

**CHARTER TOWNSHIP OF ELMWOOD
PLANNING COMMISSION
REGULAR MEETING**

Tuesday, February 20, 2024 at 6:30 PM

Location: Township Hall (10090 E. Lincoln Road, Traverse City, MI)

**Commission
Members:**

Rick Bechtold, Chair

Jeff April, Vice-
Chair

Jonah Kuzma,
Secretary

Doug Roberts

Kendra Luta

Nathan McDonald

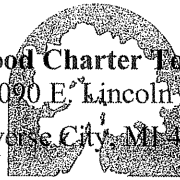
Chris Mikowski

- A. Call to order – 6:30 PM
- B. Pledge of Allegiance
- C. Roll Call
- D. Limited Public Comment-**Only on Agenda Items with no Public Hearing-** See Rules on Agenda
- E. Agenda Modifications/Approval
- F. Minutes – December 19, 2023
- G. Consent Calendar: Approve/Receive and File ZA Report
- H. Declaration of Conflict of Interest (*Items on the Agenda*)
- I. Old Business
- 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.
- b. Introduction, continued. Planning Commission Discussion on ZO 2017-04-22 – a Zoning Ordinance 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 include 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.
- c. Introduction, continued. Planning Commission Discussion on ZO 2017-04-23 – a Zoning Ordinance Amendment 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.
- 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



To: Elmwood Township Board
 From: Sarah Clarren, Planner/Zoning Administrator
 RE: January 2024 Planning and Zoning Report

PERMITS:	01/2024	01/2023	YTD 2024	YTD 2024
Single Family Dwelling	1	0	1	0
Attached SFD	0	0	0	0
Accessory Building	0	0	0	0
AG Building	0	0	0	0
Residential Addition	0	0	0	0
Deck	0	1	0	1
Sign	0	0	0	0
Commercial	1	0	1	0
Misc.	0	0	0	0
Total Permits	2	1	2	1
Fees Collected	\$172	\$100	\$172	\$100

Zoning Board of Appeals:

January 3, 2024, Special Meeting. 1) Review and approve 10/23 Minutes – *approved as drafted*, 2) Review and approve 2024 meeting calendar – *approved as discussed with meeting time changed to 6:30*, 3) Election of Officers – *Bergstrom elected as Chair, Aprill as Vice-Chair, O'Rourke as Secretary*, 4) Review Rules of Procedure – *no action*.

Planning Commission:

January 16, Regular Meeting. 1) Site Plan Review SPR 2024-01 (no public hearing required). Request by Elmwood Township, regarding property at 13051 S West-Bay Shore Dr, parcel 004-033-082-00 for Phase III a-c of the Elmwood Township Marina project – *approved with condition*, 2) further discussion on special event facility language text amendment – *scheduled for Public Hearing at next meeting*, 3) Introduction, ZO 2017-04-22 – a Zoning Ordinance 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 include 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 – *discussion to be continued at next meeting*, 4) Introduction, ZO 2017-04-23 – a Zoning Ordinance Amendment 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– *discussion to be continued at next meeting*, 5) Selection of Officers – *Bechtold elected as Chair, Aprill as Vice-Chair, Kuzma as*

Secretary, 6) West Shore Extension Request – motion made to grant 1-year extension, no second; motion failed, so by extension, extension request denied.

February 20, Regular Meeting. Agenda not yet set, but will include, at a minimum, 1) Public Hearing on 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 6.1.3 to add minimum required parking spaces for Special Event Facilities; amend Section 9.8.H to include standards and regulations specific to Special Event Facilities, 2) continued discussion on ZO 2017-04-22 as detailed above, 3) continued discussion on ZO 2017-04-23 as detailed above

Office Updates:

STRs. 93 licenses for 2024 have been issued. 11 applications are on waitlist.

**Charter Township of Elmwood
Planning Commission Regular Meeting
Elmwood Township Hall (10090 E. Lincoln Rd)
January 16, 2024 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. **Excused:** Nate McDonald

D. Limited Public Comment: Rose Gallagher

E. Agenda Modifications/Approval: Staff noted last week after the packet was mailed out, she received a written extension request for West Shore Marina that was incomplete. They revised the extension request and submitted that this afternoon. They're not planning on being there tonight, but are requesting to be added to the agenda. Their permit will expire before the next meeting.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER APRILL TO ADD THE EXTENSION REQUEST FROM WEST SHORE PARTNERS AS J(F) TO THE AGENDA. MOTION PASSED 6-0.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE AGENDA WITH MODIFICATION. MOTION APPROVED UNANIMOUSLY.

F. Minutes-December 19, 2023.

MOTION BY COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER LUTA TO APPROVE THE MINUTES OF DECEMBER 19, 2023. MOTION PASSED BY A UNANIMOUS VOTE.

G. Consent Calendar:

MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER KUZMA TO APPROVE THE CONSENT CALENDAR AS PRESENTED. MOTION APPROVED UNANIMOUSLY.

