

**CHARTER TOWNSHIP OF ELMWOOD  
PLANNING COMMISSION REGULAR MEETING  
Tuesday, September 17, 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

**PROPOSED AGENDA**

- 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 Process; see rules on agenda*
- E. Agenda Modifications/Approval
- F. Minutes – August 20, 2024 and August 15, 2024
- 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
  - 1. Extension Request. SPR/SUP 2023-10 – Request by Dusty Christensen regarding property at 10051 S Lake Leelanau Dr (Parcel 004-018-004-25) for an Agricultural Commercial Enterprise (Farm Market) and a Microbrewery (SPR) on a parcel containing ‘Farm Club.’ *1 year extension requested.*
  - 2. Public Hearing, followed by Commission deliberations. SPR/SUP 2024-05 – Request by Field la Femme Properties LLC regarding property at 10051 S Lake Leelanau Dr (Parcel 004-018-004-25) for work described as ‘Farm Club.’ The request is for the expansion and relocation of the Agricultural Commercial Enterprise (Farm Market) building previously approved by the Planning Commission on 10/24/2023.
  - 3. Public Comment specific to discussion topic, followed by Commission Discussion. Additional discussion on Text amendment ZO 2017-04-23 – Aligning and Reforming Alcohol regulations, per Township Board’s request.
- K. Discussion on Zoning Ordinance
- L. Comments from the Chair
- M. Comments from Planning Commissioners
- N. Comments from Staff
- O. Public Comment-Any Items- See Rules below
- P. Adjourn

**Public Comment Rules:**

This is an input option. The Commission will not comment or respond to presenters. Silence or non-response from the board should not be interpreted as disinterest or disagreement by the board. Speakers are asked, but not required, to identify themselves by name and address

- Limit comments to 3 minutes for limited public comment and 2 minutes for public comment at the end of the agenda
- Comments shall be addressed to the chair, not individual board members or others in the audience



**Charter Township of Elmwood  
Planning Commission Workshop Meeting  
August 15, 2024 at 3:45 PM**

**A. Call to Order:** Chairman Bechtold called the meeting to order at 3:45 PM.

**B. Roll Call: Present:** Rick Bechtold, Jonah Kuzma, Doug Roberts, Kendra Luta, Chris Mikowski, Jeff Aprill (arrived late). Excused: Nate McDonald.

**C. Agenda Modifications/Approval:** *MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER ROBERTS TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY.*

**D. Declaration of Conflict of Interest.** None.

**E. Purpose of Meeting – Community Open House for the Master Plan.**

*The Open House is being posted as a public meeting as a quorum of Planning Commissioners will be present.*

The Charter Township of Elmwood's Planning Commission is working on its Master Plan, also known as a Comprehensive Plan. A Master Plan is a comprehensive long-term planning document that serves as a strategic framework to guide decision-making related to land use, infrastructure, transportation, zoning, economic development, and other aspects of urban or regional development. Key features of a Master Plan often include land-use maps, policies, and recommendations to help manage growth, promote sustainability, and ensure efficient resource allocation.

As part of this process, through the Planning Commission's consultants at Beckett & Raeder, a Community Open House will be held on Thursday, August 15, 2024 from 4pm-6pm.

Attendees can come and go at any time as the Open House will be focused on conversations and there will be no formal presentations. The purpose of this open house is to gather public input on current and future Township planning efforts.

Sara Kopriva of Beckett & Raeder provided a brief overview of the prepared posters and the different 'stations.' The Commission dispersed and then proceeded to interact with many members of the public who came in to provide input.

**F. Public Comment.** None.

**G. Adjourn:** *MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER KUZMA TO ADJOURN MEETING AT 6:03 PM. MOTION PASSED UNANIMOUSLY (MIKOWSKI AND APRILL EXCUSED PRIOR TO ADJOURNMENT).*





**Charter Township of Elmwood  
Planning Commission Regular Meeting  
Elmwood Township Hall (10090 E. Lincoln Rd)  
August 20, 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:** None

**E. Agenda Modifications/Approval:** *MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER ROBERTS TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED 6-0.*

**F. Minutes-June 13, 2024:** *MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER MIKOWSKI TO APPROVE THE MINUTES OF THE JUNE 13, 2024 SPECIAL MEETING AS PRESENTED. MOTION APPROVED UNANIMOUSLY.*

**G. Consent Calendar: Approve/Receive and File: ZA Report, Notice of Public Hearing-Brownfield Plan.** *MOTION BY COMMISSIONER KUZMA, SECONDED BY COMMISSIONER APRILL, TO FILE THE CONSENT CALENDAR AS PRINTED. MOTION PASSED BY A UNANIMOUS VOTE.*

