

- K. Discussion on Zoning Ordinance
- L. Comments from the Chair
- M. Comments from Planning Commissioners
- N. Comments from Staff
- O. Public Comment-Any Items- See Rules below
- P. Adjourn

Public Comment Rules:

This is an input option. The Commission will not comment or respond to presenters. Silence or non-response from the board should not be interpreted as disinterest or disagreement by the board.

- Speakers are asked, but not required, to identify themselves by name and address
- Limit comments to 3 minutes for limited public comment and 2 minutes for public comment at the end of the agenda
- Comments shall be addressed to the chair, not individual board members or others in the audience

**Charter Township of Elmwood
Planning Commission Regular Meeting
Elmwood Township Hall (10090 E. Lincoln Rd)
December 19, 2023 at 6:30 PM**

A. Call to Order: Chairman Bechtold called the meeting to order at 6:30 PM.

B. Pledge of Allegiance: The Chair led the Pledge of Allegiance.

C. Roll Call: Present: Chris Mikowski, Doug Roberts, Kendra Luta, Rick Bechtold, Jeff Aprill, Jonah Kuzma, Nate McDonald

D. Limited Public Comment: None

E. Agenda Modifications/Approval: MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER APRILL TO APPROVE THE AGENDA AS MODIFIED ADDING ITEM J.B- 2024 SCHEDULE. MOTION APPROVED 7-0.

F. Minutes- October 24, 2023: MOTION BY COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE MINUTES OF OCTOBER 24, 2023 AS PRESENTED. MOTION APPROVED UNANIMOUSLY.

Minutes-November 15, 2023: MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER LUTA TO APPROVE THE MINUTES OF NOVEMBER 15, 2023 AS PRESENTED. MOTION APPROVED UNANIMOUSLY.

G. Consent Calendar: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER ROBERTS TO FILE THE CONSENT CALENDAR AS PRINTED. MOTION PASSED BY A UNANIMOUS VOTE.

H. Declaration of Conflict of Interest: None

I. Old Business: None

J. New Business:

a. Public Hearing and Deliberations. ZO 2017-04-17-a Zoning Ordinance Amendment to amend Section 2.2 Definitions to add definitions for "Active Farm Operation", "Festival", and "Special Event Facilities", amend Section 5.4 to allow for Special Event Facilities within the Agricultural-Rural Zoning District, with a Special Use Permit and to renumber the subsequent uses within the Land Use and Zoning District Table; amend Section 9.8 H to include standards and regulations specific to Special Event Facilities.

Chairman Bechtold read the statement to open the public hearing.

Public hearing opened at 6:37 p.m.

Staff noted the Gallagher's who are the applicant were present even though the Township has essentially taken over the application, with the Gallagher's permission, and in the packet, she did include the additional memo received from the Township Attorney. All of the proposed modifications have been made to satisfaction of the Township Attorney with one further modification being on page 2 of 3, under h2f where it currently reads "requirements pursuant to Article 6 of the Zoning Ordinance...", he recommends they add the word "applicable", so it reads "**applicable** requirements pursuant to Article 6...".

Chairman Bechtold asked if they would need separate motions for each definition or could they be grouped. Sara Kopriva with Beckett and Raeder replied, it could be one motion.

Commissioner Roberts wanted clarification on p. 2 h2jiii, "tear down shall not occur after one hour..." which means essentially from the termination of the event until 1 hour, subsequently that's all the time they have to tear it down. Sara Kopriva clarified, or they have to do it during regular hours, they just can't do it later.

John Gallagher 9300 Breithaupt Rd. talked about the square footage requirements. If you had a 40 -acre parcel which is minimum, and 30 acres=approximately 1,300,000 sq. ft., then the 2.5% would leave you with 30,000 usable feet. They know somebody with a Special Event Center and took a rough look at what their roads would be like. Their roads would be about 10,000 sq. ft., parking would be about 80,000 sq. ft., and the event center itself not including toilets or cook tent which is mandated by law, just looking at the tent puts it well over 100,000 and best- case scenario at 2.5%, those people would only have 30,000 sq. ft. to use. That would leave you maybe a 2-track, not a fire approved road or park on a main road and bus people in, it's impossible in his mind to try to do it at 2.5%. He thinks they're trying to identify something that is the environment in which you can't be subjective, we have to take everyone as a separate case, but if he were near a commercial district that had other amenities to help him with his special event center and he was surrounded by commercial, there would be one scenario. Another scenario might be, in the middle of 100 acres surrounded by same ownership, he doesn't know how to incorporate the language, but he thinks it's relative and would make a lot of difference if he was in their seat as to whether they were trying to use it as a commercial venue or if they were trying to preserve a farm. He thinks they are there to preserve farms. He's heard that from the Planning Commission, he's heard it from the Chairman, he just can't get it in text. As for sound, if someone complains about an event being too loud, and what they're talking about is, "annoy, disturb, injures and endangers comfort, repose health, peace or safety of any reasonable person". He asked who's going to define "reasonable person". It also says "normal sensitivities", he has allergies and his hearing is very good, he can hear a hoot owl ½ mile away. Those are so subjective, he asked how do you get your hands around that, let alone the fact, "peace or safety". So, someone complains about noise and the Zoning Administrator warns the event they're being too loud, they get a warning, a couple weeks go by and the same person complains again and the special event gets a fine, then that

person complains again, and the Township shuts the event facility down but they have other events scheduled, so they go to court. He wouldn't want to be the Zoning Administrator who walks into court and the special event says they weren't being too loud and have the court ask the ZA, what evidence they have. They would have the one person who complained, and how do you quantify that. It's an unenforceable situation. With those 2 issues, his recommendation, unless that can be amended to the satisfaction of the Planning Commission or functionality, which he doesn't know if it was already published, and you don't change the intent, if you could or felt that could be proper, if not, it should be denied and have another workshop to discuss those specific issues if not all of them.

Commissioner Kuzma said, on sound, aren't they looking at the memorandum from Young, Graham, and Wendling that said that's the verbiage that seemed appropriate. Sara Kopriva said, yes, that's the verbiage they've used in court to go with because you either have to do that or decibels and with decibels you run into its own trouble because you have meters and testing and things like that. The courts have held up the "reasonable person" standard for that enforcement.

Chairman Bechtold talked about the investigative piece using John Gallagher's example. A citizen calls to complain, wouldn't it be prudent on behalf of the enforcement agent to get as many specifics from the complainant as possible and would the Township move ahead with enforcement on just the information of it being too loud. Sara Kopriva said if someone called her, she would say get video or proof. Staff said evidence is incredibly important.

Chairman Bechtold thought the collection of evidence would be key. As far as square footage, when they came up with the 40 acres, they wanted enough real estate that there could be room for parking and setup versus somebody buying a barn on a 2-1/2 acre lot and having people park on the right of way of a county road or neighbors' yards. He asked Sara Kopriva and Staff if in that calculation would you include the road because if it's going to be an event venue on a piece of agricultural property, you want the road in and out of there safe enough for the attendees to get there and for emergency vehicles to get in and out if needed. Staff said that's a good point. She was reviewing the language again and when she saw access, it almost penalizes somebody if they place the facility in the middle of the parcel, which would theoretically allow for more buffering and less impact to the surrounding area.

Commissioner Aprill thought they started with a larger parcel so the 2.5% made sense. He said a 40- acre parcel isn't that big. If they're truly interested in saving farm land, they need to relook at it and look at specific parcels. He thinks they're missing some key parts and it's premature to send it through.

Sara Kopriva said last month when they left it, they were still talking about the acreage size and that 2.5% and what was included or not included and what felt good in protecting the neighbors in that calculation. The 2.5% comes over from the old Ordinance, but it didn't

have that active farm land component as a part of that, so it was 2.5% of the total acreage of the property, so it is more restrictive in this draft than it was prior, including the drive.

Commissioner McDonald said the other thing they looked at in the Township were the number of properties that have the capabilities of having a special event on their 40-acres.

Commissioner Aprill said one of the requirements is "shall not exceed 2.5% of the area used for the active farm operation." If you had 40-acres and only 20-acres was farmable which is quite common, then it's even smaller.

Commissioner Luta said she feels like they're trying to do all of it and for something like this it's just really difficult and that 2.5% has always been her kicker of if you want to do this and help people then make it successful and set them up to be successful with it, but they're in this in between part where if you increase the acreage, then you're limiting them out of people who have access to be able to do it and if they increase the percentage, then they're taking away from the ag component that they want to keep in it. Commissioner Aprill agreed.

Commissioner Kuzma wondered if contiguous was included. Staff clarified, when permitting a use in the Township, the use is just on that one parcel, not adjoining parcels.

Commissioner McDonald said they talked about if someone has neighboring parcels, then they could combine them.

Commissioner Aprill said it's a tough one and he agrees with Commissioner Luta, if they're going to do this, they need to figure out how they can do it to make it help somebody, but they need to look at a 40-acre parcel and see what it is and see what they've got with that.

John Gallagher said it helps save a farm if you can help supplement a farm.

Chairman Bechtold said one of the key components for him was the operative word, farming, where it's zoned agricultural.

Commissioner Mikowski noted at the last meeting she had made a comment that this is an up-and-coming thing so she went ahead and looked up 4 different Townships in the area and what their Ordinance's are. Two of them don't have special events in their Ordinance, but Bingham and Suttons Bay do. They do not have requirements for the 2.5%. One is 40-acres and the other is 25-acres, but they use the words commercial farm and in their definition of commercial farm; a farm which has produced agricultural or horticultural products worth \$2500 or more annually for at least 3 of the past 5 years. She also made a map of some of the special events; most of them are wineries, golf course, or farm, but there are 18 in a small area. So, if a special event is up and coming, you have 2 Townships that don't have them, 2 Townships that do and have been successful at it, she doesn't understand why they have to have the 2.5% in there. She understands the acreage

minimum, but they already require a setback so if you take that into consideration, plus access if they keep that in there, then the spot where it would actually be, you're talking less than ½-acre. She discussed active farm vs. commercial farm with Staff but because they had it in the Ordinance prior and had all the requirements for the figures of how much they did, they didn't want to get back into that.

Chairman Bechtold added with that in their earlier discussion was making sure the farming entity was registered with a farm services administration, but the Attorney felt that might be a problem with others who were farming but weren't registered.

Sara Kopriva thought the dollar amount goes back to the old Ordinance and could cause some trouble. She wondered if they went the other way, instead of 2.5%, have a certain number of square feet devoted to the use or a certain percentage of the property needed to be agricultural production.

Chairman Bechtold asked what would be a reasonable amount of land for what's in production.

Sara Kopriva noted this would be an accessory to ag use instead of the use standing on its own.

Commissioner Aprill said the tough thing is if you look at a square 40, he just did some calculations, it's 1320 ft. on the side provided you don't count the road right of ways or easement, so that leaves 920 ft. in the middle of the square 40 and the tough thing would be to get an event center in the middle of that because it may be the best piece of ground, and to actively farm a 200' wide strip around that 920' in the middle would be difficult. There are a lot of requirements they have that in a real world may not work at all.

Chairman Bechtold said he's been approaching this from the standpoint of the crops that are on this piece of property are to support the whole overall agricultural operation of the farm versus having just enough sod turned to meet the minimal requirements of the Ordinance to have the event center. He's seeing a connection to the overall farm operation. Commissioner Aprill said the issue he has is usually the first 200' of a farm if there's a farmstead is where the barn is. It's cumbersome to try to make it work on any particular piece. He thinks they need to spend time with it if they're going with 40-acres. They don't have a lot of requests for it, but he's not sure they want a lot of requests for it either. If they're going to put it in the Ordinance, let's make it work for somebody.

Commissioner McDonald said he also thinks they need to work on some of those other concerns John Gallagher pointed out about reasonable, and do they need definitions on those items.

Chairman Bechtold said what he's hearing is they are at a point where they need more information.

Public comment opened at 7:23 p.m. No public comment was given.

Public comment closed at 7:25 p.m.

Chairman Bechtold asked the Commissioners if they felt more information was needed. Commissioners Roberts and McDonald agreed they needed more information with clear definitions. Commissioner Kuzma didn't agree that they needed to talk more unless they want to be more restrictive or less restrictive. They have something in front of them they just don't agree with the amount 2.5%, maybe they have issues with sound, he brought up contiguous but Staff clarified that. In general, do they want these, he thinks that's where some people are at.

Chairman Bechtold said some of the points they questioned were the access.

Chairman Kuzma asked if they could change the percentage to a higher number or remove it.

Commissioner Roberts asked what if they increased the acreage.

Commissioner Mikowski said if you increase the acreage there aren't any parcels large enough. Staff didn't recommend increasing the parcel size, but said if they wanted to increase the percentage that may serve the same purpose.

Commissioner Aprill said they didn't have a map that shows the 40-acre parcels.

Commissioner Mikowski noted some of the acreage have multiple parcels but you can only use each parcel as its own.

Sara Kopriva offered to create a map to show parcels that are 40-acres and above. But, as they discussed, they'll have to make sure they don't create an Ordinance for something that doesn't exist.

Commissioner Aprill said they need to assess 40-acres and decide if that is an adequate size.

Sara Kopriva noted in the old Ordinance if a building existed, it was given relief from that setback, so if that's something they're thinking about is an existing building, maybe allowing closer setbacks under certain standards and requirements versus someone building new which would need more restrictive setbacks. The balance is between this commercial use, these special events, and the compatibility with the neighborhood and neighboring properties. The Planning Commission and Township need to decide what the balance is between allowing agricultural properties to put these events on and neighboring properties and the impact on the neighboring properties.

Chairman Bechtold asked if he called for a motion to close the public hearing and get into deliberations, and in some cases, they substantially change the text do they have to convene another public hearing with the revised text that would emanate out of their deliberations.

Sara Kopriva replied, they could revise the text, but they're looking for more research and information for the next meeting, so she's not sure they'd want to continue a public hearing at the next meeting. It would be nice to continue it so they don't have to republish it, but she's not sure they'll be ready for additional public input at the next meeting.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER ROBERTS TO CLOSE THE PUBLIC HEARING AT 7:34 PM. MOTION APPROVED UNANIMOUSLY.

The Commissioners went through the amended text and deliberated.

Sara Kopriva will create a topographic map with calculations of 40-acre+ sized parcels and percentage calculations of 2.5%, 5%, 10%, 15%, and 20% to bring back to the next meeting.

b. Meeting schedule for 2024: The meeting time for 2024 was changed to 6:30 p.m. The November 2024 meeting will be November 12th and the December 2024 meeting will be held December 10th.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO APPROVE THE MEETING DATES AND TIME FOR CALENDAR YEAR 2024. MOTION PASSED UNANIMOUSLY.

K. Discussion on Zoning Ordinance: None

L. Comments from the Chair: Chairman Bechtold thanked the Commissioners for their preparation, thorough discussion and good questions. He also thanked the applicant for providing them with thoughtful comments, and wished everybody a Merry Christmas and a Happy New Year.

M. Comments from Planning Commissioners: Commissioner Aprill said he's not sure what they're waiting for, but would seriously like to look at their Zoning Ordinance in the Resort/Commercial district and tighten that up.

N. Comments from Staff: Staff said hopefully at the next meeting they'll have an introduction for requirements on density.

O. Public Comment: Sue Jones-letter submitted, Jack Kelly

P. Adjourn: MOTION BY COMMISSIONER MCDONALD, SECOND BY COMMISSIONER KUZMA TO ADJOURN MEETING AT 8:19 PM. MOTION PASSED UNANIMOUSLY.

To: Elmwood Township Board
From: Sarah Clarren, Planner/Zoning Administrator
RE: December 2023 Planning and Zoning Report

PERMITS:	12/2023	12/2022	YTD 2023	YTD 2022
Single Family Dwelling	0	0	12	23
Attached SFD	0	0	0	0
Accessory Building	0	0	4	14
AG Building	0	0	5	0
Residential Addition	0	0	10	4
Deck	0	0	8	8
Sign	0	0	3	6
Commercial	1	0	5	3
Misc.	0	0	9	10
Total Permits	1	0	56	68
Fees Collected	\$400	\$0	\$6,040.31	\$5,640.84

Zoning Board of Appeals:

December 6, Regular Meeting. Cancelled due to no new business.

January 3, 2024, Special Meeting. 1) Review and approve 10/23 Minutes, 2) Review and approve 2024 meeting calendar, 3) Election of Officers, 4) Review Rules of Procedure.

Planning Commission:

December 19, Rescheduled Regular Meeting. 1) Public Hearing and Deliberations. ZO 2017-04-17 - a Zoning Ordinance Amendment to amend Section 2.2 Definitions to add definitions for ‘Active Farm Operation,’ ‘Festival,’ and ‘Special Event Facilities;’ amend Section 5.4 to allow for Special Event Facilities within the Agricultural-Rural Zoning District, with a Special Use Permit and to renumber the subsequent uses within the Land Use and Zoning District Table; amend Section 9.8.H to include standards and regulations specific to Special Event Facilities – Public Hearing closed, Commission deliberations led to further request for information, 2) Review of 2024 calendar – calendar approved, with meeting times moved to 6:30.

January 16, Regular Meeting. Agenda not yet set, but will include, at minimum, 1) further discussion on special event facility language referenced above, 2) introduction for a zoning text amendment to amend Section 2.2 to add a definition for Dwelling, Multi and Lot Area, Gross and to modify the existing definitions for Parcel, Lot Area and Net Lot Area; create Section 3.14 to reintroduce development requirements for Multi-Dwelling developments; add Note ‘I’ to Section 5.6 to reference residential density requirements to Section 3.14; modify Section 7.1.2 so residential base density is determined using net acreage; modify Section 7.2.2 so residential density is based off of net lot area; modify Section 8.4.12 to have Site Plan Review applicants submit the gross lot area and net lot area, 3) Selection of officers.

Office Updates:

STRs. A total of 89 licenses for 2024 have been issued to all 2023 license holders that submitted a renewal application. As indicated in previous reports, four 2023 license holders did not submit renewal applications and their licenses revert to the Township on 12/31. In January, ZA will issue these four licenses to the first four properties on the waitlist; this will bring the waitlist from 14 down to 10. ZA is working with the Township Attorney regarding the Board’s motion made on 12/11.