H. Declaration of Conflict of Interest: None

I. Old Business: None

J. New Business:

a. Site Plan Review SPR 2024-01-Request by Elmwood Township, regarding property at 13051 S. West-Bay Shore Dr., parcel 004-033-082-00 for Phase III a-c of the Elmwood Township Marina project.

Commissioner Aprill asked if the old bath house was being removed. Harbormaster Pete Moon, replied yes, as well as the bath house, the garage, the old office, and storage area.

Commissioner Aprill asked when that work would take place. Moon responded, they don't have a start date yet as it hasn't gone out to bid. Commissioner Aprill asked if they would tear it down next fall and start. Moon replied, that would be the goal—get the demolition done late season and get the ground work done hopefully before the snow flies.

Chair Bechtold asked if he anticipated the 2025 M-22 revamping impacting the project or the right-of-way. Moon noted the shoulder is quite broad and said that the biggest challenge will be if the two projects are going on simultaneously. There's no way around what's going to happen, it's going to be a challenge for traffic. The good news is that the Brewery Creek renovation is underway which gives them a head start on construction which should be finished in the spring. That will give them room for overflow parking across the street. The Commissioners discussed the plans further.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER ROBERTS TO APPROVE PHASE III OF THE ELMWOOD TOWNSHIP MARINA PROJECT BASED ON COMPLIANCE WITH ADOPTED TOWNSHIP PLANS, PROVIDED ALL OUTSIDE AGENCY PERMITS ARE OBTAINED. MOTION APPROVED UNANIMOUSLY.

b. Continued Discussion. 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.

The Chair noted that as requested, Sara Kopriva from Beckett and Raeder, prepared a graph with the parcels that are 40 acres and over.

Kopriva stated anything 40 acres or more show the slope. At the last meeting they had talked a little about topography in the Township and what that looked like in the parcels and what impact that might have. She showed that on the graph and gave an overview.

The Commissioners discussed sound, percent of acreage allowed for a special event facility based on the amount of acreage being used for active farming and removing access as part of the calculation. Ultimately the Commission agreed that by including access in the

calculation, it would penalize a property owner if the facility is located in further in the lot, which allows for more buffering; access was removed from the calculation.

The Commission reviewed the prepared calculations showing different scenarios of the size of the facility based on the size of active farm operation. Kopriva asked if the Commissioners were comfortable with 5%. The Commissioner's discussed the percentage further and determined that 7.5% of the acreage being used for active farm operation would be a better balance.

The Commissioner's further discussed the requirement of sound; Staff indicated that the requirement was provided by the township attorney; it's been indicated that such language is in noise ordinances and is defensible.

Staff indicated that the Commission should incorporate a parking requirement for the use; they relayed that 1 parking space per 3 people is used for other uses that are relatively similar. The Commission agreed.

Kopriva said the next step would be to hold another public hearing since changes have been made to the proposed text amendment.

MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER MIKOWSKI TO SCHEDULE A PUBLIC HEARING FOR ZO 2017-04-17 A ZONING ORDINANCE AMENDMENT TO AMEND SECTION 2.2 BASED ON MODIFICATIONS. MOTION APPROVED UNANIMOUSLY.

c. Introduction ZO 2017-04-00-a Zoning Ordinance 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 include 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.

Staff said the Commission has talked about this in the past and talked about having residential density based off net lot area. Their attorney originally did not believe they presented a clear enough argument, but has recently agreed there is a valid planning purpose for it. The intent is to ensure that lots are being developed in-line with the underlying zoning. Staff gave the example of a 100acre parcel theoretically zoned A-R, putting [permitted] uses aside; if 90 acres were wetlands and undevelopable, should 100 dwelling units be allowed in the developable 10acres or should you calculate your development rights off of what you can actually develop.

The Chair said a case where that would have been handy, is when they had the 80+ acre development on Grandview Rd. A lot of that was pretty wet and their plan was based on the area they had versus the area they could use so the net lot size was really the usable area when you account for wetlands.

Commissioner Aprill commented, in his mind, if you take that factor out of it, it's almost like the property takings because you can't do anything with it. Staff disagreed; one could do a cluster development, you can seek a variance, and there are options to develop the property. It's not saying you have 100 acres you can't do anything with it, no, you can still develop it, but you develop it based on the zoning of that parcel. The intent is to not overburden the developable portions of property, which impacts the surrounding lots. Aprill suggested that is a strike against cluster developments, which are encouraged. Staff relayed that the prepared text does allow for the Commission to consider density bonuses within Planned Developments as allowed and defined within Section 7.1.2 of the Ordinance, but it also states that in no instance shall density be permitted to exceed twelve dwelling units per acre as that is from the Township's Master Plan.

Staff asked if there were other thoughts from other Commissioners. Commissioner Kuzma said it makes sense the way it is described. Chair Bechtold asked if the Commission would like more time with the prepared text. Commissioner Roberts said he is comfortable with the language as it stands. Commissioner Luta said it makes sense; if you can't build on something, should it be included in the calculation on how much you can build? Commissioner Luta said the text also clarifies what's already in the Ordinance. Commissioner Aprill said unbuildable area also includes setbacks; staff disagreed as setbacks are not included in the definition of net lot area.

