VIII, Section 8.7.3(10) and (11).

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

Commented [p3]: Need to make sure that Section numbers are correct for new Retail Farm Processing Indoors and with Outdoor Seating.

<p>(5) <u>Industrial and Warehousing</u> (a) Industrial or manufacturing establishments, research and testing laboratories, and related accessory offices</p> <p>(b) Warehouses or wholesale establishments and related accessory offices</p>	<p>Five (5) plus one (1) for every one (1) employee for the largest working shift.</p> <p>Five (5) plus one (1) for every one (1) employee for the largest working shift.</p>
<p>(6) <u>Marinas</u></p>	<p>One space for each one hundred fifty (150) square feet of building area, exclusive of area used for boat storage, plus one additional space for every one and one-half (1.5) slips or mooring locations, excluding designated transient slips. Additional spaces will be required for such uses as stores and restaurants as provided above.</p>
<p>(7) <u>Bed and Breakfast Establishments</u></p>	<p>One (1) space per rental sleeping room in addition to the two (2) spaces required for owner/occupant.</p>
<p>(8) <u>Hotel, Motel, Tourist Court</u></p>	<p>One (1) for each sleeping room, plus one (1) for each employee of the maximum working shift.</p>
<p>(9) <u>Winery-Chateau</u><u>Retail Farm</u> <u>Processing Facilities</u></p>	<p>One (1) for each one hundred fifty (150) square feet of retail floor space in the "tasting room," plus one (1) for each employee of maximum working shift, plus three (3) spaces for tour buses or cars with trailers, plus one space for each (1) guest room.</p>
<p>(10) <u>Headquarters Building</u> (ADDED BY AMENDMENT 114F)</p>	<p>One (1) for each two hundred (200) square feet of floor area plus one for each employee on the largest working shift.</p>
<p>(11) <u>Recreational Unit Site</u> (ADDED BY AMENDMENT 114F)</p>	<p>Each site shall have a parking space for at least one (1) vehicle other than the recreational unit.</p>

Commented [p4]: Restaurants requires 1/75 sq. ft. and retail is 1/150 sq. ft. The proposed 1/100 sq. ft. is a reasonable in-between.

Commented [WF5R4]: Should this only apply to retail facilities? Should there be a lesser parking requirement for wholesale facilities?

(k) Interconnected WECS: In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).

(l) Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond the lot boundaries.

(9) Adult Foster Care Facilities within the Agricultural District

(a) Such uses shall be duly licensed by the State Department of Social Services.

(b) A maximum of ten (10) adults may receive foster care at any one time.

(c) The minimum lot size shall be five (5) acres.

(d) Such facilities shall be allowed only in areas which are and will remain free from concentrations of objectionable airborne chemical sprays and similar materials utilized by agricultural operations within close proximity.

(e) Such facilities shall be located where adult foster residents will be safe from traffic and other hazards.

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

(a) It is the intent of this subsection to promote a thriving local agricultural production industry and preserve rural character by allowing the construction and use of a retail farm processing facility accessory to and where a minimum acreage of land is in active crop production. The retail farm processing facility use includes indoor retail sales of fresh and processed agricultural produce only. The majority of the produce sold fresh or processed shall be grown on the specific farm operation (land owned or leased for the specific farm operation) of the party owning and operating the specific retail farm processing facility. Since a retail farm processing facility is essentially an industrial and commercial use, it is not the intent to grant any vested interest in non-agricultural uses of any structure used or constructed for a retail farm processing facility. This Section is not intended to and may not supersede any conservation easement.

(b) A retail farm processing facility is permitted only as an accessory use to active production of agricultural crops in the A-1 Agricultural zone subject to the following:

1. Retail Sales. Retail sales of fresh or processed agricultural products are allowed subject to the requirements of Section 8.7.3.(10)(b) 2. and the following additional requirements:

i. All processing and retail sales shall be conducted indoors.

ii. The consumption of processed products on premises is permitted indoors only.

iii. A tasting room may be included in the allowable square

- footage for retail sales to provide for the tasting of fresh or processed agricultural products, including wine.
- iv. Free entertainment may be provided within a retail sales/tasting room indoors only.
- v. 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.
- vi. The Michigan Liquor Control Commission and Michigan Department of Agriculture shall control applicable licenses and compliance with said licenses consistent with the requirements of this Ordinance and any special use permit granted for the retail farm processing facility.
- vii. Those retail farm processing facilities that hold a liquor license may sell 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 commercial kitchens shall be permitted as part of this accessory use to a tasting room a retail farm processing facility.