Charter Township of Elmwood Planning Commission 2023 Annual Report

1. Introduction

The Planning Commission is an administrative body of seven residents comprised of six appointed officials and one elected official. The Planning Commission (PC) holds regular monthly meetings, typically, on the third Tuesday of each month. The Planning Commission is tasked with reviewing applications for site plan review, special land uses, planned developments, and zoning amendments (map and text). The PC also is required to hold the necessary public hearings for zoning text amendments.

2. Purpose of the Annual Report

The Michigan Planning Enabling Act (MPEA) contains language of the requirement of the Planning Commission to prepare an annual report to the Township Board. Further, by preparing an annual report, it increases information-sharing between staff, boards, commission, and the governing body. It is also an opportunity for Staff to thank the Planning Commission for their dedication to civic service, attention to detail, and thorough review of every application.

3. Membership

Planning Commission Member	Term Expiration
Rick Bechtold, Chair	May 31, 2025
Jeff Aprill, Vice-Chair	June 7, 2026
Jonah Kuzma, Secretary	May 31, 2024
Chris Mikowski – Township Board Rep.	November 19, 2024
Doug Roberts	June 7, 2026
Kendra Luta	June 21, 2025
Nathan McDonald	June 21, 2025

4. Meetings (Michigan Planning Enabling Act requires four meetings annually)

The Elmwood Township Planning Commission met 19 times in 2023; ten of which were special meetings. This meets the requirements of MPEA. In 2022, the Commission met 16 times.

Meetings 2023	Rick Bechtold Chair	Jeff Aprill Vice-Chair	Jonah Kuzma Secretary	Doug Roberts	Nate McDonald	Kendra Luta	Chris Mikowski Town Board
January 17	P	P	P	E	P	E	P
*January 18	P	P	P	E	P	E	P
February 21	P	P	E	E	P	P	P
*February 28	Meeting opened and immediately adjourned to a later date; roll call not taken.						
March 21	P	P	P	E	P	P	P
*March 22	P	P	P	E	P	P	E
*April 11	P	P	P	E	P	P	P
*April 18	P	P	P	E	P	P	P
*May 23	P	P	P	P	P	P	P
*May 24	P	P	P	E	P	P	P
June 20	P	P	P	P	P	P	P
*June 22 (workshop)	P	P	P	P	E	P	P
July 18	P	P	P	P	E	E	P
August 15	P	P	E	P	P	E	P
*September 5 (workshop)	P	P	E	P	E	P	P
September 26	P	P	P	E	E	P	E
October 24	P	P	P	P	P	P	P
*November 15	P	P	P	P	P	P	P
December 19	P	P	P	P	P	P	P
Present Total Meetings	19/19	19/19	18/19	10/19	15/19	15/19	17/19
Meeting Attendance: P=Present E=Excused A=Absent * = Special Meeting							

5. Master Plan Review

In 2022, the Commission reviewed its Master Plan. It was ultimately decided that the Plan needs to be updated. Over the next two years, the Township will work with an TBD consultant, residents, & other stakeholders on the Master Plan.

6. Development Reviews (Planning Commission) and Variance Requests (ZBA)

Project Type	Location	Brief Description	Status	Date of Action
Variance	8230 E Lakeview Hills Rd	Reduce 50' setback for Agricultural Commercial Enterprise structure to 25' and 22.5.'	Approved with conditions	1/4/2023
Variance	10406 S West-Bay Shore Dr	Reduce 30' front setback to 26' to expand previously approved deck and roof	Approved with conditions	2/1/2023
SPR/SUP	8320 E Lakeview Hills Rd	Agricultural Commercial Enterprise (Farm Market) in old schoolhouse	Approved with conditions	2/21/2023
SPR/SUP	0 Timberlee Dr., 10901 and 10800 S. Cottonwood Dr., and 0 E. Timberwoods Dr.	Resort	On 5/24/2023, Commission approved applicant's request for adjournment of deliberations and decision to an undetermined time, date, and location to allow the applicant to submit a subsequent application amending the project. If applicant wishes to proceed with original application, notices will be sent out per ZEA.	TBD
SPR	13223 S West-Bay Shore Dr	Discovery Pier pavilion	Approved with conditions	2/21/2023
Variance	0 S Briar Dr 0 E Pico Dr 10651 E Grandview Rd	Reduce 250' seasonal outside storage of recreational vehicles, boats, snowmobiles on trailers, and empty cradles to allow expansion of pre-existing use within the pre-existing fence.	Approved with conditions	4/5/2023
SPR	10240 E Cherry Bend Rd	Complete remodel of parking lot	Approved with conditions	5/23/2023
SPR	8075 E Hoxie Rd	Addition to church	Approved with conditions	6/20/2023
SPR	10341, 10361, and 10369 E Cherry Bend Rd	Expansion of Thompson Surgical (Light Fabrication)	Approved with conditions	6/20/2023
SPR/SUP	8850 E Lincoln Rd	Taproot Farmstead	Approved with conditions	7/18/2023

SPR/SUP	0 S Briar Dr, 0 E Pico Dr, and 10651 E Grandview Rd	Expansion of pre-existing boat storage	Approved with conditions	8/15/2023
SPR	0 Fisherman's Cove	Brewery Creek Parking Area	Approved	7/18/2023
SPR	0 Lincoln Rd	Gallagher Distillery	Approved with conditions	9/26/2023
Variance	10945 S West-Bay Shore Dr	10' water's edge setback to replace rear deck in same location	Approved with conditions	10/11/2023
SPR/SUP	10051 S Lake Leelanau Dr	Expansion of previously permitted Microbrewery at Farm Club; Agricultural Commercial Enterprise (new Farm Market)	Approved with conditions	10/24/2023
SPR	13360 S West-Bay Shore Dr	Personal Service Establishment	Approved with conditions	11/15/2023

7. Zoning Ordinance Text and Map Amendments

- ZO 2017-04-19, a Zoning Ordinance Amendment to amend Section 3.17 Temporary/Seasonal Uses and Structures. **Action:** Introduced to PC in November 2022, Hearing held in January. Tabled.
- ZO 2017-04-20, a Zoning Ordinance Amendment to amend Section 2.2 Definitions to modify the definitions of "Club", "Building Height", "Campground", "Motel", and add "hotel"; amend Section 5.4 to have the use "Routine Essential Services" align with section 9.8.B.1-3; amend Section 8.3-8.6 to streamline Site Plan Review; amend Section 9.5 to correct clerical error. **Action:** adopted by the Township Board, effective 5/26/2023.
- ZO 2017-04-21 a Zoning Ordinance Amendment to amend Section 2.2. Definitions to modify the definition of "Basement", amend Section 3.7 to incorporate NFIP Requirements. **Action:** adopted by the Township Board, effective 5/26/2023.
- ZO 2017-04-17-a Zoning Ordinance Amendment to amend Section 2.2 Definitions to add definitions for "Active Farm Operation", "Festival", and "Special Event Facilities", amend Section 5.4 to allow for Special Event Facilities within the Agricultural-Rural Zoning District, with a Special Use Permit and to renumber the subsequent uses within the Land Use and Zoning District Table; amend Section 9.8 H to include standards and regulations specific to Special Event Facilities. **Action:** hearing held 12/19/23; Commission requested further information; discussion will continue in 2024.

8. In Closing & Looking Forward

The Commission and ZBA have had a busy year. Throughout 2024, in addition to reviewing applications as they are submitted, the Commission will also begin the process for updating the Master Plan, review existing CIP and update as necessary, as required by Michigan Planning Enabling Act, review Zoning Ordinance for any necessary updates, and will hold quarterly work session meetings for review of policies and ordinance, if necessary. The Commission has no recommendations to the Township Board at this time.

Approved by Planning Commission: xxxx xx, 2024

Submitted to Township Board: xxxx xx, 2024

To: Elmwood Township Planning Commission

From: Sarah Clarren, Planner/Zoning Administrator

Date: January 5, 2024

RE: SPR 2024-01 Elmwood Township Marina Phase III

Enclosed is a site plan for Phase III of the Elmwood Township Marina project. The Michigan Planning Enabling Act requires that the Commission review and approve any public building or ground that is covered by a Township Master Plan.

This is not your typical review; the Planning Commission should review this project based on the plans adopted by the Township and determine if the development is consistent with the streets, utilities, and plans.

Documents attached to this memo are 1) excerpts of the Parks and Recreation Plan which clearly identifies the Marina project, 2) Excerpts from our Master Plan which incorporates our Parks and Recreation Plan), 3) Excerpts from our 2024-2030 Capital Improvement Plan, and 4) excerpt from MPEA.

The site plan and building drawings were designed based on public input over the years, including during public outreach occurring during development and adoption of the Marina Master Plan Phasing and Implementation.

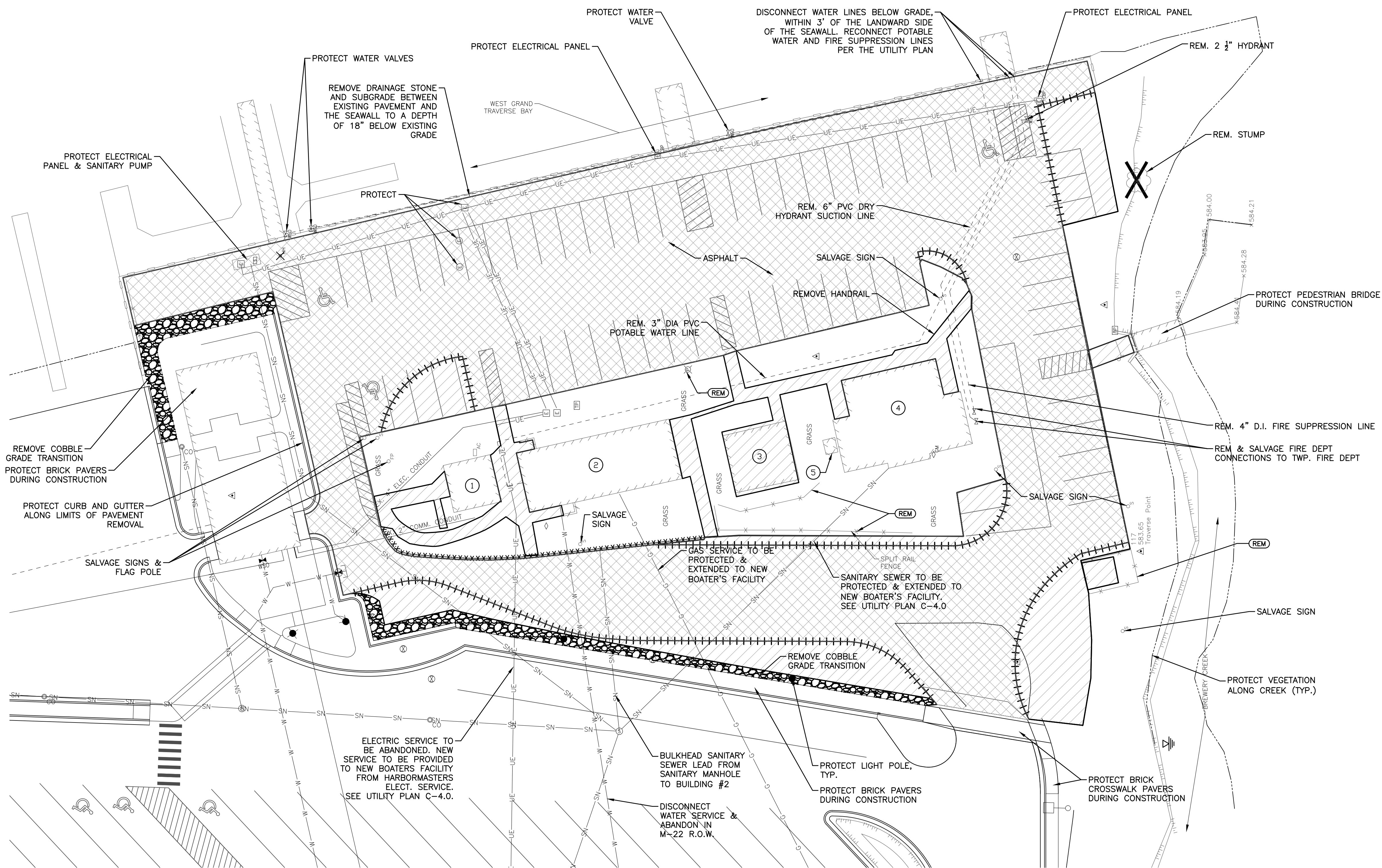
The Township Board is looking for a motion for the Planning Commission to approve the proposed plan based on compliance with the adopted Township plans.

Recommended Motion:

Motion to approve Phase 3 of the Township Marina Project based on compliance with adopted Township Plans, provided all outside agency permits are obtained.

LEGEND

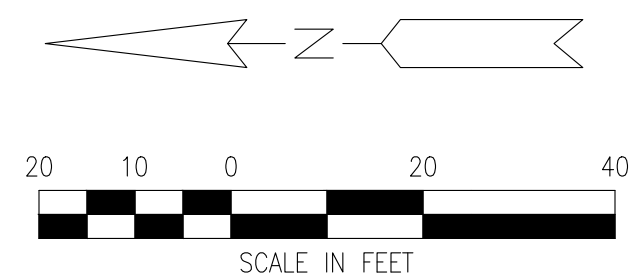
EXISTING	PROPOSED



NOTES:

- REMOVE AND STOCKPILE PARKING BUMPER BLOCKS, SEE SITE PLAN FOR NEW LOCATIONS.
- CONTRACTOR TO PROVIDE VEHICULAR AND PEDESTRIAN ACCESS TO THE MARINA FACILITIES OUTSIDE OF THE PHASE 3 PROJECT LIMITS AT ALL TIMES. PEDESTRIAN ACCESS MUST ALSO BE MAINTAINED TO THE DOCKS AT ALL TIMES. COMPLETE CLOSURE OF MARINA FACILITIES OUTSIDE OF THE PHASE 3 PROJECT LIMITS OR TO THE DOCKS WILL REQUIRE WRITTEN AGREEMENT FROM THE OWNER PRIOR TO CLOSURE.
- CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION LAYOUT AND STAKING. PAYMENT INCLUDED IN OTHER ITEMS.
- EXISTING UNDERGROUND LOCATIONS ARE APPROXIMATE. ALL UTILITY LINES AND STRUCTURES ARE SHOWN SCHEMATICALLY FROM PLANS PROVIDED BY ELMWOOD TOWNSHIP OR THEIR AGENTS. LOCATION, SIZE, AND/OR CAPACITY CAN NOT BE VERIFIED WITH AS BUILT DRAWINGS. ANY CONSTRUCTION ACTIVITY RELATED TO, OR IN THE VICINITY OF SHOULD BE FIELD VERIFIED AND STAKED BY MISS DIG PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OPERATIONS.
- UTILITIES TO EXISTING BUILDINGS TO BE DISCONNECTED & ABANDONED PER UTILITY PROVIDER'S REQUIREMENTS UNLESS NOTED OTHERWISE.
- PAYMENT FOR FULL DEPTH PAVEMENT REMOVAL AND REPLACEMENT ASSOCIATED WITH THE ABANDONMENT AND REPLACEMENT OF UTILITY SERVICE LEADS SHALL BE INCLUDED IN EACH RESPECTIVE SERVICE LEAD'S REMOVAL/ABANDONMENT/PROPOSED PAY ITEM.
- PAVEMENT REMOVAL QUANTITY INCLUDES THE REMOVAL OF A 1.5' STRIP OF PAVEMENT ALONG ANY PROPOSED SIDEWALK THAT IS TO BE PLACED ADJACENT TO EXISTING PAVEMENT. PAYMENT FOR ADDITIONAL PAVEMENT REMOVAL AND REPLACEMENT ADJACENT TO PROPOSED SIDEWALKS SHALL ONLY BE MADE IF APPROVAL BY THE ENGINEER WAS GRANTED PRIOR TO THE REMOVAL WORK BEING COMPLETED.

- DEMOLISH & REMOVE 300 SFT WOOD FRAME BLDG.
- DEMOLISH & REMOVE 1,250 SFT CONC. BLOCK & WOOD BLDG.
- SALVAGE & RELOCATE 500 SFT COVERED PAVILION - SEE SITE PLAN
- DEMOLISH & REMOVE 1,450 SFT CONC. BLOCK & WOOD BLDG.
- DEMOLISH & REMOVE 24 SFT ACCESSORY BUILDING



Know what's below.
Call before you dig.