The Commissioners determined that they would like more time to review the proposed text and article 7 and would discuss the text amendment at the next meeting.

d. Introduction. ZO 2017-04-23- a Zoning Ordinance Amendment 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, Microwbreweries/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 to contain requirements 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 Chair said as he understands, this was to have like language in all of the definitions like wineries, brew pubs, cideries, distilleries, etc.

Staff stated the intent is to align the Zoning Ordinance with the definitions within the state regulations and to make further effort to make sure the ag district does not become industrialized. The proposed text follows what they believe the Commission has desired; regulations and standards to tie the uses to active agriculture. It was pointed out that currently there are no specific standards for distilleries and microbreweries other than meeting basic requirements of the Ordinance.

Commissioner Aprill asked if this was in all districts. Staff noted on p. 3 of 7 there's a change proposed to Section 5.4 which is the table of allowed uses which shows all uses allowed in the Township and what district they are allowed in.

Commissioner Aprill recommended taking breweries out of ag because it takes away from the land; commercial uses should stay in a commercial district. The Commissioners had a lengthy discussion about breweries and the amendment.

The Commissioners decided to come back to this item at the next meeting.

e. Selection of Officers: MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER APRILL TO ELECT RICK BECHTOLD AS CHAIR. MOTION CARRIED.

MOTION BY CHAIRMAN BECHTOLD, SECONDED BY COMMISSIONER KUZMA TO ELECT JEFF APRILL AS VICE-CHAIR. MOTION CARRIED.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO ELECT JONAH KUZMA AS SECRETARY. MOTION CARRIED.

MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER ROBERTS TO FINISH WITH THE AGENDA. MOTION APPROVED UNANIMOUSLY.

f. West Shore extension request: No one was present on behalf of the request. Staff reported that last week on January 10th, she received an email from Shari Johnson, widow of Pat Johnson, requesting an extension. The extension request received last week Wednesday did not meet the minimum requirements of an extension request. Staff provided the original letter, Staff's response email, the revised letter, the letter from the previous extension request for the project, and a memo on the request. The Commissioners discussed the request.

MOTION BY COMMISSIONER ROBERTS TO GRANT THE REQUEST FOR A 1-YEAR EXTENSION. NO SECOND WAS GIVEN. MOTION DIED. REQUEST DENIED.

K. Discussion on Zoning Ordinance: None

L. Comments from the Chair: Commissioner Bechtold thanked the Commissioners for their diligence in reviewing the materials and the good discussion.

M. Comments from Planning Commissioners: Commissioner Luta thanked the other Commissioners and thanked Staff for her annual review. She also gave kudos to The Chair and Commissioner Aprill for making every meeting in 2023.

Commissioner Aprill apologized if they felt like he was a stick in the mud, he just wants everybody to think about the items on the agenda saying just because it's on paper, doesn't mean it's the only way. He asked them to think it through and make sure. They made past decisions by somebody else's recommendation, and they're regretting them and he doesn't want them to regret any future decisions.

N. Comments from Staff: Staff said it was a good discussion and thanked the Commissioners for letting her overburden them with agenda items. She also relayed that last year contained a lot of special meetings.

O. Public Comment: None

O. Adjourn: MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER LUTA TO ADJOURN THE MEETING AT 8:58 PM. MOTION PASSED UNANIMOUSLY.

To: Elmwood Township Planning Commission
From: Sarah Clarren, Planner/Zoning Administrator
Date: February 14, 2024
RE: Public Hearing ZO 2017-04-1 7

Enclosed you will find the proposed text amendment as drafted.

Please review the proposed text and 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. Any decision to recommend approval or denial of the text to the Township Board must be based on the below guidelines; please come ready to determine if these guidelines are met.

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 would like to move forward with the text, please make the following motion:
Motion to recommend approval of ZO 2017-04-17, text amendment to the Township Board and forward on to the County.

NOTICE OF PUBLIC HEARING
ELMWOOD CHARTER TOWNSHIP
PLANNING COMMISSION

The following Public Hearing is scheduled for Tuesday, February 20, 2024, at 6:30 p.m. before the Elmwood Charter Township Planning Commission to consider:

1. 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 6.1.3 to add minimum required parking spaces for Special Event Facilities; amend Section 9.8.H to include standards and regulations specific to Special Event Facilities.

A complete copy of the amendments are available at the Township Hall by appointment or online at www.elmwoodmi.gov.

The public hearing will be held at the Elmwood Township Hall, 10090 E. Lincoln Road, Traverse City. Individuals can make public comment or submit written comments, in person, at the public hearing. Written comments may be submitted prior to the public hearing by mailing them to: Planning and Zoning Department, 10090 E. Lincoln Rd, Traverse City, MI 49684 or planner@elmwoodmi.gov. Written comments submitted prior to the public hearing will be received until 5:00 pm, Tuesday, February 20, 2024.