**H. Declaration of Conflict of Interest:** None

**I. Old Business:** None

**J. New Business: 1. Introduction-SPR/SUP 2024-05-Request by Field la Femme Properties LLC regarding property at 10051 S. Lake Leelanau Dr. (Parcel 004-018-004-25) for work described as "Farm Club". The request is for the expansion and relocation of the Agricultural Commercial Enterprise (Farm Market) building previously approved by the Planning Commission on 10/24/2023.**

Dusty Christensen with Mansfield Land Use Consultants was there on behalf of the applicant. He reviewed the information provided in the Commissioner's packets, noting they are there to request a site plan and SUP amendment at the Farm Club site. Last October they discussed the project when the Commission approved a new SUP and site plan for some changes within the project. Since October, the applicants have been working with their architect to finalize designs for the new farm market building (he pointed out the site on a map) and have changed the location from the previous plan. The reasoning for that was to take advantage of some of the grade change on site which will create a walkout towards the parking lot which will provide additional storage and preservation space for

produce grown on site. The footprint of the building was increased slightly, by about 200 sq. ft. Other elements on the plans have stayed the same since the October approval and they're hoping the Commission will move it to a public hearing.

Chairman Bechtold said with the proposed lower level, it looks like most of the one wall of the building and a portion of the other will be below grade and asked if it will be like a root cellar. Dusty said it would be similar. The Commission discussed the plan further.

*MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER APRILL TO SCHEDULE A PUBLIC HEARING FOR SPR/SUP 2024-05 REQUEST BY LA FEMME PROPERTIES LLC REGARDING PROPERTY AT FARM CLUB. MOTION APPROVED UNANIMOUSLY.*

**2. Commission Discussion. 8/15 Community Open House**

The Commissioner's discussed the open house saying it was nice to see some public input, but had hoped for more. Staff said there is still time to fill out the survey. They will be accepted until August 31, but as that falls on the holiday weekend, it will actually be September 3<sup>rd</sup>.

**3. Commission Discussion. Meeting schedule and schedule special meeting to discuss text amendment ZO 2017-04-23-Aligning and Reforming Alcohol regulations.**

The Chair stated the Township Board has requested that the Planning Commission re-examine the language.

Staff said she would start with the meeting schedule and noted that the approved schedule is on the Commission's desks. The November 12<sup>th</sup>, 2024 scheduled meeting will need to be rescheduled as the Township Board is also scheduled to meet on November 12<sup>th</sup>. She asked the Commission which date would work for a rescheduled meeting. The Commission discussed meeting dates. *MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER ROBERTS TO HOLD THE NOVEMBER MEETING ON WEDNESDAY, NOVEMBER 13<sup>TH</sup>, 2024, AT 6:30 PM. MOTION PASSED BY A UNANIMOUS VOTE.*

Staff relayed that at the Board's last meeting, they requested the text amendment go back before the Commission for discussion. Commissioner Aprill asked if the Board explained why they wanted the Commission to re-examine the language related to alcohol regulations.

Commissioner Mikowski explained, Mr. Frederickson had an issue with the wording the Commission came up with. He attended 2 meetings and asked to have the Board approval postponed because he felt the language wasn't supportive of his future changes. She felt it was best if Chris came back to the Planning Commission and gave his reasonings for that and hear him out before the Board adopted it. Staff added this did go for introduction before the Township Board with no issue, the Board scheduled a public hearing. The business day before the public hearing, the Township received an email requesting a public hearing under the zoning enabling act which the Township would be obligated to have a

public hearing by any interested party. Even though it went through a public hearing previously through the Planning Commission, this would be for adoption. The Board at that point in time scheduled a public hearing. At the first public hearing, allegations about the text were made, but no information was submitted about what is allegedly wrong with the proposed text, and at the second public hearing, which was scheduled, again, the same thing. However, at that second public hearing, the motion to adopt the regulations failed, so Commissioner Mikowski suggested sending it to the Planning Commission, give yet another opportunity for comment.

The Chair said he attended the Board's meeting where Chris Frederickson made several comments, and some of them perplexed him. One comment he stated the way the language is presented, no winery or distillery, would even consider trying to develop something with that requirement. Bechtold indicated he is interested in seeing specific information on what is prohibitive; Bechtold has re-read the text and doesn't see the issue.

The Commission agreed to add the text amendment discussion to their September 17<sup>th</sup> meeting and to reach out to Chris Frederickson to inform him of the discussion for that meeting.