PROJECT MANAGER: GARTH A. BOGART, PE
C:_P_WORK\GBOGART\1404927\CIP-PITS-DEMOPLAN.DWG - C2.0 - PLOTTED: 1/5/2024 8:31 AM BY: BOGART, GARTH

REV#	DATE	DESCRIPTION

10000 East Traverse Highway, Suite 2200
Traverse City, MI 49684
231.847.7400
www.wadetrims.com

ELMWOOD CHARTER TOWNSHIP
10090 EAST LINCOLN ROAD
TRAVERSE CITY, MI 49684
ELMWOOD TOWNSHIP MARINA
PHASE III LAND BASED IMPROVEMENTS
EXISTING CONDITIONS & DEMOLITION PLAN
ELMWOOD TOWNSHIP MARINA PHASE III LAND BASED IMPROVEMENTS

ISSUED FOR: DATE: BY:

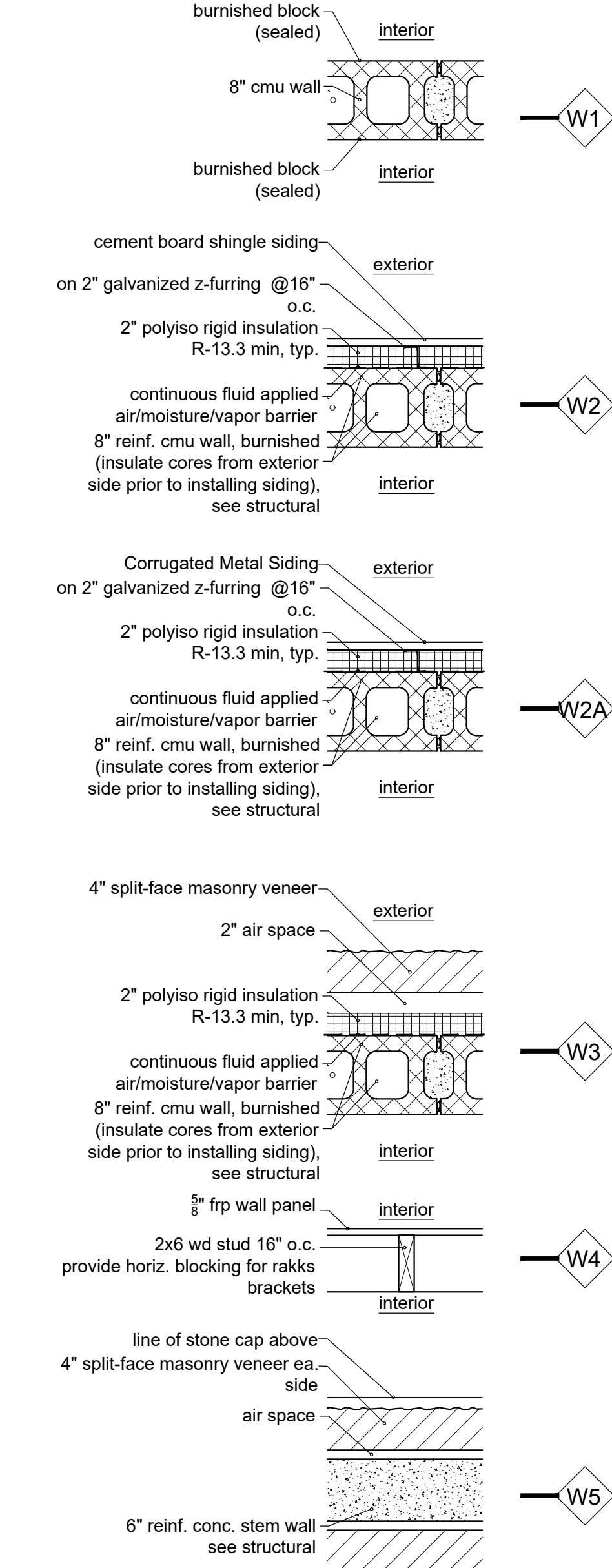
JOB NO.
ELM2012.02C

SHEET
C2.0

PLAN DATE: 01/05/2024

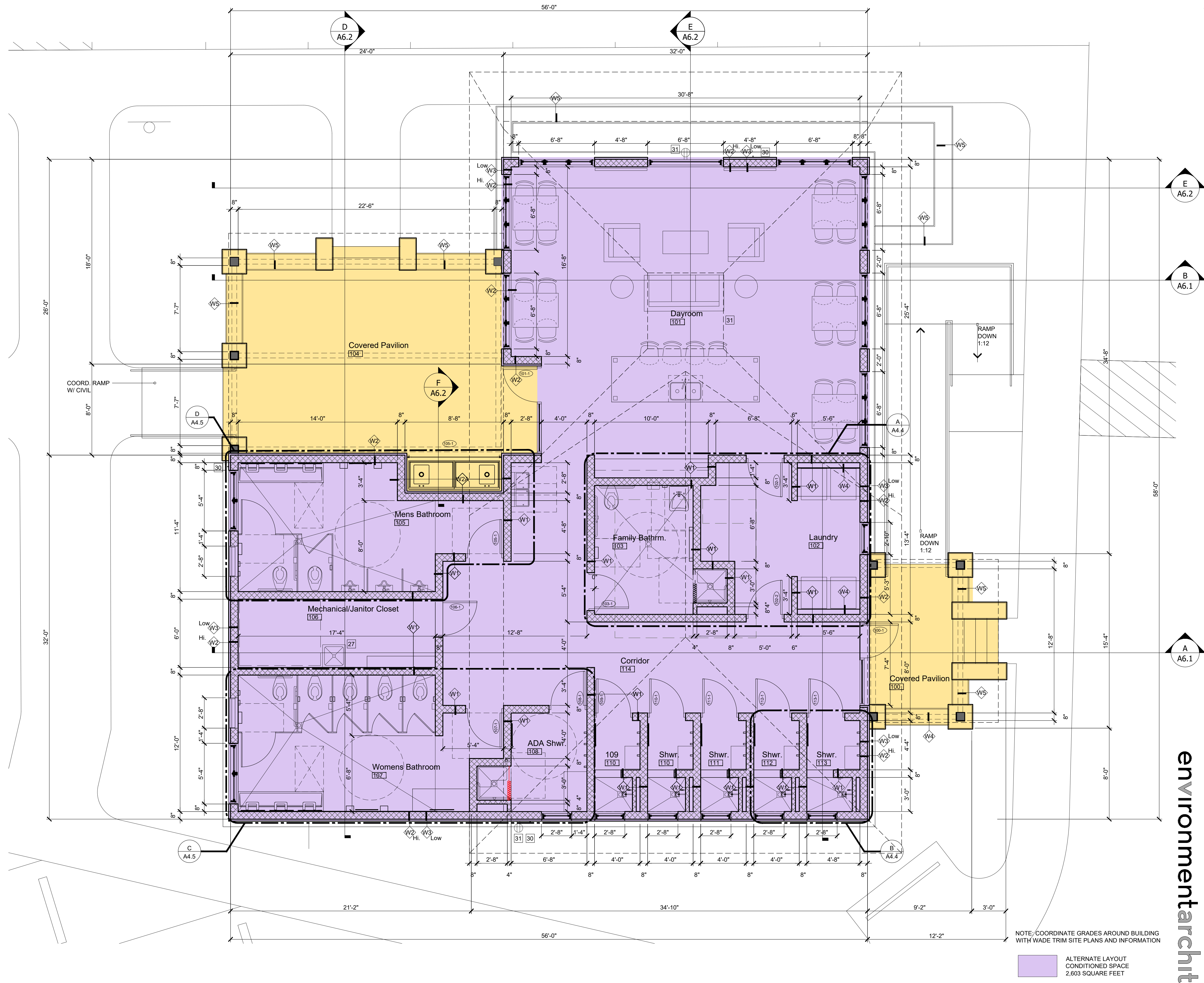
NOTES KEY

- 1 FOLD UP TEAK BENCH
- 2 CLOTHING HOOKS - WALL MOUNT
- 3 WALL MOUNTED URINAL
- 4 ELECTRIC HAND DRYER
- 5 ELECTRIC HAIR DRYER
- 6 FULL HEIGH T MIRROR
- 7 18" VERTICAL STAINLESS STEEL GRAB BAR, MTD. PER ADA REQ.
- 8 42" STAINLESS STEEL GRAB BAR, MTD. PER ADA REQ.
- 9 TOILET PAPER HOLDER, MTD. PER ADA REQ.
- 10 WALL MOUNTED SINK AND MIRROR W/ SOAK DISPENSER.
- 11 36" STAINLESS STEEL GRAB BAR, MTD. PER ADA REQ.
- 12 FLOOR MOUNTED TOILET
- 13 DRINKING FOUNTAIN WITH BOTTLE FILLER
- 14 WALL MOUNTED TELEVISION
- 15 60"X56" ADA CLEAR FLOOR SPACE
- 16 30" X 48" ADA CLEAR FLOOR SPACE
- 17 FOLD-UP HANDICAP BENCH (DRESSING AREA)
- 18 FOLD-UP HANDICAP BENCH (SHOWER)
- 19 LINEAR FLOOR DRAIN (MUD SET IN SHOWER WITH SLOPE TO DRAIN)
- 20 BABY CHANGING STATION
- 21 OUTDOOR COUNTER
- 22 5'-9" DIA. ADA TURNING RADIUS
- 23 UNDERMOUNT STAINLESS STEEL SINK
- 24 COIN OPERATED WASHING MACHINE
- 25 COIN OPERATED CLOTHES DRYER
- 26 LAUNDRY COUNTERTOP
- 27 MOP SINK
- 28 VAULTED CEILING WITH CUPOLA ABOVE
- 29 FLOOR DRAIN - SLOPE SLAB TO DRAIN
- 30 HOSE BIBB
- 31 WATERPROOF OUTLET
- 32 GAS LINE HOOK UP FOR DRYER
- 33 SHOWER CURTAIN
- 34 18" STAINLESS STEEL GRAB BAR, MTD. PER ADA REQ.
- 35 30" STAINLESS STEEL GRAB BAR, MTD. PER ADA REQ.



Wall Types
SCALE: 1"=1'-0"

Floor Plan
SCALE: 1/4" = 1'-0"



NOTE: COORDINATE GRADES AROUND BUILDING WITH WADE TRIM SITE PLANS AND INFORMATION

ALTERNATE LAYOUT CONDITIONED SPACE 2,603 SQUARE FEET

ALTERNATE LAYOUT OUTDOOR/COVERED SPACE 710 SQUARE FEET

ISSUES:

DATE:	DESCRIPTION:
1-13-20	Preliminary - REV 1
1-22-20	Preliminary - REV 2
2-11-21	90% Progress
12-11-23	Updates
1/5/24	

PRELIMINARY
NOT FOR CONSTRUCTION
Jan. 5, 24

environmentalarchitects

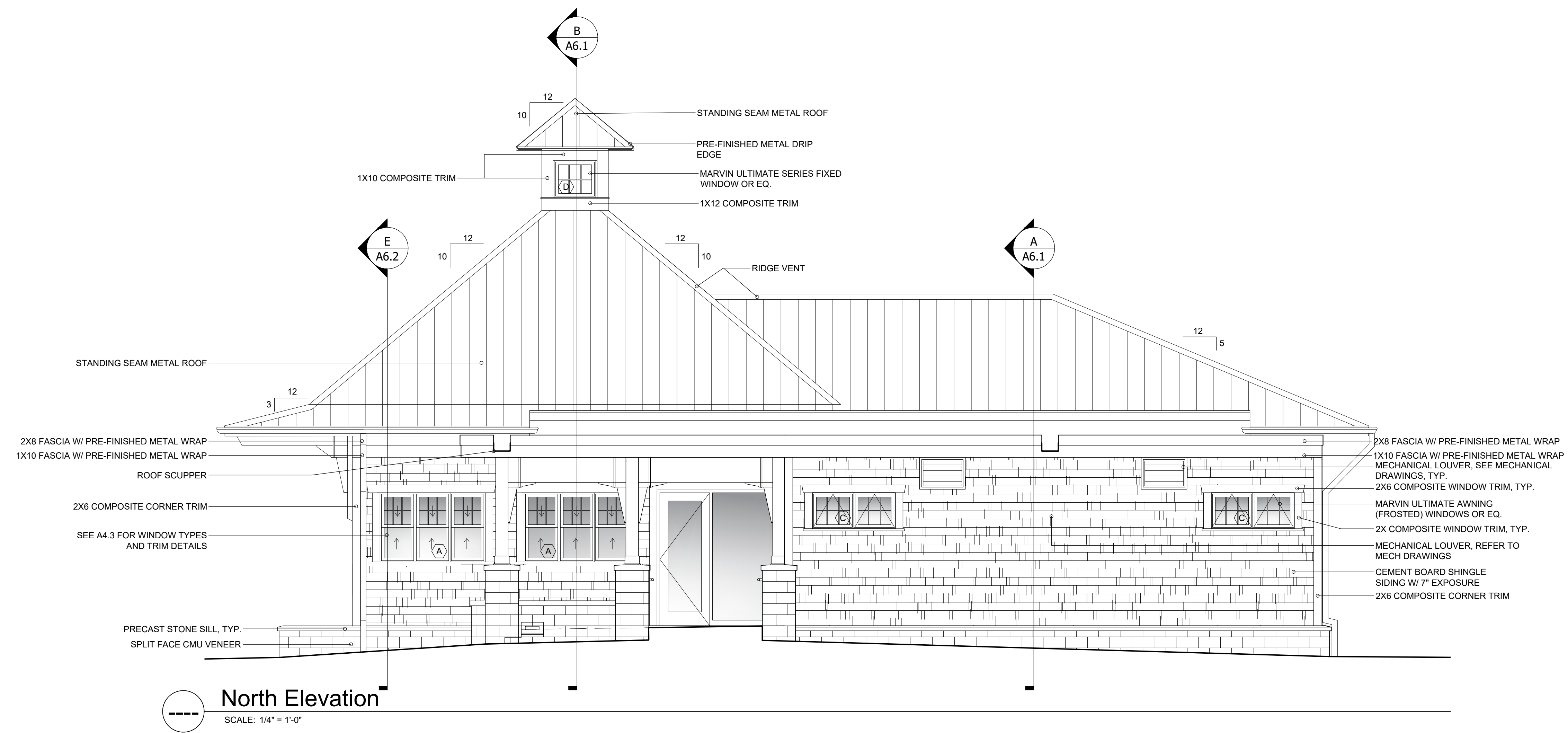
A new Boaters Pavilion
For
Elmwood Township Marina
1917
M-22
Elmwood Township, MI

Floor Plan

call 313 946 1516
fax 313 491 5772
10241 e cherry bend road
trenton city mi 48064
www.ea-arch.com

A3.1

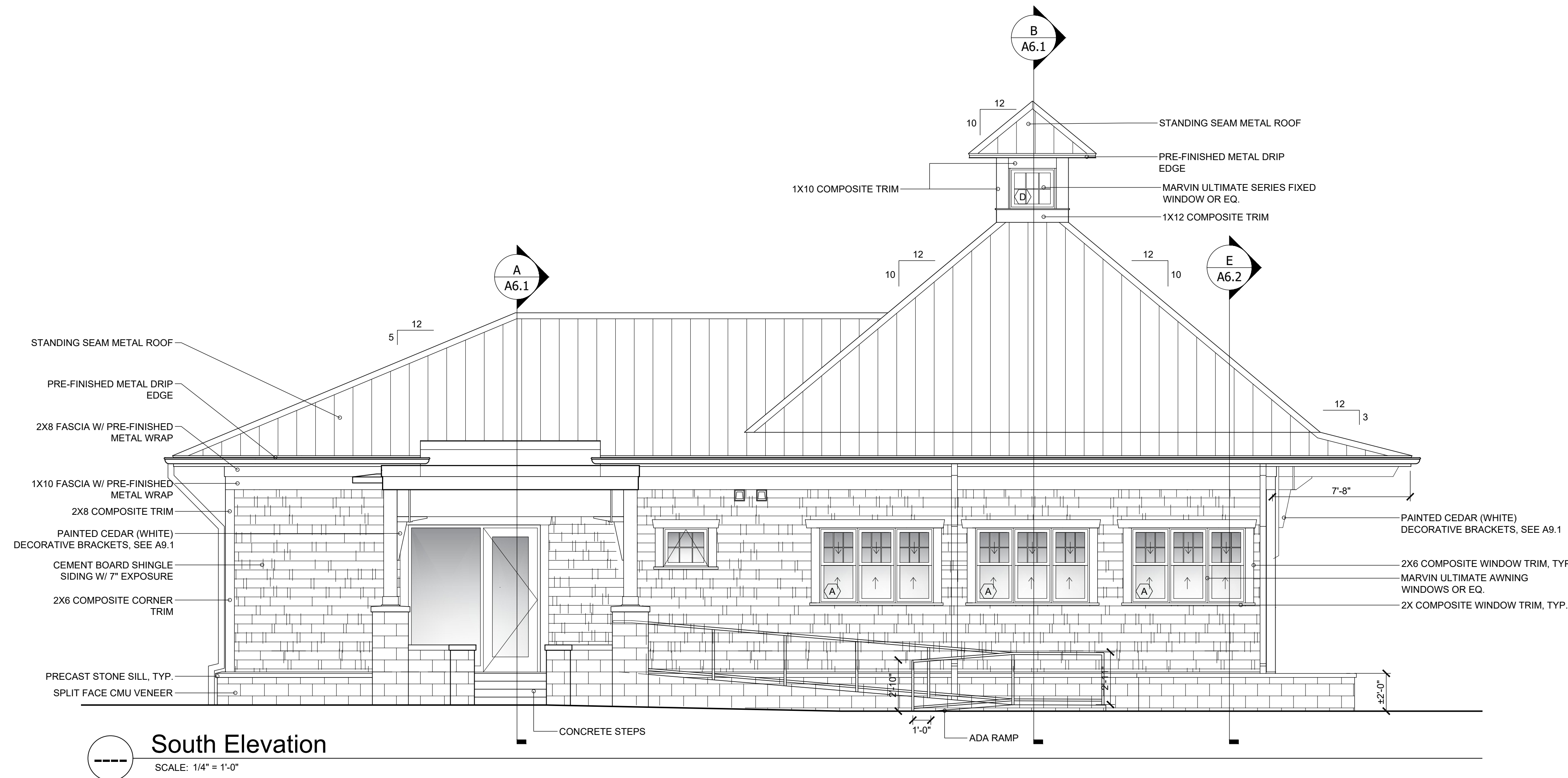
ISSUES:	DATE:	DESCRIPTION:
	1-13-20	Preliminary - REV 1
	1-22-20	Preliminary - REV 2
	2-11-21	90% Progress
	12-11-23	Reduced Plan Updates
	1/5/24	



- STANDING SEAM METAL ROOF
- 2X8 FASCIA W/ PRE-FINISHED METAL WRAP
- 1X10 FASCIA W/ PRE-FINISHED METAL WRAP
- ROOF SCUPPER
- 2X6 COMPOSITE CORNER TRIM
- SEE A4.3 FOR WINDOW TYPES AND TRIM DETAILS
- PRECAST STONE SILL, TYP.
- SPLIT FACE CMU VENEER

- 2X8 FASCIA W/ PRE-FINISHED METAL WRAP
- 1X10 FASCIA W/ PRE-FINISHED METAL WRAP
- MECHANICAL LOUVER, SEE MECHANICAL DRAWINGS, TYP.
- 2X6 COMPOSITE WINDOW TRIM, TYP.
- MARVIN ULTIMATE AWNING (FROSTED) WINDOWS OR EQ.
- 2X COMPOSITE WINDOW TRIM, TYP.
- MECHANICAL LOUVER, REFER TO MECH DRAWINGS
- CEMENT BOARD SHINGLE SIDING W/ 7\" EXPOSURE
- 2X6 COMPOSITE CORNER TRIM

North Elevation
SCALE: 1/4" = 1'-0"



- STANDING SEAM METAL ROOF
- PRE-FINISHED METAL DRIP EDGE
- 2X8 FASCIA W/ PRE-FINISHED METAL WRAP
- 1X10 FASCIA W/ PRE-FINISHED METAL WRAP
- 2X8 COMPOSITE TRIM
- PAINTED CEDAR (WHITE) DECORATIVE BRACKETS, SEE A9.1
- CEMENT BOARD SHINGLE SIDING W/ 7\" EXPOSURE
- 2X6 COMPOSITE CORNER TRIM
- PRECAST STONE SILL, TYP.
- SPLIT FACE CMU VENEER

- PAINTED CEDAR (WHITE) DECORATIVE BRACKETS, SEE A9.1
- 2X6 COMPOSITE WINDOW TRIM, TYP.
- MARVIN ULTIMATE AWNING WINDOWS OR EQ.
- 2X COMPOSITE WINDOW TRIM, TYP.