Individuals planning to attend who require reasonable auxiliary aids should contact Connie Preston, Township Clerk at (231) 946-0921.

Posted: 1-31-2024
3:50 p.m.
Elmwood Township Hall
Connie Preston, Clerk

Public Notice

Resolution 01-2024
STATE OF MICHIGAN)
LEELANAU COUNTY) SS)
EMPIRE TOWNSHIP)

RESOLUTION BY THE EMPIRE TOWNSHIP PLANNING COMMISSION TO ADOPT THE 2024 EMPIRE TOWNSHIP MASTER PLAN

WHEREAS, the Michigan Planning and Enabling Act, MCL 125.3801 et seq ("MPEA"), delegates to local units of government the power to zone and regulate development within their municipal boundaries; and

WHEREAS, the MPEA, MCL 125.3807 provides, that a local unit of government may prepare and, after public hearing, adopt or amend a municipal Master Plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, the Michigan Zoning Enabling Act, MCL 125.3201 (MZE) et seq provides that a local unit of government may adopt or amend a Zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon only after the municipal Planning Commission has adopted a Master Plan; and

WHEREAS, MPEA 125.3845 (2) provides that a local unit of government shall, at least every 5 years, provide for a general reexamination of its Master Plan by the Planning Commission, which shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan; and

WHEREAS, the Empire Township Planning Commission ("Commission") last reviewed and updated its municipal Master Plan, which included a Land Use Plan Element and a Housing Plan Element, in 2010, and in 2020, the Commission voted to review the 2010 Master Plan and subsequently determined that updates were needed; and

WHEREAS, the Commission commenced a 5-year general review of the Master Plan, beginning January 13, 2021; and

WHEREAS, the COVID-19 epidemic, and its resulting restrictions on public gatherings, delayed and hampered meetings where the Plan was to be discussed and updated; and

WHEREAS, at the Empire Township Board's January 9, 2024 meeting, it was determined that the Empire Township Planning Commission Ordinance grants the Empire Township Planning Commission the right of final approval over the Empire Township Master Plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE EMPIRE TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

A. That the Empire Township Master Plan 2024 draft version as amended at the January 10, 2024 Planning Commission meeting be accepted and adopted as the Planning Commission's final draft of the update to the Empire Township Master Plan 2010.

PASSED BY THE EMPIRE TOWNSHIP PLANNING COMMISSION THIS 16th DAY OF JANUARY, 2024.

A motion was made by Daegan, and seconded by Krawczak to approve Resolution # 01-2024.

Ayes: Daegan, Krawczak, Petersen, DeJager, Shugart

Nays: None
Absent: None

The Planning Commission Chair declared the resolution adopted.

Public Notice

STATE OF MICHIGAN
Leelanau County Probate Court
IN THE MATTER OF MARJORIE JEAN LEONARD, DECEASED

Case No. 2024-13610-DE
NOTICE OF HEARING

TAKE NOTICE that the hearing in the matter of ESTATE OF MARJORIE JEAN LEONARD, DECEASED, Case No. 2024-13610-DE will be held on Tuesday, February 13, 2024, at 3:00 PM via ZOOM due to the COVID 19 public health crisis.

IMPORTANT NOTE: Pursuant to the Michigan Supreme Court Administrative Order No. 2020-6, ALL PROBATE HEARINGS will be conducted via Zoom to the maximum extent possible, until further notice.

If the court has your email address, you will also receive an invite to this Zoom meeting via email. If the court does not have your email address, you must follow these instructions to join the meeting at the time of the call, or you may send your email address to Kristina Mattis kmattis@leelanau.gov and Sage Mrdeza smrdeza@leelanau.gov upon receipt of this notice.

Instructions:
- Polycom and other H323 Systems
- Dial 162.255.37.11#6482102544
- Windows, Android, and Apple Devices - https://mlscao.zoom.us/j/6482102544
- Phone Call (No Video) - Call 646 876 9923 and enter Meeting ID 548 210 2544

SIP Systems - Dial 5492102644@zoomcc.com

- One Tap Mobile
+ 13126266799, 5482102544#US (Chicago)
+ 16468769923, 5482102644# US (New York)
- Phone Call (No Video) - Call Dial+ 1 312 626 8799 US Toll and enter Meeting ID 548 210 2544

- Alternative for Windows Desktops and Laptops - Go to the Zoom Web Site (zoom.us), Click on "Join a Call" and enter using Meeting ID 548 210 2544
- Alternative for Android and Apple Phones and Tablets - Download the Zoom app from the store prior to the call and then use Meeting ID 548 210 2544 to join.

Password Note: If secure call then use Password for all access methods.