**K. Discussion on Zoning Ordinance:** Postponed.

**L. Comments from the Chair:** Chairman Bechtold thanked the Commissioners for their hard work and diligence in reviewing the materials and being well prepared.

**M. Comments from Planning Commissioners:** Commissioner Aprill would like to see more attendance at the open houses and wondered what they could do to draw bigger crowds next time and questioned what got people who attended to attend.

**N. Comments from Staff:** Staff noted they did not have a sign in sheet for the open house, so she can't reach out to folk to see what drew attendees in. She noted that the open house was posted at the office, online, in the paper, and at the parks. There was also a mailer that went out to every property and property owner in the Township. She noted that anyone who put their email address in the survey received an email reminding them about the open house. In the future they could ask the question, how best to keep people in the loop.

Commissioner Luta was glad people stayed as long as they did, but is curious to know for the people who didn't show up, why that is.

**O. Public Comment:** None

**P. Adjourn:** *MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER KUZMA TO ADJOURN THE MEETING AT 7:24 PM. MOTION APPROVED UNANIMOUSLY.*



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

PERMITS:	8/2024	8/2023	YTD 2024	YTD 2023
Single Family Dwelling	2	1	17	7
Attached SFD	0	0	0	0
Accessory Building	0	0	3	3
AG Building	0	0	1	3
Residential Addition	0	0	1	5
Deck	1	0	10	6
Sign	1	1	2	1
Commercial	0	1	4	2
B&B	0	0	3	0
Misc.	1	4	5	5
Total Permits	5	7	46	57
Fees Collected	\$300	\$1,371.40	\$5,436.57	\$4,566

**Zoning Board of Appeals:**

**August 7**, Regular Meeting. No new hearings; *reviewed and approved minutes.*

**September 4**, Regular Meeting. Case #2024-03. Request by Roger Landis regarding property at 10989 S West-Bay Shore Dr for an 18’ front yard setback variance to construct front porch. Proposed front porch would not encroach further into front setback than existing home.

**Planning Commission:**

**August 15**, Special Meeting. Master (Comprehensive) Plan Community Open House – *Consultant facilitated an open house with multiple poster boards intended to garner community input regarding the Plan. Approximately 40 people attended and many stayed for quite some time.*

**August 20**, Regular Meeting. 1) Introduction. SPR/SUP 2024-05 – Request by Field la Femme Properties LLC regarding property at 10051 S Lake Leelanau Dr for work described as ‘Farm Club.’ The request is for the expansion and relocation of the Farm Market building previously approved by the Planning Commission on 10/24/2023 – *Commission scheduled for 9/17.* 2) Commission Discussion on 8/15 Community Open House. 3) Meeting schedule and schedule special meeting to discuss text amendment ZO 2017-04-23 – *Aligning and Reforming Alcohol regulations – Commission moved November meeting from 11/12 to 11/13 and determined to discuss the text amendment at the 9/17 meeting.*

**September 17**, Regular Meeting. Agenda not yet finalized, but will include 1) Extension Request. SPR/SUP 2023-10 – Request by Dusty Christensen regarding property at 10051 S Lake Leelanau Dr for an Agricultural Commercial Enterprise (Farm Market) and a Microbrewery (SPR) on a parcel containing ‘Farm Club.’ *1 year extension requested.* 2) Public Hearing. SPR/SUP 2024-05 Farm Club Expansion, 3) Public Comment specific to discussion topic, followed by Commission Discussion. Additional discussion on Text amendment ZO 2017-04-23 – *Aligning and Reforming Alcohol regulations, per Township Board’s request.*

**Office Updates:**

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

**Trainings/Conferences.** Staff will be attending the MI APA Conference 9/25-9/27.

**Parks.** Preliminary plans were discussed with Parks and Recreation Committee at their August meeting; plans have been revised and will return for discussion at the Committee level on 9/10. Shortly thereafter conceptual plan and estimated costs will be before the Board. Equipment update: equipment approved by the Township Board at the last meeting has been ordered; no estimated arrival date; Tot’s Choice Structure is expected the week of 9/23.

**Northwest Regional Airport Authority (NRAA) Joint Airport Zoning Board.** First meeting scheduled for 9/11.  
**Master (Comprehensive) Plan.** 8/15 Community Open House had approximately 40 attendees. Survey is closed and we received 321 responses. Beckett & Raeder continuing to work on chapters which will likely be discussed by the Commission later this fall.