South Elevation
SCALE: 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION
Jan. 5, 24

environmentalarchitects

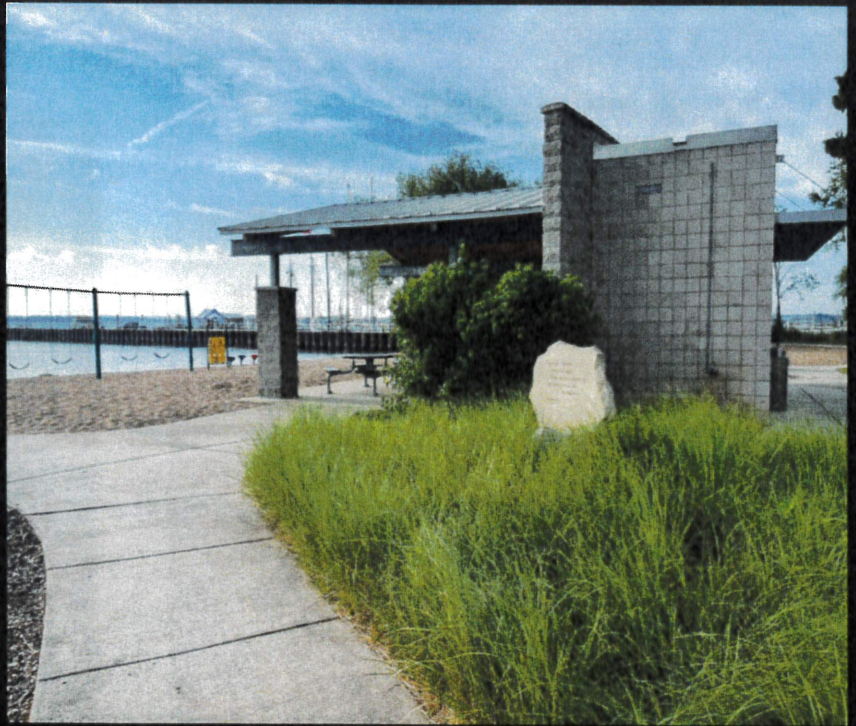
A new Boaters Pavilion
For
Elmwood Township Marina
1917
M-22
Elmwood Township, MI

Exterior Elevations

call 313 946 1544
fax 313 491 5772
215 washington street, suite 1a
bloomfield hills, mi 48304
www.ea-arch.com

A5.1

excerpt



2023 Community Park, Recreation, Open Space and Greenways Plan

Charter Township of Elmwood



- Wood/Pile Overlook Pier
- Permeable paver parking (30 spaces)
- LED Bollard Lights and Site Lights
- Outdoor Chess/Checkers Games tables (3)
- Park Benches
- Play Structure (Carter’s Kids Playground)
- Beach area (volley ball)
- Beach swing set
- Brewery and Hawley Creek pedestrian bridges
- Irrigated lawn – General purpose areas (Earthen mounds and play areas)
- Landscaping includes 200+ native trees/shrubs
- Drought resistant deep rooting fescue turf
- Emergent Coastal wetland-areas
- Native dune grass plantings
- Bio-swales and raingardens
- Shade trees, Evergreen trees
- Shrubs
- Ornamental Grasses and Hedges



At a “4,” the park is now universally accessible including park, beach, restrooms, and picnic shelters from the parking area; however, future access improvements are still possible with tiles or poured-in-place surfacing around the play structure and a transfer seat and/or universal access kayak launch at the beach.

A2. Elmwood Township Marina

Elmwood Township Marina is adjacent to Greilickville Harbor Park and has been a primary focus of the Township over the last decade with multiple improvements.

Under the same resolution to adopt the Beach Area Plan (now-called Greilickville Harbor Park which was completed in 2010), funding was made available to facilitate a preliminary concept plan for the Marina vicinity in 2007 and 2008. Subsequently, a Michigan Department of Natural Resources Waterways Commission Preliminary Engineering Study grant funded development of a follow-up concept for future marina land-based infrastructure improvements. The purpose was to create a fluid design concept that improved the access and function of the public waterfront on West Grand Traverse Bay in the heart of the Greilickville Commercial Corridor.

In 2008, the Preliminary Engineering Study was completed and a subsequent Grant-in-aid request of \$2.1 million was submitted with the intent to leverage the Township’s existing marina funds, including the \$300,000 allocated by the MDNR

Waterways Commission for the addition of C-Dock. In 2010, the Township Marina Committee revisited the former marina site plan concept by



conducting a series of public input sessions and user surveys which helped them to evaluate three different conceptual overlays to the 2008 preliminary plan.

The conceptual overlays incorporated new and evolving elements that were desired by the growing number of marina users. This subsequent extensive public input process eventually culminated in using township marina funds to develop an Elmwood Township Marina Master Plan from the ten point “wish list” that the Marina Committee recommended and the Township Board approved. Key among the findings and outcomes of the Elmwood Marina Master Plan was the need to conduct a Traffic Study of the Greilickville Commercial Corridor to determine the best future entrance and exit locations for the marina; the acquisition of off-site parking to provide room for future on-site improvements and the necessity to develop a phased approach to future targeted infrastructure improvements for subsequent grant submittals to the MDNR Waterways Commission. These investigative needs were met by the development of a M-22/Greilickville Commercial Corridor Traffic Study completed in 2016 (Progressive AE) and the Elmwood Township Marina Master Phasing and Implementation Plan completed in 2017 by (GFA/JJR). All planning efforts incorporate a holistic approach to future development of the Elmwood Marina which currently functions as the primary West Grand Traverse Bay public boat launch and provides three dual sided launch ramps available for use by local, regional and in and out of state residents alike.



Park Type: Public Marina, Boat Launch

Size: (6 acres)

Most Likely Service Area: Regional, State user-base

Grant (Year) / Grant Project / Funds awarded and /total project budget):

MDNR Waterways Commission (2012) / Marina Phasing Plan (2017): \$35,000/\$70,000

MDNR Waterways Commission (2007) / Marina Preliminary Engineering Feasibility Study (2007): \$19,000/\$38,000

MDNR Waterways Boating Access (2008) / C- Dock 55 slip floating pier: \$300,000/ \$750,000

USEPA/MDEQ Clean Vessels Act (CVA) (2011) / Marina Sanitary Pump Out System: \$47, 000/\$56,000

Great Lakes Fishery Trust (GLFT) (2012) / Public Fishing Pier Design: \$45,000/ \$51,750

MDNR Waterways Commission Phased Marina Infrastructural Improvements Engineering Analysis (2012): \$35,000/ \$70,000

MDNR (2017) / Phase I (new harbormaster building with public bath, reconfiguration of the North entrance, ramps, and North parking lot at the marina) / \$601,095 /\$601,095

MDNR (2018) / Phase II (revised work/placement of the harbormaster building, reconfiguration of the South entrance, South parking area along with stormwater and landscaping in the areas disrupted during reconstruction) / \$348,711/ \$348,711

Great Lakes Fisheries Trust (2018) / fish cleaning station / \$99,660/\$99,660

MDNR (2019) / design and engineering for the Boater’s Facility / \$118,500 / \$118,500

MDNR (2021) Phase 3a (removal of 3 existing buildings, the vertical extension of the existing seawall to keep site above the record high water levels, and additional seawall construction at the south end of the site to provide erosion protection to the proposed Boater’s Facility building) / \$378,000 / \$409,500

MDNR (2022) / Phase 3b (4,186 sq ft Boater’s Facility) / \$600,000 / \$2,000,000



General Inventory: (Marina)

- New Harbor Master Building and Offices (35' x 80')
- New Fish Cleaning Station (25' x 30')
- Old Harbor Master Building (15'x15')
- Storage and Restroom Building (20'x50')
- Shower Building (25'x30')
- Picnic Shelter (20'x25') was salvaged / relocated / and refurbished as part of the GHP park re-development process including:
 - picnic tables
 - gas grills
- Paved car parking (75 Spaces)
- Paved car-trailer parking (70 Spaces)
- Boat launches (7)
 - (1) Personal Watercraft
 - (6) Boat
- Mooring buoys (32seasonal)
- Pump-out Station x2
- Piers (3)
 - C-Dock added in 2009 (55 slips)
 - (176) Slips; (150) (154) Seasonal; 21 transient)(Note – The township gains revenue from adjacent Center Pointe main pier leases which utilize Township-owned bottomlands).
- Dumpster with pad (1)
- 5' Concrete sidewalks for access to buildings
- Shade, Evergreen, and Ornamental trees
- Perennial and ornamental grass landscaping with irrigated lawn areas
- Elmwood marina offers winter storage and a unique opportunity to store mast-up sailing vessels and powerboats of all sizes with some exceeding 60'in length



The Marina recently scored “2” as some of its facilities meet accessibility guidelines. Whereas C-Dock is fully accessible, A Dock’s and B Dock’s gangways exceed barrier-free gradients. Most marina land-based facilities meet ADA, although some walkways and use areas are not barrier-free. Future land-based infrastructure improvements will increase accessible facilities and routes as this is an overarching goal for any future improvements of the facility.

Future upland improvements are sized to meet demands of the existing public boat launch and marina. The marina property is bordered on all sides, with finite space available. This plan is a multi-year phased plan, which resulted from nearly five years of marina committee meetings and dedicated public input meetings and workshops. While this plan is a guide, final sizing will be determined as each phase goes through final design. As with all proposed future improvements, sufficient input on facility sizing was gleaned from boat launch users, slipholders, facility managers, owner, design team and general public. Because this is an established marina, with a slip waiting list and a boat launch that is busy most of the season, the township is confident in

its knowledge of the marina's needs. The slipholder parking area was maximized to meet slipholder needs while attempting to retain as much boat launch trailer-rig parking as possible on site. In the off-season, this lot could also be used for other events or alternate season recreation. Since this facility's boat launch is very popular and site parking space is limited to property boundaries, overflow trailer-rig parking was determined necessary and the Township is examining using the Brewery Creek Parking Area as overflow parking ([See Appendix 1: Inventory Map](#)).

Additional future proposed improvements include a larger Boater's Building (funded, not yet constructed) which would serve much of the needs of the boat launch users, slipholders and visiting public as well as providing options for off-season non-boating use. The new building would have modern amenities typically found at marina facilities needed to accommodate short and extended-stay boaters (restrooms, showers, laundry, salon, storage etc.). This public promenade was sized to allow plenty of space for events and provide opportunities to connect public to the waterfront while allowing typical marina operation to be completed without interference.

Dredging needs within the harbor and around the marina are minimal to non-existent as the facility is protected on the north and west by land mass and on the east by breakwater. This configuration eliminates the possibility of any littoral drift and subsequent sedimentation in the harbor. Dredging at the facility last occurred in 2001 with a quantity of 970 Cubic Yards being removed from around the boat launch area. Dredge spoils from this effort were disposed of at Glen's Sanitary Landfill (ID# 418012, Location: 518 M-72 W., Empire, MI, Leelanau Co.) which is an active/accepting Type II MSW landfill. Beyond this, dredging may only be needed during abnormal extreme low water conditions. Standard marina maintenance applies throughout the season and is typical of a municipal marina of its size and user demand.

A3. Cherry Bend Community Park

Originally improved with Michigan Natural Resource Trust Fund (MNRTF) monies, Cherry Bend Community Park has become a premiere recreation complex for Elmwood Township and the surrounding Leelanau County. Along with (4) baseball diamonds, one of which is Little League tournament-compliant, a soccer field, basketball courts, and updated landscaping, the park offers a picnic pavilion. Cherry Bend Park targets the active recreation user base within the Township. The Township offices and Fire Department are also located onsite (which spans across three parcels).



Park Type: Recreational Park, Picnic Park, Township Offices

Size: 14.5 acres

Most Likely Service Area: Township user base

Grant Number: BF95037

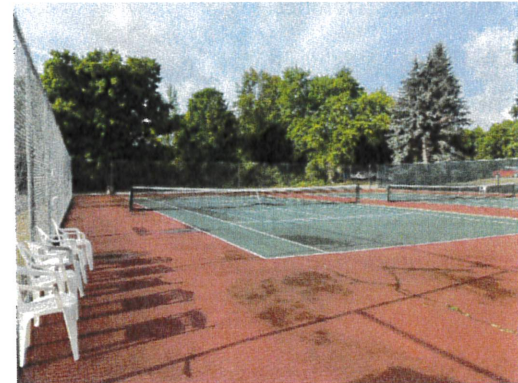
Site Plan: [See Appendix-4](#)

Facility Inventory:

- Picnic Shelter w/ restrooms (1)
 - 34'x54'
- Restroom Facility
 - 24'x45' (including utility room)
- Paved car parking (131)
- Improved paved trail and/or sidewalk
- Soccer field (1) & programmable open space (a "over-kicked" net system was added in 2012)



- Play Structure
- Swings (8)
- Grills
- Horseshoe Pit (1)
- Baseball diamonds (2)
- Little League Premiere Field (1); Tournament field complete with block masonry dugouts, scorer's and maintenance equipment building. Completed in 2009-10 with the permission and financial support from Elmwood Township. Little League volunteers assist Township staff with maintenance and upkeep of all baseball fields.
- T-Ball diamond (1)
- Tennis Courts (2) with Pickleball Court
- Basketball Court with 6 goals/backboard (1)
- Sand Volleyball Court (1)
- Shade trees
- Evergreen trees



Upon completion of barrier-free compliance analysis, Cherry Bend Community Park scored “2.” Recent updates to the facility have provided restrooms and sidewalks. Existing parking and additional parking should be examined by the Township Engineer. Further, additional play features are needed to make the site more accessible to all.

A4. DeYoung Natural Area (conservation easement) – Established 2010

Park Type: Recreational Park, Nature Park, Conservation Easement, Limited Hunting

Size: 65 acres Elmwood Township, 79.5 acres Leelanau Conservancy

Most Likely Service Area: Township and Regional user base

Grant Number: TF#07-039

Facility/Trail Map: [See Appendix-5](#)



In cooperation with the Leelanau Conservancy using Michigan Natural Resource Trust Fund (MNRTF) dollars, DeYoung Natural Area has evolved into a popular passive recreation and natural area for Elmwood Township and surrounding Leelanau County residents since it was acquired in 2010. This natural area was formerly the 145-acre DeYoung Farm. Spanning the Natural Area, there are 2.5 acres of trails ([See Appendix 5](#)). The site features 4500 feet of natural, undeveloped shoreline along Cedar Lake, which offers a superb recreation component for the Township. The site is the only Township owned facility along Cedar Lake. It offers a natural, relatively undisturbed setting, providing an ideal location for hikers, naturalists, and wildlife and bird watchers. The historical and agricultural resources of the former DeYoung Farm also provide invaluable cultural assets for Elmwood Township, and preserving this agricultural landscape is expected to both enrich and educate future generations of residents and visitors.



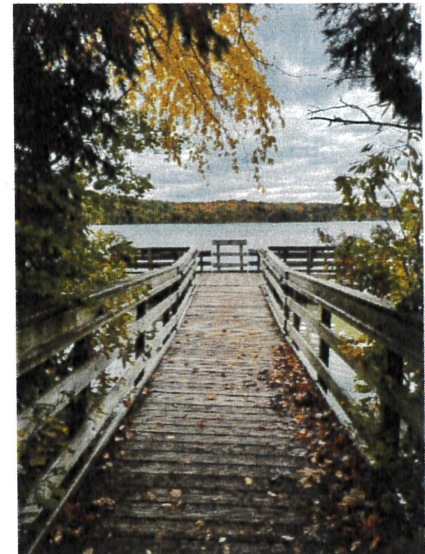
The DeYoung Natural Area preservation and management has already had a positive impact on the surrounding natural features and landscape. The land (soils), water (quality), and native vegetation and wildlife benefit from land preserved and now managed in cooperation with the Leelanau Conservancy. It provides native habitat for deer and is an essential wildlife corridor for many other native species. There has been regular invasive species management of the site. Further, in 2020, in conjunction with the Grand Traverse Band of Ottawa and Chippewa Indians, the Conservancy planted 5,000 native trees across the Chippewa Run Natural Area (in Empire) and DeYoung in an effort to reforest lands and mitigate climate change ([Leelanau Ticker, 12/30/2020](#)).

The 4,500 feet of natural shoreline along Cedar Lake possesses tremendous natural resource value for the public. The Natural Area provides undisturbed views to and from the native shoreline. The shoreline edge helps maintain the health of aquatic life, which is appreciated by recreational fisherman by means of a floating fishing pier. In addition, there are over 51 acres of wetlands along the lake and creek corridors of the DeYoung property. These wetland pockets provide not only essential habitat for many species of flora and fauna, but are also critical in maintaining the high water quality of the tributary streams and ground water springs that supply Cedar Lake.