NOTE: Hearings are conducted via zoom. However, accommodations can be made for hearings that are open to the public to be viewed in person at the Leelanau County Probate Court. Please contact the Probate Court for more information. FAILURE TO ADVISE THE COURT AT LEAST 3 BUSINESS DAYS PRIOR TO THE HEARING, THAT YOU ARE ATTENDING THE HEARING IN-PERSON, THE COURT SHALL ASSUME THAT YOU ARE ATTENDING REMOTELY. NO VIDEO RECORDING OF THE LIVESTREAM OF THE HEARING MAY BE RECORDED OR DISSEMINATED BY ANYONE.

Centerville Township Planning Commission Notice To The Public

Centerville Township, Leelanau County, Michigan Planning Commission Notice To The Public Planning Commission Meetings The Centerville Township Planning Commission has scheduled the follow-

ing special and regular meetings for the period of January 29, 2024 through March 2024 at 6:30 p.m. at the Township Hall, 6001 S. French Rd., Cedar, MI 49621 to consider regular business and/or amendments to the Centerville Township zoning ordinance.

Special Meeting - Monday, January 29, 2024 - 6:30 p.m.

Regular Meeting - Monday, February 5, 2024 - 6:30 p.m.

Special Meeting - Wednesday, February 21, 2024 - 6:30 p.m.

Regular Meeting - Monday, March 4, 2024 - 6:30 p.m.

Special Meeting - Wednesday, March 20, 2024 - 6:30 p.m.

To submit written comments, write Centerville Township Zoning Administrator, PO Box 58, Lake Leelanau, MI 49653; or phone 231-499-7165 or email grobbelenvironmental@gmail.com.

Centerville Township will provide services for the hearing impaired and others with disabilities within seven (7) days notice at the address and/or phone number below.

If you have any questions, please feel free to contact me at 231-499-7165 or grobbelenvironmental@gmail.com. Thank you.

Christopher P. Grobbel, PhD, Centerville Township Planner

Elmwood Township Planning Commission Notice Of Public Hearing

The following Public Hearing is scheduled for Tuesday, February 20, 2024, at 6:30 p.m. before the Elmwood Charter Township Planning Commission to consider:

1. 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 6.1.3 to add minimum required parking spaces for Special Event Facilities; amend Section 9.8.H to include standards and regulations specific to Special Event Facilities.

A complete copy of the amendments are available at the Township Hall by appointment or online at www.elmwoodmi.gov.

The public hearing will be held at the Elmwood Township Hall, 10090 E. Lincoln Road, Traverse City, individuals can make public comment or submit written comments. In person, at the public hearing. Written comments may be submitted prior to the public hearing by mailing them to: Planning and Zoning Department, 10090 E. Lincoln Rd., Traverse City, MI 49684 or planner@elmwoodmi.gov. Written comments submitted prior to the public hearing will be received until 5:00 p.m., Tuesday, February 20, 2024.

Individuals planning to attend who require reasonable auxiliary aids should contact Connie Preston, Township Clerk at (231) 946-0921.

Public Notice

TO ALL CREDITORS:
The Grantor, Wilma L. Lemcoo (date of birth November 28, 1926), who resided at 12864 S. Regal Street, Traverse City, Michigan 49684, died January 14,

2024. There is no personal representative of the Grantor's estate to whom Letters of Authority have been issued. Creditors of the decedent are notified that all claims against the Wilma L. Lemcoo Family Trust, uad 05/19/03, as amended, will be forever barred unless presented to Mary K. Bush, Successor Trustee, at 3284 S. Center Hwy, Suttons Bay MI 49682, telephone (231) 649-4002, within four (4) months after the date of this publication.

Notice is further given that the Trust will thereafter be assigned and distributed to the persons entitled to it. Dated: February 1, 2024

Glen Arbor Township Notice of Election Commission Meeting

Notice is hereby given that the Glen Arbor Township Election Commission is holding a meeting on February 2, 2024 at 11:00 AM to appoint Inspectors and Chairpersons for the February 27, 2024 Presidential Primary Election. Meeting will be held at the Glen Arbor Township Meeting Room, 6394 W. Western Ave., Glen Arbor, Michigan.

Pam Lauroto
Glen Arbor Township Clerk

Kasson Township Election Commission Public Notice

NOTICE IS HEREBY GIVEN that the Public Accuracy Test for the February 27, 2024 Presidential Primary Election will be held at the Kasson Township Hall, 10988 South Newman Rd., Maple City, Michigan, on Tuesday, February 13, 2024 at 6:30 p.m.

This Public Accuracy Test is conducted to demonstrate that the computer program used to count the votes cast at the election meet the requirements of law.

Dana Boomer, Township Clerk
Kasson Township Election Commission

Glen Arbor Township Notice of Public Accuracy Test

Notice is hereby given that the Glen Arbor Township Election Commission is holding a Public Accuracy Test for the Presidential Primary Election on Friday, February 9, 2024 at 10:00 AM at the Glen Arbor Township Hall, 5394 W. Western Ave., Glen Arbor, Michigan.