August 27, 2024

Elmwood Township Planning Commission  
10090 E. Lincoln Rd.  
Traverse City, MI 49684

**Re: SPR/SUP 2023-10 – Farm Club – Site Plan/SUP Approval Extension Request**

Planning Commissioners,

On behalf of the property owners of the Farm Club Project, which was approved by the Planning Commission on October 24, 2023, we submit this letter to request a one year extension of the Site Plan Approval and Special Use Permit, as allowed in Section 8.6.E of the Township Zoning Ordinance. In the time since the project's approval, the owners have been working towards obtaining required construction permits and initiated a Site Plan/SUP amendment with the Township for relocation of the new farm market building. Assuming that the proposed plan amendments are approved by the P.C. at the September 2024 meeting, the project is intended to break ground yet this fall. In order to avoid any unneeded delays, it was noted by the Township Planner, that it would be appropriate to request an extension of SPR/SUP 2023-10 at this time.

Thank you for your time and review of this request. Should you have any questions, please feel free to call me at (231) 360-7021 or email me at [dusty@maaeps.com](mailto:dusty@maaeps.com).

Sincerely,  
Mansfield Land Use Consultants



Dusty Christensen, LLA





Elmwood Charter Township

10090 E. Lincoln Rd.

Traverse City, MI 49684

**NOTICE OF PUBLIC HEARING**  
**ELMWOOD CHARTER TOWNSHIP**  
**PLANNING COMMISSION**

The following Public Hearing is scheduled for Tuesday, September 17, 2024, at 6:30 p.m. before the Elmwood Charter Township Planning Commission to consider:

SPR/SUP 2024-05 – Request by Field la Femme Properties LLC regarding property at 10051 S Lake Leelanau Dr (Parcel 004-018-004-25) for work described as ‘Farm Club.’ The request is for the expansion and relocation of the Agricultural Commercial Enterprise (Farm Market) building previously approved by the Planning Commission on 10/24/2023.

A complete copy of the application is available at the Township Hall or online at [www.elmwoodmi.gov](http://www.elmwoodmi.gov). Regular Township business hours are Monday thru Friday, 9 am to 5 pm.

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](mailto:planner@elmwoodmi.gov).

Written comments submitted prior to the public hearing regarding the applications will be received until 5:00 pm, September 17, 2024.

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

Posted: 8-28-24  
2:10 pm  
Elmwood Township Hall  
Connie Preston, Clerk

### Village Of Suttons Bay

Ordinance No. 29 of 2024  
An Ordinance Amending the Village Managers Ordinance 4 of 2024

#### NOTICE OF ADOPTION

At a regular meeting of the Village Council for the Village of Suttons Bay, Leelanau County, Michigan, held at 420 N. Front Street, on August 19, 2024, beginning at 5:30 p.m., the following Ordinance was offered for adoption by Council Member Lutke and was seconded by Council Member Case:

#### THE VILLAGE OF SUTTONS BAY ORDAINS:

The Village hereby amends the following section:

#### Section 7. Purchasing Responsibilities.

The Village Manager shall act as purchasing agent for all Village offices and departments. The Manager may delegate some or all of the duties as purchasing agent to another officer or employee provided that such delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties.

B. The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed two-thousand dollars (\$2,000) provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Except as hereinafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar amount without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

The Manager shall have the authority to purchase products for the village up to an amount not to exceed five-thousand dollars (\$5,000) and to execute contracts for services up to eight-thousand dollars (\$8,000) per contract, provided all such purchases are within then-presently budgeted sums.

The Village Manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. "Emergency condition" is defined to mean any event which presents an imminent threat to the public health, safety or general welfare of the Village or its residents.

Section 2. Effective Date. This Ordinance shall become effective upon after publication in the manner and as provided by law. A copy of the Manager's Ordinance is available at the Village Hall or on the Village website at [www.suttonsbayvillage.org](http://www.suttonsbayvillage.org).

The vote regarding the adoption of this Ordinance was as follows:

- YEAS: Bahle, Case, Christensen, Lutke, Smith, Suppes, & Yoder
- NAYS: 0
- ABSENT 0 ABSTAIN: 0

Ordinance No. 29 of 2024 declared adopted.

### Village of Suttons Bay

Ordinance No. Z-2024-02 (Amendment 13 of Ordinance 2 of 2018)

An Ordinance to Amend the Zoning Ordinance for the Village of Suttons Bay

#### NOTICE OF ADOPTION

At a regular meeting of the Village Council for the Village of Suttons Bay, Leelanau County, Michigan, held on August 19, 2024, beginning at 5:30 p.m., the following Ordinance was offered for adoption by Council Member Yoder and was seconded by Council Member Lutke:

#### THE VILLAGE OF SUTTONS BAY ORDAINS:

Amend the following language:  
Section 4-1 Intent and Purpose  
Amending 4.1C to state:

C. Single-Family Waterfront Residential (SFWR). The SFWR district accommodates single-family detached development on waterfront lots within the Village on larger lots at the lowest density of the Zoning Ordinance, close to a half-acre minimum lot size.