The DeYoung Natural Area also possesses mature hardwood pockets, old agricultural lands returning to natural meadows, and a healthy stream corridor, and portions of the Leelanau Trail pass through its western edge. The DeYoung Natural Area continues to embrace its agricultural heritage. In 2019, the Conservancy restored the former DeYoung Farmhouse which is located on the Conservancy portion of the property. The first floor of the Farmhouse is utilized as meeting space and the second floor is utilized as office space ([Leelanau Ticker, 10/1/2019](#)). All 145 acres of the DeYoung Natural Area are actively managed by the Leelanau Conservancy in conjunction with the DeYoung Natural Area Management Plan ([See Appendix 5 – DeYoung Natural Area](#)).

Facility Inventory: Township Portion (65 Ac.)

- Gravel Parking
- Interpretive Kiosk
- Universal Access Fishing Pier
- Cedar Lake Loop Hiking Trail
- Leelanau Bike Trail – TART bisects and property provides N-S access
- Wetlands
- Cedar Lake
- Cedar Lake chip path trail
- Northern Fen
- Edible Trails Project



Conservancy Portion (79.5 Ac.)

- Former DeYoung Farmhouse (restored 2019; meeting space on first floor, office on second floor)
- Main Barn and Out Buildings
- DeYoung Barn (east side Trailhead)
- Pump House
- Cedar Creek

- Deer Yard Habitat and Wildlife Corridor
- Wooded Uplands
- Actively managed Agricultural Land
- Fallow old Agricultural Land
- Northern Fen

DeYoung Natural Area is a more rustic facility with most paths being unpaved and natural. Several amenities do provide for barrier-free access such as the paved ADA parking spots and fishing pier with lowered railings. In an overall determination for the facility, the barrier-free compliance analysis scored “2” as only some of the facility and its amenities meet ADA guidelines.



A5. Brewery Creek Parking & Natural Area

In the summer of 2012, Elmwood Township acquired the remaining ten (10) of the original (13) site condominium units that were previously associated with the former Brewery Creek Center development that subsequently went through foreclosure. This site is located across M-22 from both the Elmwood Township Marina and Greilickville Harbor Park. As improvements of the marina reduced on-site parking facilities, the Township is looking at utilizing much of the area as overflow boat storage and trailer parking for the Marina. However, the western portion of the site also contains a Conservation Easement (Liber 533 Page 599). As this easement connects the Brewery Creek parcel to the TART Trail, the Township is eyeing creation of a built connection and has discussed parking and restroom facilities. However, as this site contains wetlands, any improvements will need to be thoroughly examined in order to reduce further impacts to the natural environment. Other considerations may include educational trails and signage throughout the naturalized area, walking trail connectors, pavilion, bike lockers and native pollinator gardens.

OTHER PUBLIC/SEMI-PUBLIC FACILITIES WITHIN TOWNSHIP BOUNDARIES

A6. Portions of Leelanau Trail (part of TART - Traverse Area Recreational Trail)

The non-motorized recreation and transportation trail known as the Leelanau Trail in Elmwood County and throughout Leelanau County is part of a greater system known as the Traverse Area Recreation and Transportation Trail, or TART System. As indicated earlier in this plan, the TART Trail within the Township offers non-motorized connections throughout Elmwood Township and connects Suttons Bay to Traverse City. Fifteen miles of trail are available from Suttons Bay to Traverse City. The Cherry Bend Trail Head provides parking, signage, and a portable restroom facility is onsite during the warmer months.



GOAL #3

Make improvements to Cherry Bend Park in the same spirit that Greilickville Harbor Park has been redeveloped to provide a diverse, multi-generational, universally accessible and sustainable recreation facility and optimizes the available park land, links to nearby neighborhoods, Cedar Creek Commons and the Leelanau Trail, and provides desired 4-season active and passive recreation.

Action Objectives:

- a. *Better connectivity to Leelanau/TART Trail and neighborhoods and Cedar Creek*
- b. *Design, fund and implement a walking pathway circuit in the park*
- c. *Encourage Winter activities such as ice skating rink, etc.*
- d. *Consider Wayfinding (I.e. Context Map) and Informational Signage (I.e. Park Rules)*
- e. *Improve site lighting*
- f. *Small pavilion for shade/picnicking near the ballfields*
- g. *Trees under-planting, replacement, enhancement*
- h. *Consider irrigation for use areas*
- i. *Expand park to the west (Overflow grass parking for events)*
- j. *Refine staffing, maintenance and budgeting process for Capital Improvement Plan input*
- k. *Evaluate and Plan for Brewery Creek property enhancements.*
- l. *Develop an overall Township Trail Plan*
- m. *Consider additional park equipment for different age groups as well as abilities*
- n. *Consider additional facilities to create multi-generational park, including pickleball courts.*
- o. *Review park facilities and consider additional facilities to make the park more of a 4-season park*

GOAL #4

Investigate and study possible parcels, which may be considered for future recreation land acquisition through the Michigan Department of Natural Resources (MDNR) and/or partnerships with the Leelanau Conservancy or Leelanau Brownfield Redevelopment Authority (LCBRA) to establish public private cooperative projects and/or permanent conservation easements, recreational amenities, or facilities.

With a quick look at the Township's Recreational Inventory ([Appendix 1](#)), it is evident that the southern portion of Elmwood Township contains many of the Township's recreational facilities. There has been documented public interest in identifying and studying opportunities to create and enhance possible future recreational opportunities in the western and northern portions of the Township, including seeking to purchase available and appropriate land. The principal purposes stated for such land acquisition include provision of additional non-motorized recreational trails for passive recreation, and/or natural resource and wildlife habitat conservation and protection.

Action Objectives:

- a. *Investigate Timberlee Resort "hilltop" natural recreational easement*
- b. *Investigate other west-Township natural parcels*
- c. *Support efforts to investigate conservation/recreation areas near Lakeview Hills Road (n. Elmwood/S. Bingham Twp. Line)*
- d. *Map undeveloped properties adjacent to existing facilities*
- e. *Investigate additional properties to enhance wildlife corridors, including but not limited to properties along Brewery Creek*

GOAL #5

Work with the Township Marina Committee to develop and implement recommendations to improve the joint asset of the Elmwood Township Marina and support amenities that are to be

available and accessible to the general “recreating” public, and not specifically associated with the leased seasonal or transient dockage function of the marina.

In 2007 and 2008, the Township conducted an extensive marina planning process based on a grant obtained from the Michigan Department of Natural Resources (MDNR) Waterways Program. In conjunction with a boating access grant project that resulted in the construction of C-Dock, the third floating pier at the Elmwood Township Marina, the Township was seeking to update land-based infrastructure on the marina side as well. Over the past decade, the Township has made significant progress in addressing action items detailed within the Marina Master Plan.

In early 2010, the reformed Marina Committee began re-evaluating the former conceptual plans and considering new proposals being brought forward for consideration, including a state-of-the-art fish cleaning station. Additional public input and engagement was sought which validated the general form and layout of the 2007-2008 preliminary engineering study concepts with placement and consideration of new elements. In November 2010, the Marina Committee recommended a series of 10 items, referenced as the “Wish-list,” to the Township Board. These 10 recommendations were approved by the Township Board and provided the basis for the Township to develop a request for proposals (RFP) process to hire a design firm to finalize an Elmwood Township Marina Master Plan. In late 2011, SmithGroupJJR of Ann Arbor was hired to develop the Marina Master Plan and the Elmwood Township Board approved the proposed design in January 2012.

Prior to the implementation of the approved Marina Master Plan, a M-22/Greilikville Commercial Corridor traffic study was conducted by Progressive AE and adopted by the Township in 2016. In addition, the Elmwood Township Master Phasing and Implementation plan was developed by Smithgroup JJR/Gordie Frasier and Associates to guide the future development of the marina site. This phasing and implementation plan was adopted in January 2017 and paves the way for future construction of the planned site infrastructure improvements.

The Marina Committee is principally charged with moving the resultant Marina Master Plan’s recommendations forward; therefore, this plan will reference that document. The Parks and Recreation Committee, with its principal charge being to oversee betterment of all Township recreational assets and facilities in the Township and to provide the Township Board with recommendation thereto, oftentimes identifies several key areas of overlap in coordination with the Marina Committee. The following goal encompasses those key areas identified.

Action Objectives:

- a. *Marina Committees “Wish List”*
- b. *Coordinate on-site parking and consider period, programmed “shared-parking” between the park and the marina parking facilities as directed by the board and as marina staff determines available*
- c. *Evolve more green space, and improved stormwater management*
- d. *Create improved, safe non-motorized access through and/or around the marina*
- e. *Identify and develop off-site parking facilities to support the waterfront*
- f. *Participate in the feasibility study, funding, and implementation of a proposed public fishing pier*
- g. *Support efforts to develop a public fish cleaning station on the marina side*
- h. *Pursue efforts to implement smart improved pedestrian crossings and full crosswalks at the Brewery Creek Entrance to GHP*
- i. *Support efforts to secure and develop other offsite parking facilities including land acquisition grants and/or purchase or lease arrangements as identified in strategic and master plans*
- j. *Continue to review fees to ensure feasible and consistency with neighboring marinas with similar facilities*
- k. *Consider feasibility of expanding existing docks to accommodate additional slips as well as larger boats*

(See Appendix 3 – Elmwood Township Marina Master Plan, Marina Phasing Plan, Marina Winter Programming Plan and Waterfront District Framework Plan)

excerpt

Elmwood Township Master Plan



Public Hearing Date: March 20, 2018
Adopted by Planning Commission: March 20, 2018

Industrial Land Use

Goal:

Provide locations for limited, light industrial development which are harmonious with the existing land use pattern and the rural/residential character of the community.

Objectives:

- Ensure that the location, architecture, landscaping, and signage associated with industrial establishments is compatible with the established character of the community and environment.

Strategies:

- Encourage industrial development which is primarily research oriented, light, and environmentally clean.
- Light industrial uses that might be located near existing residences shall not negatively impact adjacent neighborhoods and shall be encouraged to provide landscaping and other elements to minimize any potential conflict between the uses.
- Discourage industrial development which will negatively impact environmentally sensitive areas or require substantial changes to natural systems.

Recreation Land Use

Goal:

Continue to improve existing recreational facilities and expand recreational facilities for Township residents.

Objectives:

- Provide for public and semi-public use areas offering a variety of recreational opportunities that facilitate public use.

Strategies:

- Follow the action program set forth in the Township's adopted Park and Recreation Plan to the extent that local resources allow. Keep the Plan updated as required by state statute.
- Provide public facilities and encourage private community facilities in size, character, function, and location suitable to the population and needs of the community.

Appendix C- Other Documents

In addition to documents previously mentioned throughout this plan, the following documents, as amended from time to time, are incorporate by reference.

July 2016 M-22/Greilickville Commercial Corridor Traffic Study
2013 Greilickville Sub Area Master Plan
Community Park, Recreation, Open Space, & Greenways Plan
2013 Community Perception Survey
Waterfront District Master Plan

excerpt

Charter Township Of Elmwood

Capital Improvement Plan 2024-2030

Public Hearing: October 24, 2023

Adopted by Township Board: November 13, 2023

Elmwood Township CIP 2024-2030
Anticipated to be completed in 2025

Project Name & Description	Estimated Cost	Contributing Fund	In Approved Plan	Status
<u>Marina Phase 3</u> . Phase 3a: Removal of 3 existing buildings, vertical extension of existing seawall, additional seawall construction. Phase 3b: Boater's Bath Facility. Phase 3c: parking, landscaping, and amenities (street features, patios).	\$4,000,000-\$5,000,000	Marina / Waterways Grants	Marina Master Plan and Parks and Recreation Plan	Grant funds awarded through Waterways. Currently working with Engineers on cost saving measures and speaking with bond counsel.
<u>Marina Storage Garage</u> . Removal of existing storage garage is funded as part of Marina Phase 3, but will need a place to store equipment.	\$50,000-\$75,000	Marina		Twp is engaging with TART on possible cost-share/use opportunities
<u>Ambulance (191)</u> . Replacement of existing ambulance. Cost may include power lift and power cot.	\$450,000	Fire		
<u>Fire Station – Truck Ramp Repair/Replacement</u> . Repair or replace front and rear ramps due to deterioration and subsurface issues.	\$100,000	Fire	No	
<u>Marina Security System</u> . Currently insufficient security onsite. As the area becomes more populated, it is necessary to have an appropriate system in place.	\$16,500 - \$20,000	Marina		
<u>Tanker 1 (121)</u> . Replacement of existing truck that has become obsolete and is older than recommended by NFPA. Included in Fire and EMS Assessment. Vehicle pricing has gone up significantly and long manufacturing times are delaying deliveries.	\$500,000	Fire	Consultant Report	Fire Dpt has attempted AFG grant, which was not funded. Attempting other grant opportunities.

implementation of the master plan.

History: 2008, Act 33, Eff. Sept. 1, 2008.

ARTICLE IV.

SPECIAL PROVISIONS, INCLUDING CAPITAL IMPROVEMENTS AND SUBDIVISION REVIEW

125.3861 Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.

Sec. 61. (1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

(2) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of money by a county board, department, or agency for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission on the proposal have been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. However, work on the project may proceed if the planning commission fails to provide in writing its report and advice upon the proposal within 35 days after the proposal is filed with the planning commission. The planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3863 Approval of construction project before effective date of act; rescission of authorization; failure of planning commission to act within certain period of time.

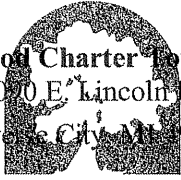
Sec. 63. If the opening, widening, or extension of a street, or the acquisition or enlargement of any square, park, playground, or other open space has been approved by a township planning commission that was created before the effective date of this act under former 1931 PA 285 or by a city or village planning commission and authorized by the legislative body as provided under section 61, the legislative body shall not rescind its authorization unless the matter has been resubmitted to the planning commission and the rescission has been approved by the planning commission. The planning commission shall hold a public hearing on the matter. The planning commission shall submit its reasons for approval or disapproval of the rescission to the legislative body. If the planning commission disapproves the rescission, the legislative body may overrule the planning commission by a vote of not less than 2/3 of its entire membership. If the planning commission fails to act within 63 days after submission of the proposed rescission to the planning commission, the proposed rescission shall be considered to be approved by the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3865 Capital improvements program of public structures and improvements; preparation; basis.

Sec. 65. (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program

Planning/ Zoning Department
planner@elmwoodtownship.net

**Elmwood Charter Township**
10070 E. Lincoln Rd.
Traveler City, MI 49684

Contact Information
Ph: (231) 946-0921
Fax: (231) 946-9320

To: Elmwood Township Planning Commission

From: Sarah Clarren, Planner/Zoning Administrator

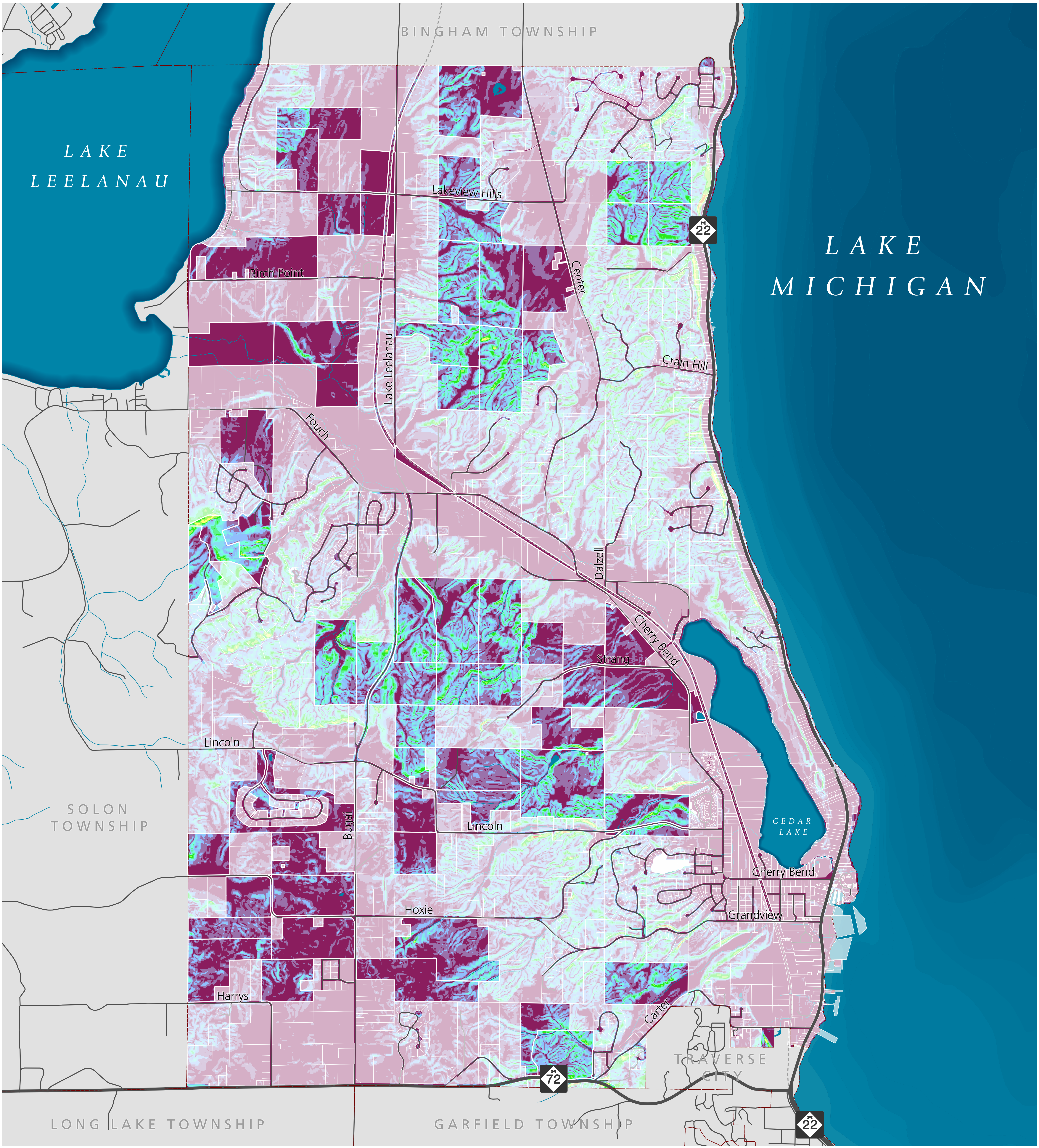
Date: January 9, 2024

RE: Continued Planning Commission discussion

Please see the attached text which is a clean version of the text from our last meeting (12/19). Please come ready to discuss the text. Minutes and epackets from past discussions are available online.