The Public Accuracy Test is conducted to demonstrate that the computer and programming used to tabulate the votes cast at the election meets the requirements of Michigan Election Law. Pam Lauroto
Glen Arbor Township Clerk

Public Notice

NOTICE IS HEREBY GIVEN that the Public Accuracy Test for the February 27, 2024

PRESIDENTIAL PRIMARY ELECTION will be held on the dates and times, and at the places, listed below.

The Public Accuracy Test is conducted to demonstrate that the program and tabulator that will be used to tabulate the results of the election, counts the votes in the manner prescribed by law.

BINGHAM TOWNSHIP
Wednesday, Feb. 7, 2024 at 1 p.m.
Bingham Township Hall
7171 S. Center Hwy
Traverse City, MI 49684

Kathy Morio, Township Clerk
SUTTONS BAY TOWNSHIP
Wednesday, Feb. 7, 2024 at 1 p.m.
Suttons Bay Township Office
95 W. Fourth St.
Suttons Bay, MI 49682

Jean Mos, Township Clerk
LELAND TOWNSHIP
Wednesday, Feb. 7, 2024 at 1 p.m.
Leland Township Office
489 W. Main Street
Lake Leelanau, MI 49653

Lisa Brookfield, Township Clerk

NO PRINTING JOB IS TOO BIG OR TOO SMALL

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BENZIE-The all-sports lake's natural beauty and a stone mason's artistry combine to make this a rare offering. Spacious 4 BR, 3.5 BA home offers 10' private access on Platte Lake's sandy W. end to swim, paddleboard, kayak, and mood your boat offshore. Wood flrs., 2 stone fireplaces (1 gas, 1 natural), a screened-porch room & lots of household storage. Finished lower level family room, BR, BA, & a workshop area. \$699,900 #1918879

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Christine Stapleton 231-499-2698
Christine@cdstapleton.com

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UPSIZING? DOWNSIZING?

Vicky Oltersdorf
Jonathan Oltersdorf

VP
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KIMBERLY BORK TEAM

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www.venturepropertiesmi.com

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325 N. ST. JOSEPH ST. - SUTTONS BAY - www.c21.com

Leelanau County's Iconic Tavern

A chance to own one of the most loved Establishments in all of Leelanau County. Halfway between Leland & Northport on scenic & well-travelled M22, sits Fischer's Happy Hour Tavern. A family gathering space, preserved in rich Leelanau history, the Happy Hour has been a true staple for locals & visitors alike for over 50 years. This cozy little Tavern on 350+ ft of road frontage comes touting a class C liquor license, 2.33 acres, AND... a 3 bd, 1 ba apt w/ room for kitchen. Or your own idea of the perfect upnorth venture! \$1,500,000 mls 1910337
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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 6.1.3 TO ADD MINIMUM REQUIRED PARKING SPACES FOR SPECIAL EVENT FACILITIES; AMEND SECTION 9.8.H TO INCLUDE STANDARDS AND REGULATIONS SPECIFIC TO SPECIAL EVENT FACILITIES.

The Charter Township of Elmwood Ordains:

Section 1: Amendment.

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

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.

2. Amend Section 5.4 to add a new number 74 as shown below and to 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											

3. Amend Section 6.1.3, specifically to add minimum required parking spaces for Special Event Facilities to the existing table as follows:

USE	MINIMUM NUMBER OF SPACES REQUIRED
Special Event Facility	1 space for every 3 people allowed by occupancy permit

4. Amend Section 9.8.H to add requirements for Special Event Facilities as follows:
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, and area designated for guests or space to be used for the special event facility, shall not exceed ~~7.5% 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.
- l. 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: February 20, 2024

Adopted: _____

Effective: _____

To: Elmwood Township Planning Commission
From: Sarah Clarren, Planner/Zoning Administrator
Date: February 13, 2024
RE: PC Introduction ZO 2017-04-22, Continued Discussion

The text enclosed has not changed since your last meeting. There was discussion on how the text may impact Cluster Developments; I've enclosed a table that may be helpful and I encourage you to also review our Zoning Ordinance (specifically Section 7.1.2).

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 (March 19).