2. Limitations on Sources of Produce.

- (a) Processing is limited to raw produce. For example, an apple may be processed into apple juice or applesauce.
- (b) Not less than seventy percent (70%) of all agricultural produce sold fresh or processed from raw produce shall be grown on land owned or leased for the specific farm operation that is operating the specific retail farm processing facility.
- (c) If crop conditions or natural disaster result in a shortage of locally grown agricultural produce 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 retail farm processing facility for that particular year. The verification of such conditions shall be 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 year shall not exceed the highest volume produced in any of the preceding five years.

3. Parcel Requirements.

- (a) A total of fifty (50) acres of contiguous land is required to be devoted to the operation of a retail farm processing facility with indoor retail sales.
- (b) The fifty (50) acres shall be located within Peninsula Township and shall be owned, leased, or cooperatively managed for the specific farm operation by the same party or entity owning the specific retail farm processing facility.
- (c) The parcel containing the specific retail farm processing facility shall be a minimum of twenty (20) acres and have a minimum parcel width of three hundred thirty (330) feet.
- (d) The twenty (20)-acre minimum parcel and the retail farm processing facility shall be operated or controlled by the same party.
- (e) The remaining thirty (30)-acre parcel(s) associated with the specific retail farm processing facility necessary to meet the minimum fifty (50)-acre requirement shall be in active crop production and may not be separated by a road.
- (f) There shall be no more than one single-family dwelling on the minimum 20-acre parcel containing the retail farm processing facility and no more than one single-family dwelling on the remaining required 30 acres while the retail farm processing facility is in effect.
- (g) None of the fifty (50) acres shall be used to satisfy acreage density or open space

requirements of any food processing plant or other use in the Township while the retail farm processing facility use is in effect.

- (h) If property is leased, the lease shall be for a minimum of five (5) years, and the lease shall be recorded with the Grand Traverse County Register of Deeds.
- (i) There shall be a minimum of fifteen (15) acres in active crop production on the same parcel as the retail farm processing facility.
- (j) There shall be an additional seventeen (17) acres of land in active crop production of the 50-acre minimum, or sixty-five percent (65%) of the total land associated with the retail farm processing facility.

4. Setbacks.

- (a) Front Yard Setback: 50 feet.
- (b) Side and Rear Yard Setback: 350 feet.

5. Farm Processing Facility Size.

- (a) The total floor area of the retail farm processing facility above finished grade shall equal 250 square feet per acre of land owned or leased for the specific retail farm processing operation but may not exceed 30,000 square feet of total floor area above finished grade.
- (b) The retail farm processing facility may consist of more than one building; however, all buildings associated with the retail farm processing operation facility shall be located on the 20-acre minimum parcel that contains the retail farm processing facility.
- (c) 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.
- (d) Retail sales space may be a separate room within a retail farm processing facility and shall not exceed 1,500 square feet in area.
- (e) A tasting room shall be included in the allowable square footage for retail sales.

6. Pre-existing Buildings.

- (a) Pre-existing buildings (built prior to August 9, 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.
- (b) The Zoning Board of Appeals may consider variances from required setbacks for such pre-existing buildings if it shall first be determined that such use shall not be inimical to public health, safety, or welfare, particularly with regard to surrounding property owners.

7. Vested Interest.

- (a) There shall be no vested interest in non-agricultural uses of the structures.
- (b) Structures shall only be used for allowed uses in the A-1 Agricultural district in the event that the retail farm processing facility is abandoned.

8. Parking.

- (a) Parking shall conform to the requirements of Section 7.6.3.

9. Lighting.

- (a) All exterior lighting shall conform to the requirements of Section 7.14.

10. Signs.

- (a) All signage shall conform to the requirements of Section 7.11.5.

11. Access.

- (a) Access shall be from a paved public road.
- (b) 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. Data and Records.

- (a) The owner/operator of the specific retail farm processing facility shall annually provide data and records to the Director of Planning showing that a minimum of 70 percent of the raw produce processed within the specific retail farm processing facility is grown on the land owned or leased for the specific farm operation by the same party owning or operating the specific retail farm processing facility.
- (b) An up-to-date record of land ownership or lease to comply with the minimum 50-acre requirement shall be provided to the Director of Planning.
- (c) The above data shall be supplied to the Township in a format or form approved by the Director of Planning.
- (d) Any change in the above shall be submitted promptly in writing to the Director of Planning.
- (e) Failure to submit such changes shall be considered a violation of the zoning ordinance and the special use permit.