Our consultant has prepared the attached map showing all parcels in Elwood Township having 40 or more acres. Note that this also includes parcels in other zoning districts. This map also shows slopes.

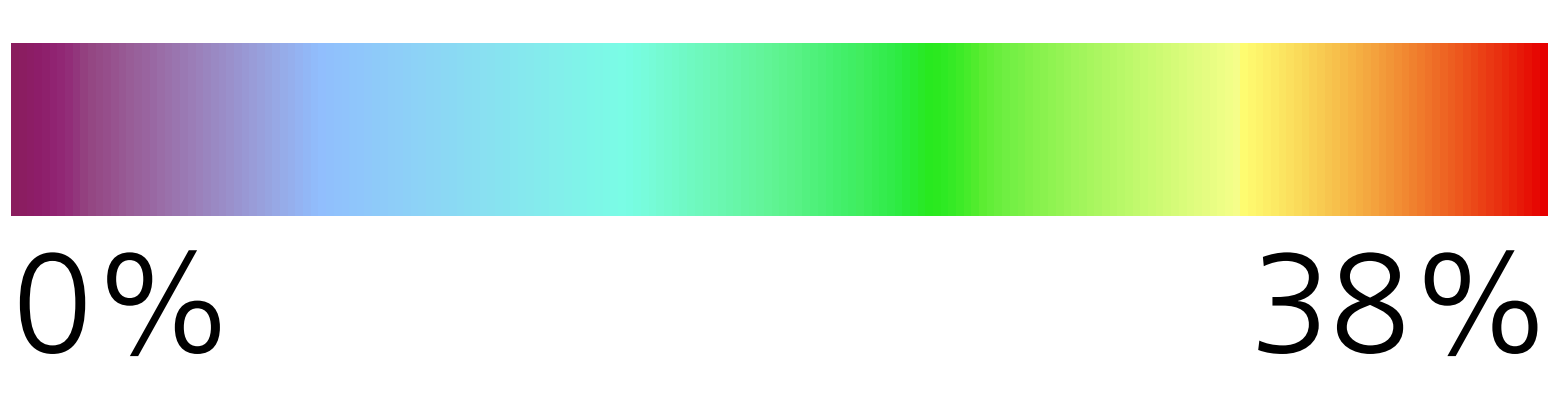
I have also prepared tables showing calculations that may help during discussion.



Slope

Sources: Michigan Open Data Portal, Elmwood Township

Slope



- Parcel under 40 Acres: (opaque)
- Parcel over 40 Acres: (transparent)



Beckett & Raeder, Inc.

Scenarios showing size of Special Event Facility based on size of Active Farm Operation

Active Farm Operation Size	Special Event Facility Size					
	2.50%	5.00%	10.00%	15.00%	20.00%	25.00%
5 acres = 217,800 sf	5,445	10,890	21,780	32,670	43,560	54,450
10 acres = 435,600 sf	10,890	21,780	43,560	65,340	87,120	108,900
15 acres = 653,400 sf	16,335	32,670	65,340	98,010	130,680	163,350
20 acres = 871,200 sf	21,780	43,560	87,120	130,680	174,240	217,800
25 acres = 1,089,000 sf	27,225	54,450	108,900	163,350	217,800	272,250
30 acres = 1,307,000 sf	32,675	65,350	130,700	196,050	261,400	326,750
35 acres = 1,525,000 sf	38,125	76,250	152,500	228,750	305,000	381,250
40 acres = 1,742,000 sf	43,550	87,100	174,200	261,300	348,400	435,500

Calculations showing minimum size of parking lot spaces (does not include maneuvering lanes)

1 parking space = 180.00 sf	50 parking spaces = 9000 sf
	100 parking spaces = 18000 sf
	150 parking spaces = 27000 sf

Calculations showing minimum size of fire access drive

minimum access drive for fire = 20' wide	500 ft long	10000 sf
	1000 ft long	20000 sf
	2500 ft long	50000 sf
	5000 ft long	100000 sf

CHARTER TOWNSHIP OF ELMWOOD
 Leelanau County, Michigan

Ordinance No. 2024-_____
 ZO 2017-04-17

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO AMEND SECTION 2.2 DEFINITIONS TO ADD DEFINITIONS FOR ‘ACTIVE FARM OPERATION,’ ‘FESTIVAL,’ AND ‘SPECIAL EVENT FACILITIES;’ AMEND SECTION 5.4 TO ALLOW FOR SPECIAL EVENT FACILITIES WITHIN THE AGRICULTURAL-RURAL ZONING DISTRICT, WITH A SPECIAL USE PERMIT AND TO RENUMBER THE SUBSEQUENT USES WITHIN THE LAND USE AND ZONING DISTRICT TABLE; AMEND SECTION 9.8.H TO INCLUDE STANDARDS AND REGULATIONS SPECIFIC TO SPECIAL EVENT FACILITIES.

The Charter Township of Elmwood Ordains:

Section 1: Amendment.

Amend Article 2:

Active Farm Operation: A farm operation within which any of the following are occurring: (1) for crops such as fruits, vegetables, hay, corn, soybeans, wheat, etc. where the crops are grown, harvested, and historically commercially marketed; (2) for dairy farms, the cows are raised, regularly milked, and the milk has historically been commercially sold; (3) for beef cattle farms, the cows are raised, and historically either commercially sold or slaughtered, and (4) for other types of specialty farms, such as deer, elk, or pheasant farms, the animals are raised and historically been commercially harvested by private hunting or other means.

Festival: A recreational, social, educational, or cultural activity, generally open to the public or a designated part of the public.

Special Event Facilities: An establishment which is rented by individuals or groups by paying a fee or other compensation to accommodate private functions, typically involving family and close friends of the individual renting the facility, including, but not limited to, banquets, weddings, anniversaries, and other similar celebrations involving more than 50 people.

Add a new number 74 to Section 5.4 and renumber subsequent uses

Commercial Related Uses	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
74. Special Event Facility	SUP										
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit											

Add to SECTION 9.8 ADDITIONAL REQUIREMENTS FOR CERTAIN SPECIAL LAND USES

H. Special Event Facilities

1. This section is intended to allow special event facilities as a part of active farm operations in the Township in order to promote the following:
 - a. Preservation of agricultural uses and the agricultural sector in the Township and in the region.
 - b. Retention of large tracts of land for land preservation and to sustain current-day and future farming opportunities.
 - c. Allow for business opportunities to make agricultural pursuits economically viable.
 - d. Protecting adjacent property owners from any potential nuisance factors related to these special events.

2. All special event facilities are subject to the following requirements as applicable:
 - a. The property shall be an active farm operation as defined by this ordinance during the use of the property for special events.
 - b. The minimum lot size shall be 40 acres.
 - c. All structures and activities related to the special event facility, including parking, shall be located 200 feet from all property lines.
 - d. The special event facility, including structures used for the special event, parking, access, and area designated for guests or space to be used for the special event facility, shall not exceed 2.5% of the area used for the active farm operation of the parcel.
 - e. No guest lodging shall be permitted on site.
 - f. Applicable requirements pursuant to Article 6 of this Zoning Ordinance shall be met, with the exception that parking, maneuvering lanes, and driveways may be gravel and shall be maintained to control dust. Parking and maneuvering lanes may be grass so long as the grass is maintained from wear.
 - g. All parking areas, dumpsters, and loading areas shall be screened from view of an abutting parcel containing a residential use by either a greenbelt, obscuring fence, or masonry wall.
 - h. No sounds shall be heard that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities on any property that is not described in the zoning permit at any time during the special event.
 - i. Music or entertainment shall not be the primary purpose for the special event.
 - j. The duration of the special event shall not last longer than 12 hours and occur on one day. The Planning Commission may reduce the duration of the special event based on the location of the property, adjoining land uses, terrain features, noise dissemination, and the avoidance of adverse impact on other lands. Hours of operation shall not exceed the following:
 - i. Sunday through Thursday: 9:00 am to 10:00 pm
 - ii. Friday, Saturday, and federal holidays: 9:00 am to 11:00 pm
 - iii. Tear down shall not occur after 1 hour following the above hours of operation nor begin more than 1 hour prior to the above hours of operation
 - iv. All guest shall be off the site within 1 hour of the end of the special event
 - k. The Planning Commission shall determine the maximum number of special events after consideration of its location, whether this is a reasonable likelihood of an adverse impact on neighbors, traffic, access, and nearby land uses as well as the standards in Section 9.3. At no time shall the Planning Commission allow more than the following special events:
 - i. Maximum of 52 special events in a calendar year

- ii. Maximum of 2 special events in a week unless there is a federal holiday in the week, then up to 3 special events may be held in that week. For this section of the Ordinance, a week shall be a calendar week, Sunday to Saturday.
- 1. A management plan meeting the following shall be provided:
 - i. General description of the special event facility including operational calendar.
 - ii. Specific details on where the special events will be conducted (building, tent, outdoors, etc.) and number of guests permitted. Occupancy for outdoor area shall be calculated in the same manner as indoor (building or tent) space is calculated.
 - iii. Information pertaining to provisions for catering facilities, restrooms, and utilities.
 - iv. A traffic management plan approved by the Fire Department to ensure adequate ingress and egress for guests and emergency vehicles.
 - v. Contact information for onsite special event manager, if different from owner.

Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days after publication.

Public Hearing: December 19, 2023

Adopted: _____

Effective: _____

To: Elmwood Township Planning Commission
From: Sarah Clarren, Planner/Zoning Administrator
Date: January 2, 2024
RE: PC Introduction ZO 2017-04-22

As mentioned at our last meeting, I have prepared residential multi dwelling development requirements based on past discussion (as well as from our Master Plan). These changes are proposed to help ensure that developments do not overburden buildable portions of the lot and to not adversely impact on abutting lots.

Please review the proposed text and come ready to discuss. The red text shows the changes proposed to our current text; strikethrough red text shows text that would be removed and red underlined text shows text that would be added.

Please also note that per Section 11.12.D, the following guidelines shall be used by the Planning Commission in consideration of amendments to the Zoning Ordinance.

1. Text Amendment.

- a. The proposed text amendment would clarify the intent of the Ordinance.
- b. The proposed text amendment would correct an error in the Ordinance.
- c. The proposed text amendment would address changes to State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
- d. The proposed text amendment would promote compliance with changes in other county, state or federal regulations.
- e. The proposed text amendment would be consistent with the goals, policies, and future land use map of the Elmwood Township Master Plan, or if conditions have changed significantly since the Master Plan was adopted, consistent with recent development trends in the area.
- f. In the event the amendment will add a use to a district, that use shall be consistent with the character of the range of uses provided within the district.
- g. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
- h. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items.
- i. As applicable, the proposed text amendment shall be consistent with the Township's ability to provide adequate public facilities and services.
- j. The proposed text amendment shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

If the Commission is not ready to move forward with the text as presented and/or discussed, no motion is needed.

If the Commission would like to move forward with the text, please make the following motion:

Motion to schedule a public hearing on ZO 2017-04-22 at the next regularly scheduled meeting (February 20).

CHARTER TOWNSHIP OF ELMWOOD
Leelanau County, Michigan

Ordinance No. _____
ZO 2017-04-22

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO AMEND SECTION 2.2 TO ADD A DEFINITION FOR DWELLING, MULTI AND TO MODIFY THE EXISTING DEFINITIONS FOR PARCEL, LOT, LOT AREA AND NET LOT AREA; AMEND SECTION 3.14 TO REINTRODUCE DEVELOPMENT REQUIREMENTS FOR MULTI-DWELLING DEVELOPMENTS; ADD NOTE 'I' TO SECTION 5.6 TO REFERENCE RESIDENTIAL DENSITY REQUIREMENTS TO SECTION 3.14; MODIFY SECTION 7.1.2 SO RESIDENTIAL BASE DENSITY IS DETERMINED USING NET ACREAGE; MODIFY SECTION 7.2.2 SO RESIDENTIAL DENSITY IS BASED OFF OF NET LOT AREA; MODIFY SECTION 8.4.12 TO HAVE SITE PLAN REVIEW APPLICANTS SUBMIT THE GROSS LOT AREA AND NET LOT AREA.

The Charter Township of Elmwood Ordains:

Section 1: Amendment

1. Amend Section 2.2, specifically to add the following definitions:

Dwelling, Multi. A building or buildings on a single lot with at least two dwelling units, including any attached dwelling, as defined in this Ordinance.

2. Amend Section 2.2, specifically to modify the below definitions to read as follows:

Parcel. See Lot.

Lot. A parcel of land having frontage along a road or right-of-way on which a principal use or uses and its accessory uses are located, or intended to be located, together with any open spaces required by this Ordinance. A site condominium lot shall also be considered a lot for purposes of compliance with the regulations of this Ordinance.

Lot Area, Gross. The total horizontal area within the boundary lines of a lot not including right-of-way easements.

Lot Area, Net: The lot area excluding unbuildable areas of the lot. Examples for unbuildable areas include existing and proposed ingress and egress easements, wetlands, and bodies of water. (Amendment ZO 2017-04-09, Ordinance #2021-1, Effective January 29, 2021)

3. Amend Section 3.14, specifically so it reads as follows:

SECTION 3.14 MULTI-DWELLING REQUIREMENTS

- A. Intent. The intent of this Section is to recognize the growing need for housing within the Township, while at the same time encouraging sustainable multi-dwelling developments so these developments do not overburden the lots on which they are located and do not impose unreasonably adverse impacts on the surrounding lots. Further, this Section seeks to ensure that any multi-dwelling development of lots remains consistent with underlying zoning requirements.
- B. Multi-dwelling Development Requirements. All multi-dwelling developments that are permitted in any zoning district shall comply with the following requirements:
1. Every dwelling unit within a multi-dwelling development shall have a minimum width of twenty-four (24) feet and a minimum living area of seven hundred twenty (720) square feet.
 2. The minimum net lot area for a multi-dwelling development shall be 12,500 sq ft.
 3. Except as provided in subsection 6 below, the maximum number of dwelling units permitted (density) within a multi-dwelling development shall be determined by dividing the net lot area of the lot on which the multi-dwelling development will be located by the minimum lot size of the zoning district in which the multi-dwelling development will be located. When the density calculation results in a whole number, plus any fraction, then the calculation shall be rounded up to permit one additional dwelling unit. In addition, when a density calculation results in any fraction less than a whole number, then the developer shall be allowed to construct one (1) dwelling unit on the lot. Finally, in the case of a multi-dwelling development in the General Commercial (GC), Neighborhood Commercial (NC), Light Industrial (LI), and Shoreline Commercial (SC) Zoning Districts, 6,250 sq ft may be utilized instead of the minimum lot area when calculating the number of dwelling units.
 4. If the density of a multi-dwelling development exceeds one dwelling unit per acre, then the development shall have shared utility systems (septic and well) or connect into public utility systems (sewer and water).
 5. The Planning Commission may consider density bonuses within Planned Developments as allowed and defined within Section 7.1.2 of this Ordinance.
 6. In no instance shall density be permitted to exceed twelve (12) dwelling units per acre.

4. Amend Section 5.6, Table of Dimensional Requirements to create a new 'Note I' under

footnotes. This 'Note I' will read as follows:

Note I: Density. The maximum number of dwelling units permitted on a lot in any zoning district referenced in this table shall comply with Section 3.14 of this Ordinance.

5. Amend Section 7.1.2.C to read as follows:

SECTION 7.1.2 General Requirements

C. **Residential Base Density:** The maximum base residential density and number of permitted Dwelling units shall be determined by dividing the total net lot area by the minimum lot size of the underlying zoning district.

6. Amend Section 7.2.2 to read as follows:

SECTION 7.2.2 Application And Review Procedures

E.1.d. A residential density calculation indicating the total number of dwelling units divided by the net lot area, and a more detailed residential density calculation that divides the number of a specific unit type by the net lot area associated with that specific unit type.

7. Amend Section 8.4.12 (Requirements for Site Plan Approval) to read as follows:

12. The gross lot area and net lot area.

Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days following publication.

Public Hearing: _____

Adopted: _____

Effective: _____

CHARTER TOWNSHIP OF ELMWOOD
Leelanau County, Michigan

Ordinance No. _____
ZO 2017-04-22

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO AMEND SECTION 2.2 TO ADD A DEFINITION FOR DWELLING, MULTI AND TO MODIFY THE EXISTING DEFINITIONS FOR PARCEL, LOT, LOT AREA AND NET LOT AREA; AMEND SECTION 3.14 TO REINTRODUCE DEVELOPMENT REQUIREMENTS FOR MULTI-DWELLING DEVELOPMENTS; ADD NOTE 'I' TO SECTION 5.6 TO REFERENCE RESIDENTIAL DENSITY REQUIREMENTS TO SECTION 3.14; MODIFY SECTION 7.1.2 SO RESIDENTIAL BASE DENSITY IS DETERMINED USING NET ACREAGE; MODIFY SECTION 7.2.2 SO RESIDENTIAL DENSITY IS BASED OFF OF NET LOT AREA; MODIFY SECTION 8.4.12 TO HAVE SITE PLAN REVIEW APPLICANTS SUBMIT THE GROSS LOT AREA AND NET LOT AREA.