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: _____

Residential Density for Mutlti Dwelling Developments in Each Zoning District

Net Lot Area	A-R		R-1		R-2		R-3		GC		NC		NC		SC		RR	
	43,560		12,500		12,500		6,250		12,500		20,000		40,000		12,500		217,800	
	(Base) Density	100% Density Bonus***	(Base) Density	100% Density Bonus***	(Base) Density	100% Density Bonus***	(Base) Density	100% Density Bonus***	(Base) Density	100% Density Bonus***	(Base) Density	100% Density Bonus***	(Base) Density	100% Density Bonus***	(Base) Density	100% Density Bonus***	(Base) Density	100% Density Bonus***
0.14 acre = 6250 SF	0.14	NA	NA	NA	0.50	NA	1.00	NA	0.50	NA	0.31	NA	0.16	NA	0.50	NA	0.03	NA
0.29 acre = 12500 SF	0.29	NA	1.00	NA	1.00	NA	2.00	NA	1.00	NA	0.63	NA	0.31	NA	1.00	NA	0.06	NA
1 acre = 43560 SF	1.00	NA	3.48	NA	3.48	NA	6.97	NA	3.48	NA	2.18	NA	1.09	NA	3.48	NA	0.20	NA
5 acres = 217800 SF	5.00	NA	17.42	NA	17.42	NA	34.85	NA	17.42	NA	10.89	NA	5.45	NA	17.42	NA	1.00	NA
10 acres = 435600 SF	10.00	20.00	34.85	69.70	34.85	69.70	69.70	139.39	34.85	69.70	21.78	43.56	10.89	21.78	34.85	69.70	2.00	4.00
15 acres = 653400 SF	15.00	30.00	52.27	104.54	52.27	104.54	104.54	209.09	52.27	104.54	32.67	65.34	16.34	32.67	52.27	104.54	3.00	6.00
20 acres = 871200 SF	20.00	40.00	69.70	139.39	69.70	139.39	139.39	278.78	69.70	139.39	43.56	87.12	21.78	43.56	69.70	139.39	4.00	8.00
50 acres = 2178000 SF	50.00	100.00	174.24	348.48	174.24	348.48	348.48	696.96	174.24	348.48	108.90	217.80	54.45	108.90	174.24	348.48	10.00	20.00
100 acres = 4356000 SF	100.00	200.00	348.48	696.96	348.48	696.96	696.96	1,393.92	348.48	696.96	217.80	435.60	108.90	217.80	348.48	696.96	20.00	40.00

*** As currently drafted, GC, NC, SC and LI all may utilize 6,250 instead of their respective minimum lot area.**

*** When the residential (base) 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.*

****Article 7.1 of the Ordinance has standards/requirements for Cluster Developments. There are 7 instances where a development can obtain a density bonus if certain specified elements are incorporated in the development (open space, walking trails, recreation areas, innovative design features, etc.). Note that The base density and bonus density together cannot be more than twice the base density*

NOTE: The text also indicates that in no instance shall density be permitted to exceed 12 dwelling units per acre. The table above does not take that into consideration

NOTE: Section 7.1.2.A of our current Zoning Ordinance indicates that the minimum site requirements for a development is 10 acres

To: Elmwood Township Planning Commission
From: Sarah Clarren, Planner/Zoning Administrator
Date: February 13, 2024
RE: PC Introduction ZO 2017-04-23, Continued Discussion

The text enclosed has not changed since your last meeting. I've also included Section 5.4 of our current Zoning Ordinance to show the currently allowed uses within Elmwood Township.

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 (March 19).

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, 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.** 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 to Multiple Districts	A-R	R-1	R-2	R-3	MH P	M C	NC	G C	LI	SC	R R
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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
<u>Winery, Distillery, and/or Brewery</u>	<u>5 spaces plus 1 per employee on largest shift</u>

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: _____

SECTION 5.4 LAND USE AND ZONING DISTRICT TABLE

	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
Applicable to Multiple Districts											
1. Accessory buildings and uses customarily incidental to the permitted uses	P	P	P	P	P	P	P	P	P	P	P
2. Planned developments				SUP			SUP	SUP	SUP	SUP	SUP
3. Routine essential services	P	P	P	P	P	P	P	P	P	P	P
4. Wind Energy Conversion System, Non-commercial	P	P	P	P	P	P	P	P	P	P	P
5. Wireless communication facilities	SUP										
Agricultural Related Uses	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
6. Agricultural Commercial Enterprises (not otherwise listed in this table)	SUP **							SUP			
7. Farms and agricultural operations	P										
8. Fruit and vegetable processing plants**									SUP		
9. Livestock and poultry on 4 or more acres in a fenced enclosure	P	P	P								
10. Riding stables	Psp										
11. Temporary produce stands*	P										
Residential Related Uses	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
12. AFC Family Home	P	P	P	P	P	P	P	P			P
13. Cluster residential developments	SUP	SUP	SUP	SUP			SUP	SUP			SUP
14. Dependent Care Facilities*				SUP			Psp	Psp		Psp	
15. Family Child Care Home	P	P	P	P	P	P	P				P
16. Foster Family Care	P	P	P	P	P	P	P				P
17. Foster Family Group Home	P	P	P	P	P	P	P				P
18. Group Child Care Home	SUP	SUP	SUP	SUP	SUP		SUP				
19. Housing, Seasonal Help	P										
20. Manufactured home parks					Psp						
21. Mixed Use (Residential above first floor)							Psp	Psp	Psp	Psp	
22. Multiple/Attached Family Housing*				Psp							
23. Residential-Single Family	P	P	P	P	P		P				P
24. Residential-Two Family				P			P				
25. Short Term Rentals*	P	P	P	P	P	P	P	P	P	P	P
26. Traditional Subdivisions	SUP	Psp	Psp	Psp	Psp		Psp	SUP			
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit											
* see Section 5.5 **See End of Table											