13. Approval Process.

- (a) 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.
- (b) A Site Plan application with all required submittal materials shall be submitted to the Director of Planning.
- (c) 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, and parking.
- (d) 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.
- (e) 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.
- (f) No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.
- (g) 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.
- (h) Any violation of the Site Plan issued by the Director of Planning or Land Use Permit issued by the Zoning Administrator for this use shall serve as grounds for suspending approval of the retail farm processing facility by the Township Board.
- (i) In the event of any such alleged violation made in writing to the Township Board, the Township shall give written notice of such alleged violation to the owner/operator of the retail farm processing facility at the last address furnished to the Township by the owner/operator.
- (j) The notice shall state that the violation shall be corrected or resolved to the satisfaction of the Township Board within 30 days from the date of notice.
- (k) If the alleged violation is not corrected or resolved within 30 days, then the Township Board shall hold a public hearing and may require that the owner/operator close the retail farm processing facility on the premises of the farm operation until such time as the Township Board removes the suspension.
- (l) If a public hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the public hearing as the Township Board may deem appropriate.

Commented [p6]: Shall?

Commented [WF7R6]: May is better here. It is discretionary.

Commented [p8]: Shouldn't we follow standard public noticing requirements per MZEA and OMA?

Commented [WF9R8]: Neither the OMA nor the MZEA have notice requirements for hearings to suspend or revoke an SUP. But I would recommend following the 15-day notice requirement in any event.

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

(a) It is the intent of this subsection to promote a thriving local agricultural production industry and preserve rural character by allowing the construction and use of a retail farm processing facility accessory to and where a minimum acreage of land is in active crop production. The retail farm processing facility use includes indoor retail sales of fresh and processed agricultural produce only. The majority of the produce sold fresh or processed shall be grown on the specific farm operation (land owned or leased for the specific farm operation) of the party owning and operating the ~~specific~~ retail farm processing facility. Since a retail farm processing facility is essentially an industrial and commercial use, it is not the intent to grant any vested interest in non-agricultural uses of any structure used or constructed for a retail farm processing facility. This Section is not intended to and may not supersede any conservation easement.

(b) A retail farm processing facility is permitted only as an accessory use to active production of agricultural crops in the A-1 Agricultural zone subject to the following:

2. **Retail Sales.** Retail sales of fresh or processed agricultural produce are allowed subject to the requirements of Section 8.7.3.(11)(b) 2. and the following additional requirements:

- i. All processing and retail sales shall be conducted indoors.
- ii. The consumption of processed products on premises is permitted indoors and within an approved and clearly defined outdoor seating area.
- iii. A tasting room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed agricultural products including wine.
- iv. Free entertainment may be provided within a retail sales/tasting room indoors only.
- v. 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.
- vi. The hours of operation for an approved outdoor seating area shall be limited to an opening time no earlier than 9:00 a.m. and closing time of 8:00 p.m.
- vii. The Michigan Liquor Control Commission and Michigan Department of Agriculture shall control applicable licenses and compliance with said licenses consistent with the requirements of this Ordinance and any special use permit granted for the retail farm processing facility.
- viii. Those retail farm processing facilities that hold a liquor license may sell 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 commercial kitchens shall be permitted as part of ~~this~~ ~~accessory use to a tasting room~~ a retail farm processing facility.

2. Limitations on Sources of Produce.

(a) Processing is limited to raw produce. For example, an apple may be processed into apple juice or applesauce.

- (b) Not less than 70 percent of all agricultural produce sold fresh or processed from raw produce shall be grown on land owned or leased for the specific farm operation that is operating the ~~specific~~-retail farm processing facility.
- (c) If crop conditions or natural disaster result in a shortage of locally grown agricultural produce 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. The verification of such conditions shall be 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 year shall not exceed the highest volume produced in any of the preceding five years.

3. Parcel Requirements.

- (a) A total of eighty (80) acres of contiguous land is required to be devoted to the operation of a retail farm processing facility with indoor retail sales and an outdoor seating area for consumption only.
- (b) The eighty (80) acres shall be located within Peninsula Township and shall be owned, leased, or cooperatively managed for the specific farm operation by the same party or entity ~~owning-operating~~ the ~~specific~~-retail farm processing facility.
- (c) The parcel containing the specific retail farm processing facility shall be a minimum of twenty (20) acres and have a minimum parcel width of three hundred thirty (330) feet.
- (d) The twenty (20)-acre minimum parcel and the retail farm processing facility shall be operated or controlled by the same party.
- (e) The remaining sixty (60)-acre parcel(s) associated with the specific retail farm processing facility necessary to meet the minimum eighty (80)-acre requirement shall be in active crop production and may not be separated by a road.
- (f) There shall be no more than one single-family dwelling on the minimum 20-acre parcel containing the retail farm processing facility and no more than one single-family dwelling on the remaining required 60 acres while the retail farm processing facility with outdoor seating is in effect.
- (g) None of the eighty (80) acres shall be used to satisfy acreage density or open space requirements of any food processing plant or other use in the Township while the retail farm processing facility is in effect.
- (h) If property is leased, the lease shall be for a minimum of five (5) years, and the lease shall be recorded with the Grand Traverse County Register of Deeds.
- (i) There shall be a minimum of fifteen (15) acres in active crop production on the same parcel as the retail farm processing facility.
- (j) There shall be an additional thirty-seven (37) acres of land in active crop production of the 80-acre minimum, or sixty-five percent (65%) of the total land associated with the retail farm processing facility.