The Charter Township of Elmwood Ordains:

Section 1: Amendment

1. Amend Section 2.2, specifically to add the following definitions:

Dwelling, Multi. A building or buildings on a single lot with at least two dwelling units, including any attached dwelling, as defined in this Ordinance.

2. Amend Section 2.2, specifically to modify the below definitions to read as follows:

~~**Parcel.** See Lot. A tract of land having a single tax identification number on which a principal building or structure and or use, and or accessory structures or uses, may be located.~~

Lot. A parcel of land having frontage along a road or right-of-way ~~approved by the Township~~ on which ~~one (1) a~~ principal use or uses and its accessory uses are located, or intended to be located, together with any open spaces required by this Ordinance. A site condominium lot shall also be considered a lot for purposes of compliance with the regulations of this Ordinance.

~~**Lot Area-, Gross.**~~ The total horizontal area within the boundary lines of a ~~parcel lot~~ not including right-of-way easements.

~~**Net Lot Area:**~~ **Lot Area, Net:** The lot area excluding unbuildable areas of the lot. Examples for unbuildable areas include existing and proposed ingress and egress easements, wetlands, and bodies of water. (Amendment ZO 2017-04-09, Ordinance

3. Amend Section 3.14, specifically so it reads as follows:

SECTION 3.14 ~~RESERVED~~ MULTI-DWELLING REQUIREMENTS

- A. Intent. The intent of this Section is to recognize the growing need for housing within the Township, while at the same time encouraging sustainable multi-dwelling developments so these developments do not overburden the lots on which they are located and do not impose unreasonably adverse impacts on the surrounding lots. Further, this Section seeks to ensure that any multi-dwelling development of lots remains consistent with underlying zoning requirements.
- B. Multi-dwelling Development Requirements. All multi-dwelling developments that are permitted in any zoning district shall comply with the following requirements:
1. Every dwelling unit within a multi-dwelling development shall have a minimum width of twenty-four (24) feet and a minimum living area of seven hundred twenty (720) square feet.
 2. The minimum net lot area for a multi-dwelling development shall be 12,500 sq ft.
 3. Except as provided in subsection 6 below, the maximum number of dwelling units permitted (density) within a multi-dwelling development shall be determined by dividing the net lot area of the lot on which the multi-dwelling development will be located by the minimum lot size of the zoning district in which the multi-dwelling development will be located. When the density calculation results in a whole number, plus any fraction, then the calculation shall be rounded up to permit one additional dwelling unit. In addition, when a density calculation results in any fraction less than a whole number, then the developer shall be allowed to construct one (1) dwelling unit on the lot. Finally, in the case of a multi-dwelling development in the General Commercial (GC), Neighborhood Commercial (NC), Light Industrial (LI), and Shoreline Commercial (SC) Zoning Districts, 6,250 sq ft may be utilized instead of the minimum lot area when calculating the number of dwelling units.
 4. If the density of a multi-dwelling development exceeds one dwelling unit per acre, then the development shall have shared utility systems (septic and well) or connect into public utility systems (sewer and water).
 5. The Planning Commission may consider density bonuses within Planned Developments as allowed and defined within Section 7.1.2 of this Ordinance.
 6. In no instance shall density be permitted to exceed twelve (12) dwelling

units per acre.

4. Amend Section 5.6, Table of Dimensional Requirements to create a new ‘Note I’ under footnotes. This ‘Note I’ will read as follows:

Note I: Density. The maximum number of dwelling units permitted on a lot in any zoning district referenced in this table shall comply with Section 3.14 of this Ordinance.

5. Amend Section 7.1.2.C to read as follows:

SECTION 7.1.2 General Requirements

- C. **Residential Base Density:** The maximum base residential density and number of permitted Dwelling units shall be determined by dividing the total ~~gross acreage~~ net lot area by the minimum lot size of the underlying zoning district.

6. Amend Section 7.2.2 to read as follows:

SECTION 7.2.2 Application And Review Procedures

E.1.d. A residential density calculation indicating the total number of dwelling units divided by the ~~gross site area~~ net lot area, and a more detailed residential density calculation that divides the number of a specific unit type by the ~~gross site~~ net lot area associated with that specific unit type.

7. Amend Section 8.4.12 (Requirements for Site Plan Approval) to read as follows:

12. ~~The gross and net acreage of the parcel.~~ The gross lot area and net lot area.

Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days following publication.

Public Hearing: _____

Adopted: _____

Effective: _____

To: Elmwood Township Planning Commission
From: Sarah Clarren, Planner/Zoning Administrator
Date: January 9, 2023
RE: Introduction ZO 2017-04-23

As the Commission knows, I have been working on a couple different text amendments regarding concerns raised by the Commission. Please review the attached text and come ready to discuss. I have enclosed a track changed version which shows modifications to our current Ordinance as well as a clean version.

During your review, please note that the following guidelines shall be used by the Planning Commission in consideration of amendments to the Zoning Ordinance.

A. Text Amendment.

- a. The proposed text amendment would clarify the intent of the Ordinance.
- b. The proposed text amendment would correct an error in the Ordinance.
- c. The proposed text amendment would address changes to State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
- d. The proposed text amendment would promote compliance with changes in other county, state or federal regulations.
- e. The proposed text amendment would be consistent with the goals, policies, and future land use map of the Elmwood Township Master Plan, or if conditions have changed significantly since the Master Plan was adopted, consistent with recent development trends in the area.
- f. In the event the amendment will add a use to a district, that use shall be consistent with the character of the range of uses provided within the district.
- g. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
- h. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items.
- i. As applicable, the proposed text amendment shall be consistent with the Township's ability to provide adequate public facilities and services.
- j. The proposed text amendment shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

If the Commission is not ready to move forward with the text as presented and/or discussed, no motion is needed.

If the Commission would like to move forward with the text, please make the following motion:

Motion to schedule a public hearing on ZO 2017-04-23 at the next regularly scheduled meeting (February 20).

CHARTER TOWNSHIP OF ELMWOOD
Leelanau County, Michigan

Ordinance No. _____
ZO 2017-04-23

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO AMEND SECTION 2.2 TO ADD DEFINITIONS FOR ALCOHOL, BEER, BREWER, BREWERY, DISTILLER, MICRO BREWER, SMALL DISTILLER, SMALL WINE MAKER, SPIRITS, TASTING ROOM, WINE MAKER, REVISE DEFINITIONS FOR DISTILLERY, WINE, WINERY, AND ELIMINATE DEFINITIONS FOR DISTILLERY TASTING ROOM, WINE, BRANDY, WINE DRINK, MIXED, WINE RELATED BEVERAGES, AND WINE TASTING ROOM; AMEND SECTION 5.4 TO ELIMINATE DISTILLERY TASTING ROOMS, MICROBREWERIES/DISTILLERIES, AND WINE TASTING ROOM, ADD 'DISTILLERY AND/OR BREWERY' AND 'TASTING ROOM' AS PERMITTED USES UNDER SITE PLAN REVIEW OR SPECIAL USE PERMIT IN CERTAIN ZONING DISTRICTS, ALLOW WINERY AS A USE WITHIN THE GENERAL COMMERCIAL AND LIGHT INDUSTRIAL DISTRICTS UNDER SITE PLAN REVIEW, RENUMBER USES; AMEND SECTION 5.5.K TO ELIMINATE TWO REQUIREMENTS FOR TEMPORARY PRODUCE STANDS AND RENUMBER SUBSEQUENT REQUIREMENTS; ADD SECTION 5.5.N TO CONTAIN REQUIREMENTS FOR WINERIES, DISTILLERIES, AND BREWERIES; AMEND SECTION 6.1.3 TO LIST PARKING REQUIREMENTS FOR WINERIES, DISTILLERIES, AND BREWERIES; AMEND SECTION 9.8.J TO CONTAIN REQUIREMENTS FOR TASTING ROOMS FOR WINERIES, DISTILLERIES, AND BREWERIES; ELIMINATE SECTION 9.8.L DISTILLERY TASTING ROOM AND ITS REQUIREMENTS AND RESERVE SECTION 9.8.L FOR FUTURE USE.

The Charter Township of Elmwood Ordains:

Section 1: Amendment.

1. Amend Section 2.2, specifically to add the following definitions:

Alcohol. The product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

Beer. A beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, sugar, or other cereal in potable water.

Brewer. A person located in this state that is licensed by the Michigan Liquor Control Commission to manufacture beer and sell at retail and to licensed wholesalers the beer manufactured by the person.

Brewery. A facility licensed by the Michigan Liquor Control Commission where agriculture products are grown and/or maintained and used by brewers and/or micro brewers to manufacture beer and sell at retail and to licensed wholesalers the beer manufactured by the brewer or micro brewer.

Distiller. A person licensed by the Michigan Liquor Control Commission to manufacture and sell spirits or alcohol, or both, of any kind.

Micro Brewer. A brewer that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state, must be combined and all breweries for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility.

Small Distiller. A manufacturer of spirits annually manufacturing in this state not more than 60,000 gallons of spirits, of all brands combined.

Small Wine Maker. A wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year. A small wine maker is not required to bottle wine it manufactures.

Spirits. A beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.

Tasting Room. A location on or off the manufacturing premises of a brewer, micro brewer, wine maker, small wine maker, distiller, or small distiller where the brewer, micro brewer, wine maker, small wine maker, distiller, or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, the beer, wine, or spirits it manufactures. A small wine maker, however, may only sell wine it bottled.

Wine Maker. A person licensed by the Michigan Liquor Control Commission to manufacture wine and to sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, and to sell that wine to a retailer.

2. Amend Section 2.2, specifically to modify the below definitions to read as follows:

Distillery. A facility licensed by the Michigan Liquor Control Commission where agriculture products are grown and/or maintained and used by distillers and/or small distillers to manufacture spirits or alcohol and to sell the spirits and/or alcohol manufactured by the distiller or small distiller.

Wine. A product manufactured 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 cider made from apples or pears, or both, that contains at least ½ of 1% of alcohol by volume, or mead, or honey wine made from honey, fermented fruit juices other than grapes, and mixed wine drinks.

Winery. A facility licensed by the Michigan Liquor Control Commission where agriculture products are grown and/or maintained and used by wine makers and/or small wine makers to manufacture wine and to sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, and to sell that wine to a retailer.

3. Amend Section 2.2, specifically to eliminate the following definitions:

Distillery Tasting Room. A Michigan licensed room used in conjunction, as an accessory use, with a distillery where a spirit is produced on-site, may be consumed or purchased.

(Amendment ZO 2017-04-03, Ordinance #2018-04, Effective November 9, 2018)

Wine, Brandy. An alcoholic liquor as defined in Federal Standards of Identity for Distilled Spirits, 27 CFR 5.22 (d) 1980.

Wine Drink, Mixed. A drink or similar product containing less than seven percent (7%) alcohol by volume, consisting of wine and sparkling or carbonated or water and/or containing one (1) or more of the following: non-alcoholic beverages; flavorings; fruit juices; coloring materials; fruit adjuncts; sugar; preservatives; and carbon dioxide .

Wine-Related Beverages. Fortified wines, wine brandy, other mixed wine drinks, and drinks related to or inclusive of wines.

Wine Tasting Room. A Michigan licensed room used in conjunction with a winery where the tasting of wine, fruit wines, and non-alcoholic fruit juices takes place at a charge or at no charge to the individual, and the retail sales of winery and cheese products, incidental wine-related non food items, products by the bottle, container, or case for off-premises consumption, and wine-related packaged food items are allowed as provided herein.

4. Amend Section 5.4 to eliminate Use #49 (Distillery Tasting Rooms), Use #60 (Microbreweries/Distilleries regulated by Michigan Liquor Control Commission) Use #78 (Wine Tasting Room); create new Use #49 (Distillery and/or Brewery), Use #74 (Tasting Room); change permitting process for Use #79 (Winery); renumber the table as needed. Uses #49, #74, and #79 will read as follows:

Applicable to Multiple Districts	A-R	R-1	R-2	R-3	MH P	M C	NC	G C	LI	SC	R R
49. Distillery and/or Brewery	SUP						Psp	Psp	Psp		
74. Tasting Room	SUP						Psp	Psp	Psp		

5. Amend Section 5.5.K containing requirements for ‘Temporary produce stands,’ specifically to eliminate existing requirements 5 and 6 and then renumber subsequent requirements. The requirements that will be eliminated are:

- ~~5. Additional agricultural products may be sold at the produce stand provided it is grown or produced (e.g., honey, syrup, etc) in Elmwood Township.~~
- ~~6. Sale of craft items is limited to those produced on the property.~~

6. Amend Section 5.5 to create 5.5.N to contain requirements for Wineries, Distilleries, and Breweries. This new Section 5.5.N will read as follows:

N. Winery, Distillery, Brewery

1. **Intent.** It is the intent of this ordinance to allow construction of Breweries, Distilleries, and Wineries for beer, wine, spirits and other alcoholic beverages regulated by the Michigan Liquor Control Code of 1998, being Public Act 58 of 1998 [MCL 436.1101 et seq] (the “Code”) on lands where the ingredients for such products are raised or grown. Such facilities are permitted with or without tasting rooms (See Section 9.8.J).

The growing of wine fruit and production of wine, the growing of the ingredients for making beer and the growing of crops to be used in distilling spirits are recognized as an integral component of the rural and agricultural ambiance of the agricultural areas within Elmwood Township if regulated appropriately. The growing of these crops do not require Planning Commission review, but without site plan review, production facilities could industrialize the agricultural district. It is, therefore, the intent of this section to maintain the viability of growing agricultural products by providing for the value added processing and direct sales of such beverages and other end products of such processing.

2. **Conditions.** Wineries, Distilleries, and Breweries may be permitted in accordance with Article 8 (Site Plan Review) and subject to the following conditions:
- a. Every winery, brewery, and distillery, is subject to the development review requirements as provided in Article 8 (Site Plan Review) of this ordinance.
 - b. Retail sales of the beverages produced on the site are permitted along with retail sales of related products (i.e. branding merchandise for the facility). However, no tasting is permitted unless a permit for a Tasting Room is obtained onsite.
 - c. To ensure that production facilities within the A-R Zoning District do not industrialize the district, the following standards shall be met:
 - i. The parcel must be at least ten (10) acres.
 - ii. The winery, distillery, or brewery is operated according to generally accepted agricultural management principles and for every winery, distillery, and brewery, the parcel shall have a minimum of five (5) planted acres of mature crop that is used for

the on-site production of alcohol for production facilities selling directly to the consumer. Ten (10) planted acres of mature crop that is used for the on-site production of alcohol for production facilities selling directly to the consumer is required for selling wholesale. For purposes of this section, 'mature crop' shall mean crops that are of an age where they can be harvested and used in the production of alcohol.

- iii. The total land area covered by buildings and structures used for the processing, storage and sales of wine, beer, and spirits may not exceed fifteen percent (15%) of the lot area. In order to encourage the reuse of historic buildings, the Planning Commission may consider a larger land cover percentage, while considering the impact of the use on neighboring properties. If the parcel contains a dwelling, the dwelling and the dwelling's associated accessory structures shall not be incorporated in this calculation. Any building or structure used for agricultural use (i.e. silos, animal husbandry, storage of traditional agricultural machinery (i.e. tractors, plows, etc.) shall not be incorporated in this calculation.
- d. All winery, brewery, or distillery structures and/or permitted outdoor tasting areas (if permitted shall be set back at least 100 feet from any lot line as well as any wetlands and/or any water's edge. This setback shall not apply to any building or structure used for agricultural use (i.e. silos, animal husbandry, storage of traditional agricultural machinery (i.e. tractors, plows, etc.).

7. Amend Section 6.1.3, specifically to add minimum required parking spaces for Wineries, Distilleries, and Breweries to the existing table as follows:

USE	MINIMUM NUMBER OF SPACES REQUIRED
Winery, Distillery, and/or Brewery	5 spaces plus 1 per employee on largest shift

8. Remove Section 9.8.J (Requirements for Wine Tasting Rooms) and replace with a new Section 9.8.J (Requirements for Tasting Rooms for Wineries, Breweries, and Distilleries) to read as follows:

J. Tasting Rooms for Wineries, Breweries, and Distilleries

The Township would like to encourage agriculturally related uses while preserving neighboring property owners' enjoyment of their land. Tasting Rooms are permitted as accessory uses at permitted Wineries, Breweries and Distilleries or within other zoning districts, as permitted provided that the proposed tasting room complies with the following requirements:

- 1. Every tasting room for a winery, brewery, and distillery within the Agricultural-Rural (A-R) Zoning District is subject to the development

review and requirements for a winery, brewery and distillery as provided in Article 5.5.N of this ordinance.

2. The tasting area may be located inside or outside a building, but at no time shall the tasting area exceed 2,500 sq ft.
3. A tasting room and/or an authorized outdoor tasting area shall not be located closer than 100 feet from any lot line of a lot containing a dwelling or from any lot that is zoned residential (R-1, R-2, or R-3).
4. If a tasting room is located within 500 feet from any lot line of a lot containing a dwelling or from any lot that is zoned residential (R-1, R-2, or R-3), then a fence or buffer, meeting the requirements of Section 6.4.4 of this Ordinance, shall be placed along the lot line of that adjacent lot to discourage trespass.
5. The hours of operation shall be between the hours of 10 am and 10 pm unless the Planning Commission determines that different and more restrictive hours are more appropriate to meet the standards of Section 9.3.
6. Amplified sound (including amplified music) shall be contained indoors and shall not produce sound that because of its volume or frequency annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.
7. A Tasting Room is not intended to be a restaurant; restaurants are a use that is permitted in certain zoning districts. Therefore, a tasting room may offer limited food service provided:
 - a. Any retail sales and food service must be clearly accessory to the tasting room. This shall be evidenced by:
 - i. The area for serving food shall seat no more than twenty (20) patrons at one time.
 - ii. Sale of food shall not exceed 10% of gross sales of licensed products. At the request of the Township, the business shall provide supporting documentation to the Township verifying compliance with this section.
 - iii. Food service items shall be limited to appetizers and small plates. Carry-in or carry-out foods are prohibited.
 - b. Any food service shall be licensed to prepare and serve food by the appropriate Health Agency.