Institutional and Public Related Uses												
	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR	
27. Cemeteries	Psp											
28. Community Recreation Centers							Psp				Psp	
29. Conservation uses	Psp	Psp	Psp	Psp			Psp	Psp			Psp	
30. Government buildings *						Psp						
31. Major essential services	SUP								SUP			
32. Municipal and Commercial Parking Lots						Psp		SUP	SUP			
33. Museums and libraries *	SUP							Psp	Psp	Psp		
34. Nonprofit educational and recreational facilities							Psp	Psp			Psp	
35. Places of worship*	Psp	Psp	Psp	Psp			Psp	Psp	Psp			
36. Schools including preschool and trade schools*	SUP	Psp	Psp	Psp			Psp	Psp	Psp			
37. Parks open to the public and neighborhood parks	Psp	Psp	Psp	Psp		Psp	Psp	Psp	Psp	Psp	Psp	
Commercial Related Uses												
	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR	
38. Athletic clubs								SUP			SUP	
39. Banks and Lending Institutions								Psp				
40. Bed and breakfast inns	SUP			P			Psp			SUP		
41. Bed and breakfast	P	P	P	P			P	SUP	SUP			
42. Business and professional offices							Psp	Psp	Psp	Psp		
43. Business Centers							Psp	Psp	Psp	Psp		
44. Campgrounds and seasonal trailer parks	SUP											
45. Car Wash								SUP	SUP			
46. Child Care Center*							Psp	Psp			Psp	
47. Conference centers and banquet facilities								SUP				
48. Country Clubs	SUP							SUP				
49. Distillery Tasting Rooms**	SUP							Psp	Psp	Psp		
50. Drive-In/Drive Thru Business								SUP	SUP			
51. Docks and Piers											Psp	
52. Fraternal Organizations and Lodges							Psp	Psp	Psp			
53. Gasoline Service Station								SUP				
54. Golf courses and complementary uses	SUP											
55. Home businesses	SUP	SUP	SUP	SUP	SUP		Psp					

P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit
*** see Section 5.5 **See End of Table**

Commercial Related Uses												
	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR	
56. Home occupations*	P	P	P	P	P		P					
57. Kennels**	SUP						SUP	Psp				
58. Marine related sales, service and storage								SUP	SUP	Psp		
59. Marina, mooring facilities, and complimentary uses										SUP		
60. Microbreweries/Distilleries regulated by Michigan Liquor Control Commission	Psp**							Psp	Psp	Psp		
61. Motels*								Psp		SUP		
62. Nurseries and greenhouses	Psp											
63. Personal Service Establishment							Psp	Psp	Psp	Psp		
64. Resorts								SUP	SUP	SUP		
65. Restaurants							Psp	Psp	Psp	Psp		
66. Retail sales							Psp	Psp	Psp	Psp		
67. Retail outlets with outdoor storage (building supplies, equipment rentals, etc)								Psp	Psp	Psp		
68. Retail outlets without outdoor storage (building supplies, equipment rentals, etc)								Psp	Psp	Psp		
69. Seasonal indoor vehicle storage, including boats**	SUP							SUP	SUP			
70. Seasonal outdoor storage of boats and recreation vehicles							SUP	SUP	SUP			
71. Sexually Oriented Businesses									Psp			
72. Showrooms, offices, and workshops of building tradesmen								Psp	Psp	Psp		
73. Small engine equipment sales, rentals, and service									Psp			
74. Two or more principal buildings or uses on a single property								SUP	Psp	Psp		
75. Vehicle service**												
76. Veterinary clinics	SUP								SUP			
77. Wind Energy Conversion System, Commercial	SUP								SUP			
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit												
* see Section 5.5 **See End of Table												

	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
Commercial Related Uses											
78. Wine Tasting Room	SUP						Psp	Psp		Psp	
79. Winery	Psp							P	P		
80. Yacht Clubs										Psp	
Industrial Related Uses	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
81. Light Fabrication							Psp	Psp	Psp		
82. Light industrial								SUP	SUP		
83. Mini Warehousing*							Psp	SUP	SUP		
84. Tank for storage of liquid petroleum									SUP		
85. Warehousing									SUP	Psp	
86. Utility-Scale Solar Energy Systems**	SUP										
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit											
* see Section 5.5											
**See End of Table											

** Distillery Tasting Room- Amendment ZO 2017-04-03, Ordinance #2018-04, Effective November 9, 2018
Special Event Facility- Amendment ZO 2017-04-02, Ordinance #2018-01, Effective June 28, 2018
Utility-Scale Solar Energy Systems- Amendment ZO 2017-04-01, Ordinance #2018-03, Effective September 28, 2018
Agricultural Commercial Enterprises- Amendment ZO 2017-04-05, Ordinance #2019-02, Effective September 4, 2019
Fruit and Vegetable Processing Plants- Amendment ZO 2017-04-05, Ordinance #2019-02, Effective September 4, 2019
Kennels, Seasonal Indoor Storage, Vehicle Service changes in NC- Amendment ZO 2017-04-10, Ordinance #2020-2, Effective October 30, 2020