

**Packet Packet Addition for
August 16, 2021, Planning
Commission Meeting**

Winery Château amendment proposal 8_16_2021

Updating language for clarity

Intent: clarification w/o change

Background:

Instead of development for residential use The Winery Château allows for a winery along with guest rooms and clustering of some homes.

Instead of selling off 5 acres for a home, the ability to do that with a given 5 acres is exchanged for each of the listed particular uses. Those uses are:

A winery

A manager's house

Up to 12 guest rooms

Up to 6 residential homes

The Winery Château use was created before there was a PDR program or any thought of preservation that would remove the potential of building homes on farmland. At the time, before conservation easements existed in the township, citing the need to have 5 acres of farmland in exchange for each use made complete sense. If one had 5 acres of agriculturally zoned land in 1990 one had the right to build a home, and with the Winery Chateau amendment, instead of building that home, one could have one of the uses allowed by the Winery Château SUP. It was a way to "preserve" farmland for agriculture because one was eliminating the potential for a residential home, avoiding the loss of 5 acres from production, and instead creating a winery, optionally with guest rooms, and possibly clustering some homes onto small lots.

But now, due to preservation in the township, many agricultural parcels do not have the potential for homes which can be exchanged for these Winery Château uses. Those parcels can still have a winery, either a food processing plant or a farm processing facility, but not a Winery Chateau.

So, the full meaning of the still existing original language, which states that an "area equivalent" of 5 acres must be present to justify each use, is not immediately clear without looking at the history of the ordinance and how the current Winery Château SUPs are set up.

Township officials, residents, current agricultural land owners, and those considering purchase of agricultural land in Peninsula Township, deserve clarity in the Winery Château ordinance language that tells them exactly what is or is not possible on a given agricultural parcel in Peninsula township. They need to understand that the presence of a conservation easement can affect the uses allowed.

Finding A Solution:

The solution cannot use the term PDR or development rights, because those terms are, for very good reason, not part of the township ordinance. The PDR ordinance was created as a separate free-standing ordinance in order to make it legally stronger. Should the township ordinance ever be under legal challenge the tax payer funded and agriculturally critical PDR program is less likely to be put at risk.

By changing the term "area equivalent" to "residential equivalent", and defining that term in the Winery Château section, clarity can be achieved without intermingling the PDR ordinance and its terms with the township Zoning Ordinance.

Because it is only within the Winery Château amendment use of residential equivalent instead of "area equivalent" should have no other impact on agricultural zoning.

CURRENT winery château language regarding area equivalent

- (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).

PROPOSED AMENDMENT winery château language

- (e) For purposes of design flexibility, the principal and each support use identified in sub-section (d) above shall be assigned a "residential equivalent" as set forth herein. The available number of residential equivalents shall be the total number of dwelling units that could be built on the site based on the lesser of one dwelling per five acres, or the number of existing and reserved dwellings allowed by the conservation easement, if one exists. To count as a "residential equivalent", any existing dwellings must be removed or repurposed to actually be a principal or support use.
- (f) "Residential equivalents" shall be calculated as follows:
- | | |
|---------------------------|--|
| Winery: | One residential equivalent; |
| Manager's Residence: | One residential equivalent; |
| Single Family Residences: | One residential equivalent each; |
| Guest Rooms: | One residential equivalent for each 3 rooms, not to exceed a total of twelve (12) guest rooms. |
- (g) To maintain the agricultural environment the numbers of principal uses shall not exceed the following:
1. The number of single family residences shall not exceed six (6);
 2. The manager's residence shall not contain or be used for rental guest rooms;
 3. The number of guest rooms shall not exceed twelve (12).