9. Remove Section 9.8.L (Requirements for Distillery Tasting Rooms) and replace as follows:

L. RESERVED

Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days following publication.

Public Hearing: _____

Adopted: _____

Effective: _____

CHARTER TOWNSHIP OF ELMWOOD
Leelanau County, Michigan

Ordinance No. _____
ZO 2017-04-23

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO AMEND SECTION 2.2 TO ADD DEFINITIONS FOR ALCOHOL, BEER, BREWER, BREWERY, DISTILLER, MICRO BREWER, SMALL DISTILLER, SMALL WINE MAKER, SPIRITS, TASTING ROOM, WINE MAKER, REVISE DEFINITIONS FOR DISTILLERY, WINE, WINERY, AND ELIMINATE DEFINITIONS FOR DISTILLERY TASTING ROOM, WINE, BRANDY, WINE DRINK, MIXED, WINE RELATED BEVERAGES, AND WINE TASTING ROOM; AMEND SECTION 5.4 TO ELIMINATE DISTILLERY TASTING ROOMS, MICROBREWERY/DISTILLERIES, AND WINE TASTING ROOM, ADD 'DISTILLERY AND/OR BREWERY' AND 'TASTING ROOM' AS PERMITTED USES UNDER SITE PLAN REVIEW OR SPECIAL USE PERMIT IN CERTAIN ZONING DISTRICTS, ALLOW WINERY AS A USE WITHIN THE GENERAL COMMERCIAL AND LIGHT INDUSTRIAL DISTRICTS UNDER SITE PLAN REVIEW, RENUMBER USES; AMEND SECTION 5.5.K TO ELIMINATE TWO REQUIREMENTS FOR TEMPORARY PRODUCE STANDS AND RENUMBER SUBSEQUENT REQUIREMENTS; ADD SECTION 5.5.N TO CONTAIN REQUIREMENTS FOR WINERIES, DISTILLERIES, AND BREWERIES; AMEND SECTION 6.1.3 TO LIST PARKING REQUIREMENTS FOR WINERIES, DISTILLERIES, AND BREWERIES; AMEND SECTION 9.8.J TO CONTAIN REQUIREMENTS FOR TASTING ROOMS FOR WINERIES, DISTILLERIES, AND BREWERIES; ELIMINATE SECTION 9.8.L DISTILLERY TASTING ROOM AND ITS REQUIREMENTS AND RESERVE SECTION 9.8.L FOR FUTURE USE.

The Charter Township of Elmwood Ordains:

Section 1: Amendment.

1. Amend Section 2.2, specifically to add the following definitions:

Alcohol. The product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

Beer. A beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, sugar, or other cereal in potable water.

Brewer. A person located in this state that is licensed by the Michigan Liquor Control Commission to manufacture beer and sell at retail and to licensed wholesalers the beer manufactured by the person.

Brewery. A facility licensed by the Michigan Liquor Control Commission where agriculture products are grown and/or maintained and used by brewers and/or micro brewers to manufacture beer and sell at retail and to licensed wholesalers the beer manufactured by the brewer or micro brewer.

Distiller. A person licensed by the Michigan Liquor Control Commission to manufacture and sell spirits or alcohol, or both, of any kind.

Micro Brewer. A brewer that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state, must be combined and all breweries for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility.

Small Distiller. A manufacturer of spirits annually manufacturing in this state not more than 60,000 gallons of spirits, of all brands combined.

Small Wine Maker. A wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year. A small wine maker is not required to bottle wine it manufactures.

Spirits. A beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.

Tasting Room. A location on or off the manufacturing premises of a brewer, micro brewer, wine maker, small wine maker, distiller, or small distiller where the brewer, micro brewer, wine maker, small wine maker, distiller, or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, the beer, wine, or spirits it manufactures. A small wine maker, however, may only sell wine it bottled.

Wine Maker. A person licensed by the Michigan Liquor Control Commission to manufacture wine and to sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, and to sell that wine to a retailer.

2. Amend Section 2.2, specifically to modify the below definitions to read as follows:

Distillery. An establishment licensed by the State of Michigan as a Small Distiller. ~~(Amendment ZO 2017-04-03, Ordinance #2018-04, Effective November 9, 2018)~~ A facility licensed by the Michigan Liquor Control Commission where agriculture products are grown and/or maintained and used by distillers and/or small distillers to manufacture spirits or alcohol and to sell the spirits and/or alcohol manufactured by the distiller or small distiller.

~~**Wine.** A drink made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit, and containing not more than 21% of alcohol by volume. A product manufactured 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 cider made from apples or pears, or both, that contains at least ½ of 1% of alcohol by volume, or mead, or honey wine made from honey, fermented fruit juices other than grapes, and mixed wine drinks.~~

~~**Winery.** A Michigan licensed facility where agricultural fruit production is maintained, and juice is processed into wine, stored in bulk, packaged and sold at retail or wholesale to the public. The site and buildings are used principally for the production of wine and the storage of wine and wine related beverages. A facility licensed by the Michigan Liquor Control Commission where agriculture products are grown and/or maintained and used by wine makers and/or small wine makers to manufacture wine and to sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, and to sell that wine to a retailer.~~

3. Amend Section 2.2, specifically to eliminate the following definitions:

~~**Distillery Tasting Room.** A Michigan licensed room used in conjunction, as an accessory use, with a distillery where a spirit is produced on-site, may be consumed or purchased.~~

~~(Amendment ZO 2017-04-03, Ordinance #2018-04, Effective November 9, 2018)~~

~~**Wine, Brandy.** An alcoholic liquor as defined in Federal Standards of Identity for Distilled Spirits, 27 CFR 5.22 (d) 1980.~~

~~**Wine Drink, Mixed.** A drink or similar product containing less than seven percent (7%) alcohol by volume, consisting of wine and sparkling or carbonated or water and/or containing one (1) or more of the following: non-alcoholic beverages; flavorings; fruit juices; coloring materials; fruit adjuncts; sugar; preservatives; and carbon dioxide.~~

~~**Wine-Related Beverages.** Fortified wines, wine brandy, other mixed wine drinks, and drinks related to or inclusive of wines.~~

~~**Wine Tasting Room.** A Michigan licensed room used in conjunction with a winery where the tasting of wine, fruit wines, and non-alcoholic fruit juices takes place at a charge or at no charge to the individual, and the retail sales of winery and cheese products, incidental wine-related non food items, products by the bottle, container, or case for off-premises consumption, and wine-related packaged food items are allowed as provided herein.~~

4. Amend Section 5.4 as follows and renumber the table accordingly:

Applicable Districts	to	Multiple	A-R	R- 1	R- 2	R- 3	MH P	M C	NC	G C	LI	SC	R R
-------------------------	----	----------	-----	---------	---------	---------	---------	--------	----	--------	----	----	--------

49. Distillery Tasting Rooms**	SUP						Ps	Ps	Ps
49. Distillery and/or Brewery	SUP					Psp	p	p	p
60. Microbreweries/Distilleries regulated by Michigan Liquor Control Commission	Psp**						Ps	Ps	Ps
*74. Tasting Room	SUP					Psp	p	p	
78. Wine Tasting Room	SUP					Psp	Ps		Ps
79. Winery	Psp						p	p	p

5. Amend Section 5.5.K containing requirements for ‘Temporary produce stands,’ specifically to eliminate existing requirements 5 and 6 and then renumber subsequent requirements. The requirements that will be eliminated are:

- ~~5. Additional agricultural products may be sold at the produce stand provided it is grown or produced (e.g., honey, syrup, etc) in Elmwood Township.~~
- ~~6. Sale of craft items is limited to those produced on the property.~~

6. Amend Section 5.5 to create 5.5.N to contain requirements for Wineries, Distilleries, and Breweries. This new Section 5.5.N will read as follows:

N. Winery, Distillery, Brewery

1. **Intent.** It is the intent of this ordinance to allow construction of Breweries, Distilleries, and Wineries for beer, wine, spirits and other alcoholic beverages regulated by the Michigan Liquor Control Code of 1998, being Public Act 58 of 1998 [MCL 436.1101 et seq] (the “Code”) on lands where the ingredients for such products are raised or grown. Such facilities are permitted with or without tasting rooms (See Section 9.8.J).

The growing of wine fruit and production of wine, the growing of the ingredients for making beer and the growing of crops to be used in distilling spirits are recognized as an integral component of the rural and agricultural ambiance of the agricultural areas within Elmwood Township if regulated appropriately. The growing of these crops do not require Planning Commission review, but without site plan review, production facilities could industrialize the agricultural district. It is, therefore, the intent of this section to maintain the viability of growing agricultural products by providing for the value added processing and direct sales of such beverages and other end products of such processing.

2. **Conditions.** Wineries, Distilleries, and Breweries may be permitted in accordance with Article 8 (Site Plan Review) and subject to the following conditions:

- a. Every winery, brewery, and distillery, is subject to the development review requirements as provided in Article 8 (Site Plan Review) of this ordinance.
- b. Retail sales of the beverages produced on the site are permitted along with retail sales of related products (i.e. branding merchandise for the facility). However, no tasting is permitted unless a permit for a Tasting Room is obtained onsite.
- c. To ensure that production facilities within the A-R Zoning District do not industrialize the district, the following standards shall be met:
 - i. The parcel must be at least ten (10) acres.
 - ii. The winery, distillery, or brewery is operated according to generally accepted agricultural management principles and for every winery, distillery, and brewery, the parcel shall have a minimum of five (5) planted acres of mature crop that is used for the on-site production of alcohol for production facilities selling directly to the consumer. Ten (10) planted acres of mature crop that is used for the on-site production of alcohol for production facilities selling directly to the consumer is required for selling wholesale. For purposes of this section, ‘mature crop’ shall mean crops that are of an age where they can be harvested and used in the production of alcohol.
 - iii. The total land area covered by buildings and structures used for the processing, storage and sales of wine, beer, and spirits may not exceed fifteen percent (15%) of the lot area. In order to encourage the reuse of historic buildings, the Planning Commission may consider a larger land cover percentage, while considering the impact of the use on neighboring properties. If the parcel contains a dwelling, the dwelling and the dwelling’s associated accessory structures shall not be incorporated in this calculation. Any building or structure used for agricultural use (i.e. silos, animal husbandry, storage of traditional agricultural machinery (i.e. tractors, plows, etc.) shall not be incorporated in this calculation.
- a.d. All winery, brewery, or distillery structures and/or permitted outdoor tasting areas (if permitted shall be set back at least 100 feet from any lot line as well as any wetlands and/or any water’s edge. This setback shall not apply to any building or structure used for agricultural use (i.e. silos, animal husbandry, storage of traditional agricultural machinery (i.e. tractors, plows, etc.).

7. Amend Section 6.1.3, specifically to add minimum required parking spaces for Wineries, Distilleries, and Breweries to the existing table as follows:

USE	MINIMUM NUMBER OF SPACES REQUIRED
Winery, Distillery, and/or Brewery	5 spaces plus 1 per employee on largest shift

8. Remove Section 9.8.J (Requirements for Wine Tasting Rooms) and replace with a new Section 9.8.J (Requirements for Tasting Rooms for Wineries, Breweries, and Distilleries) to read as follows:

J. Wine-Tasting Rooms for Wineries, Breweries, and Distilleries

The Township would like to encourage agriculturally related uses while preserving neighboring property owners' enjoyment of their land. Tasting Rooms are permitted as accessory uses at permitted Wineries, Breweries and Distilleries or within other zoning districts, as permitted, as a primary use Wine tasting rooms are permitted at wineries provided that the proposed wine tasting room complies with the following requirements:

- ~~1. The winery is licensed or will be licensed prior to occupancy by the appropriate Federal, State, and Local agencies.~~
- ~~2. The parcel shall have a minimum of 10 acres.~~
- ~~3. The winery is operated according to generally accepted agricultural management principles and the parcel shall have a minimum of five (5) planted acres of fruit that is used for the on-site production of wine.~~
- ~~4. The total footprint covered by buildings and structures used for any purpose, including wine tasting rooms shall not exceed two and one-half (2.5) percent of the lot area.~~
1. Every tasting room for a winery, brewery, and distillery within the Agricultural-Rural (A-R) Zoning District is subject to the development review and requirements for a winery, brewery and distillery as provided in Article 5.5.N of this ordinance.
2. The tasting area may be located inside or outside a building, but at no time shall the tasting area exceed 2,500 sq ft.
- ~~5. Setbacks shall be:~~
3. A tasting room and/or an authorized outdoor tasting area shall not be located closer than 100 feet from any lot line of a lot containing a dwelling or from any lot that is zoned residential (R-1, R-2, or R-3). For any wine tasting room that adjoins a parcel where there is a residence, all winetasting room structures and facilities shall be located at least 100 feet from the property line that adjoins a residence oned parcel, and speakers and sound amplifiers shall be located at least 250 feet from the property line that adjoins a residence.
- ~~6. Amplified sound (including amplified music) shall not exceed reasonable volumes, so as to avoid disturbance to any neighboring residents.~~

~~2.— If a tasting room is located within 500 feet from any lot line of a lot containing a dwelling or from any lot that is zoned residential (R-1, R-2, or R-3), then a fence or buffer, meeting the requirements of Section 6.4.4 of this Ordinance, shall be placed along the lot line of that adjacent lot to discourage trespass.~~

~~For any wine tasting room that adjoins a parcel where there is a residence, if the residence is within 500 feet of any wine tasting room structure, there shall be a fence or buffer (pursuant to Section 6.4.4) along the property boundary line that adjoins the residence to discourage trespass.~~

~~1.—— The maximum size of wine tasting room shall be 2000 sq ft.~~

~~7.4. The hours of operation shall be between the hours of 10 am and 10 pm unless the Planning Commission determines that different and more restrictive hours are more appropriate to meet the standards of Section 9.3.~~

~~5. Amplified sound (including amplified music) shall be contained indoors and shall not produce sound that because of its volume or frequency annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities. shall not exceed reasonable volumes, so as to avoid disturbance to any neighboring residents~~

~~8.— Lighting shall comply with Section 6.5.~~

~~9.— 50% of the retail space and gross sales of a wine tasting room must be from product produced and grown on site as described in the Department of Agricultural Generally Accepted Agricultural Practices for Farm Markets.~~

~~— On site parking shall be designed and constructed according to Article 6.~~

~~6. A Tasting Room is not intended to be a restaurant; restaurants are a use that is permitted in certain zoning districts. Therefore, a tasting room may offer limited food service provided:~~

~~a. a.—— Any retail sales and food service must be clearly accessory to the tasting room. This shall be evidenced by:~~

~~i. The area for serving food shall seat no more than twenty (20) patrons at one time.~~

~~ii. Sale of food shall not exceed 10% of gross sales of licensed products. At the request of the Township, the business shall provide supporting documentation to the Township verifying compliance with this section.~~

~~iii. Food service items shall be limited to appetizers and small plates. Carry-in or carry-out foods are prohibited.~~

~~b. Any food service shall be licensed to prepare and serve food by the appropriate Health Agency.~~

9. Remove Section 9.8.L (Requirements for Distillery Tasting Rooms) and replace as follows:

L. RESERVED

~~L. — **Distillery Tasting Room (Amendment ZO 2017-04-03, Ordinance #2018-04, Effective November 9, 2018)**~~

~~The Township would like to encourage agriculturally related uses while preserving neighboring property owners' enjoyment of their land. Tasting rooms are permitted at distilleries provided that the proposed distillery tasting room complies with the following requirements:~~

- ~~1. — The distillery is licensed or will be licensed prior to occupancy by the appropriate Federal, State, and Local agencies.~~
 - ~~b. — The parcel shall have a minimum of 20 acres.~~
 - ~~c. — The distillery is operated according to generally accepted agricultural management principles and the parcel shall have a minimum of five (5) planted acres of crop that is used for the on-site production of spirits unless the Planning Commission determines that a different minimum is more appropriate to meet the standards of Section 9.3 for the reuse of existing commercial structures.~~
 - ~~d. — Tasting rooms shall not exceed two and one-half (2.5) percent of the lot area.~~
 - ~~e. — Setbacks shall be:
 - ~~i. — For any tasting room that adjoins a parcel where there is a residence, all tasting room structures and facilities shall be located at least 100 feet from the property line that adjoins a residence, and speakers and sound amplifiers shall be located at least 250 feet from the property line that adjoins a residence.~~
 - ~~ii. — For any tasting room that adjoins a parcel where there is a residence, if the residence is within 500 feet of any tasting room structure, there shall be a fence along the property boundary line that adjoins the residence to discourage trespass.~~~~
 - ~~f. — The maximum size of tasting room shall be 2000 sq ft.~~
 - ~~g. — The hours of operation shall be between the hours of 10 am and 10 pm unless the Planning Commission determines that different hours are more appropriate to meet the standards of Section 9.3.~~

- ~~h. Retail sales and food service must be clearly accessory to production of the spirit being processed on-site. The tasting room may offer food service provided:~~
 - ~~a. The area for serving food shall seat no more than twenty (20) patrons at one time.~~
 - ~~b. Sale of food shall not exceed 10% of gross sales of licensed products. At the request of the Township, the business shall provide supporting documentation to the Township verifying compliance with this section. This section does not limit the Township's ability to make documentation request in any other sections of the Zoning Ordinance.~~
 - ~~c. Food service items shall be limited to appetizers and small plates. Carry-out foods are prohibited.~~
 - ~~d. Distillery shall be licensed to prepare and serve food by the appropriate Health Agency.~~
- ~~9. Amplified sound (including amplified music) shall be contained indoors and shall not exceed reasonable volumes, so as to avoid disturbance to any neighboring residents.~~
- ~~10. Lighting shall comply with Section 6.5.~~
- ~~11. Any alcoholic beverages consumed or sold on-site must be produced on-site.~~
- ~~12. On-site parking shall be designed and constructed according to Article 6.~~

Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days following publication.

Public Hearing: _____

Adopted: _____

Effective: _____