4. Setbacks.

- (a) Front Yard Setback: 50 feet.
- (b) Side and Rear Yard Setback: 500 feet.

5. Farm Processing Facility Size.

- (a) The total floor area of the retail farm processing facility above finished grade shall equal 250 square feet per acre of land owned or leased for the specific retail farm processing operation but may not exceed 30,000 square feet of total floor area above finished grade.
- (b) The retail farm processing facility may consist of more than one building; however, all buildings associated with the retail farm processing operation shall be located on the 20-acre minimum parcel that contains the retail farm processing facility.
- (c) 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.

(d) Retail sales space may be a separate room within a retail farm processing facility and shall not exceed 1,500 square feet in area.

(e) A tasting room shall be included in the allowable square footage for retail sales.

6. Pre-existing Buildings.

(a) Pre-existing buildings (built prior to August 9, 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.

(b) The Zoning Board of Appeals may consider variances from required setbacks for such pre-existing buildings if it shall first be determined that such use shall not be inimical to public health, safety, or welfare, particularly with regard to surrounding property owners.

7. Outdoor Seating Area Size.

(a) The outdoor seating area shall be limited to 750 square feet.

(b) The maximum occupancy for the outdoor seating area shall be 50 persons at all times.

(c) 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.

8. Vested Interest.

(a) There shall be no vested interest in non-agricultural uses of the structures.

(b) Structures shall only be used for allowed uses in the A-1 Agricultural district in the event that the retail farm processing facility is abandoned.

9. Parking.

(a) Parking shall conform to the requirements of Section 7.6.3.

10. Lighting.

(a) All lighting shall conform to the requirements of Section 7.14.

11. Signs.

(a) All signage shall conform to the requirements of Section 7.11.5.

12. Access.

(a) Access shall be from a paved public road.

(b) 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. Data and Records.

(a) The owner/operator of the specific retail farm processing facility shall annually provide data and records to the Director of Planning showing that a minimum of 70 percent of the raw produce processed within the specific retail farm processing facility is grown on the land owned or leased for the specific farm operation by the same party owning or operating the specific retail farm processing facility.

(b) An up-to-date record of land ownership or lease to comply with the minimum 80-acre requirement shall be provided to Director of Planning.

(c) The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

(d) Any change in the above shall be submitted promptly in writing to the Director of Planning.

(e) Failure to submit such changes shall be a considered a violation of the ordinance.

14. Approval Process.

- (a) 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.
- (b) A Site Plan application with all required submittal materials shall be submitted to the Director of Planning.
- (c) 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, and parking.
- (d) 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.
- (e) 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.
- (f) No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.
- (g) 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.
- (h) Any violation of the Site Plan issued by the Director of Planning or Land Use Permit issued by the Zoning Administrator for this use shall serve as grounds for suspending approval of the retail farm processing facility with outdoor seating by the Township Board.
- (i) In the event of any such alleged violation made in writing to the Township Board, the Township shall give written notice of such alleged violation to the owner/operator of the retail farm processing facility at the last address furnished to the Township by the owner/operator.
- (j) The notice shall state that the violation shall be corrected or resolved to the satisfaction of the Township Board within 30 days from the date of notice.
- (k) If the alleged violation is not corrected or resolved within 30 days, then the Township Board shall hold a public hearing and may require that the owner/operator close the retail farm processing facility on the premises of the farm operation until such time as the Township Board removes the suspension.
- (a) If a public hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the public hearing as the Township Board may deem appropriate.

~~(b)(1)~~

(10) Winery Chateau

- ~~(a) It is the intent of this section to permit construction and use of a winery, guest rooms, and single family residences as a part of a single site subject to the provisions of this ordinance. The developed site must maintain the agricultural environment, be harmonious with the character of the surrounding land and uses, and shall not create undue traffic congestion, noise, or other conflict with the surrounding properties.~~
- ~~(b) The use shall be subject to all requirements of Article VIII, Section 8.5, Feed Processing Plants in A-1 Districts and the contents of this subsection. Data specified in Section 8.5.2, Required Information, shall be submitted as a basis for judging the suitability of the proposed plan. Each of the principal uses shall be subject to the terms and conditions of this ordinance except as specifically set forth herein.~~

Commented [p10]: Shouldn't we follow standard public noticing requirements per MZEA and OMA?

Commented [WF11R10]: See above.

- ~~(c) The minimum site shall be fifty (50) acres which shall be planned and developed as an integrated whole. All of the principal and accessory uses shall be set forth on the approved site plan.~~
- ~~(d) The principal use permitted upon the site shall be a winery. Guest rooms, manager's residence, and single family residences shall be allowed as support uses on the same property as the winery.~~

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

- (m) ~~Accessory uses such as facilities, meeting rooms, and food and beverage services shall be for registered guests only. These uses shall be located on the same site as the principal use to which they are accessory and are included on the approved Site Plan. Facilities for accessory uses shall not be greater in size or number than those reasonably required for the use of registered guests.~~
- (n) ~~Well and septic system: Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by the owner.~~
- (o) ~~Fire safety:~~
- ~~1. All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety.~~
 - ~~2. An on-site water supply shall be available and meet the uniform published standards of the Peninsula Township Fire Department.~~
 - ~~3. A floor plan drawn to an architectural scale of not less than 1/8" = 1 foot shall be on file with the Fire Department.~~
 - ~~4. Each operator of a transient lodging facility shall keep a guest registry which shall be available for inspection by the Zoning Administrator and police and fire officials at any time.~~
 - ~~5. Master keys for all rooms shall be available at all times.~~

(p) ~~Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors or that the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing or a planting buffer be constructed and maintained.~~

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

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

(s) ~~Signs as allowed by Section 7.11.~~

(t) ~~A two hundred (200) foot setback shall be maintained between guest accommodations and facilities and agricultural crops, unless it is demonstrated that a lesser setback can be maintained which will provide for an equal level of protection from agricultural activities to residents, visitors and guests of the winery chateau. Upon such demonstration, the Township Board may permit a lesser setback.~~

(u) ~~Guest Activity Uses. The Township Board may approve Guest Activity Uses (Activities by persons who may or may not be registered guests) as~~

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

1. ~~Intent~~

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

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

~~(c) Guest Activity Uses are limited to (2) below.~~

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

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

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

~~(g) Fees may be charged for these Guest Activity Uses.~~

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

~~(a) Wine and food seminars and cooking classes that are scheduled at least thirty days in advance with notice provided to the Zoning Administrator. Attendees may consume food prepared in the class.~~

~~(b) Meetings of 501 (C)(3) non-profit groups within Grand Traverse County. These activities are not intended to be or~~

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

(c) ~~Meetings of Agricultural Related Groups that have a direct relationship to agricultural production, provided that:~~

- i. ~~The meetings are scheduled at least one month in advance with the Zoning Administrator given adequate advance notice of the scheduling so that the Zoning Administrator can give prior approval;~~
- ii. ~~The Zoning Administrator shall use the following types of Agricultural Related Groups as a guide for determining "direct relationship to agricultural production";~~
 - (a) ~~Food/wine educational demonstrations;~~
 - (b) ~~Cooking show showcasing Peninsula produce and wine;~~
 - (c) ~~Farmer's conferences;~~
 - (d) ~~Regional farm producers;~~
 - (e) ~~Cherry Marketing Institute and Wine Industry Conference~~
 - (f) ~~Farm Bureau Conference~~
 - (g) ~~Future Farmers of America and 4-H;~~
 - (h) ~~Michigan State University/agricultural industry seminars.~~
- iii. ~~These meetings may include full course meals to demonstrate connections between wine and other foods.~~
- iv. ~~An appeal of the Zoning Administrator's determination can be made to the Township Board.~~

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

(e) ~~No food service other than as allowed above or as allowed for wine tasting may be provided by the Winery-Chateau. If wine is served, it shall only be served with food and shall be limited to Old Mission Peninsula appellation wine produced at the Winery, except as allowed by Section 6. below.~~

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

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

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

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

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

~~8. Additional Conditions~~

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

~~(11)(12)~~ Wireless Telecommunication Antenna Towers over 40 feet in height shall be subject to the Provisions of Section 8.1 in addition to the following standards:

- (a) All tower, structure locations and design approvals for towers in excess of forty (40) feet shall require a Special Use Permit subject to the provisions of Section 8.1 of this Ordinance and this section.