Section 4-3 Spatial Requirements  
Modify Table 4-3 removing Minimum Lot depth of 200'. Replacing the Minimum Width/Frontage requirement of 100/100 with 90/90 and replacing the Primary Street Front setback of 25' with 20'.

Section 2. Effective Date. This Ordinance shall become effective upon the expiration of seven (7) days after publication in the manner and as provided by law. A copy of the Zoning Ordinance is available at the Village Hall or on the Village website at [www.suttonsbayvillage.org](http://www.suttonsbayvillage.org).

The vote regarding the adoption of this Ordinance was as follows:

- YEAS: Case, Lutke, Smith, Suppes, Yoder
- ABSTAIN: Bahle & Christensen

Ordinance No. Z-2024-02 declared adopted.

### Elmwood Township Planning Commission Notice of Public Hearing

The following Public Hearing is scheduled for Tuesday, September 17, 2024, at 8:30 p.m. before the Elmwood Charter Township Planning Commission to consider:

SPR/SUP 2024-05 - Request by Field la Femme Properties LLC regarding property at 10051 S. Lake Leelanau Dr. (Parcel 004-018-004-25) for work described as Farm Club. The request is for the expansion and relocation of the Agricultural Commercial Enterprise (Farm Market) building previously approved by the Planning Commission on 10/24/2023.

A complete copy of the application is available at the Township Hall or online at [www.elmwoodmi.gov](http://www.elmwoodmi.gov). Regular Township business hours are Monday thru Friday, 9 am to 5 p.m.

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](mailto:planner@elmwoodmi.gov).

Written comments submitted prior to

the public hearing regarding the applications will be received until 5:00 p.m., September 17, 2024.

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

### Suttons Bay Village Public Notice

Synopsis of Suttons Bay Village Council Regular meeting held on Monday August 19, 2024.

The meeting was called to order at 5:30 p.m., by President Lutke  
Present: Bahle, Case, Christensen, Smith, Lutke, Suppes and Yoder. Quorum present.

Council approved the agenda as presented.

Council approved the Consent agenda as presented. The Village Council meeting minutes of July 15th and July 29th were approved as presented along with the payment of invoices.

Zoning Ordinance amendments were adopted Article 4, Section 4.1 and Section 4-3 spatial requirements relating to the Single-Family Waterfront District and Environmental Protection Article 2.6 (G) Wetland Protection. The Manager's Ordinance was amended and a new 5 Year Contract was unanimously approved for the Village Manager. Council reviewed a report regarding short term rentals, adopted personnel policy amendments and adopted a Resolution of Support for the

second waterway grant WW24-0009 to fund "A" Dock Phase 1 and Upland Walkway.  
The meeting adjourned at 8:15 p.m. A full copy of the minutes can be found on the Village website at [www.suttonsbayvillage.org](http://www.suttonsbayvillage.org) or a copy can be viewed at the Village Hall.  
Submitted by Dorothy Petroskey, Village Clerk

### Bingham Township Public Notice

Synopsis of the Bingham Township Regular Board meeting of August 19, 2024

Meeting called to order by Supervisor

Werner at 7:00 p.m. at Bingham Township Hall  
Werner, Morio, Grant, Stone, Layman-present  
Agenda approved  
Board minutes of 7/15/2024 & Special meet minutes of 7/22/24 approved  
Public Comment none  
Approved vendor & payroll balance  
Authorized supervisor to submit form to the Health Department  
Meeting adjourned at approximately 7:40 p.m.

A complete copy of the minutes may be reviewed at the township office or on the township website.

Kathy Morio, Bingham Township Clerk

Your #1 Leader in  
Glen Arbor & Leelanau  
County Real Estate

LEELANAU VACATION REALTY  
(231) 218-2714 • 6546 S. State St. Glen Arbor, MI 49636  
[www.lvrrealtty.com](http://www.lvrrealtty.com)

**7076 S. Duans Farm Rd.**  
Glen Arbor Township  
3BR/2BA  
**\$524,000**

**1042 W. Harbor Highway**  
Steps to Lake Michigan  
Historic Farmstead and Home  
**\$665,000**

**619 Frankfort Avenue**  
Commercial Space on M22 in Elberta  
Vacation Rental Potential  
**\$245,000**

**25 Loggers Run**  
Homestead Lake View  
2BR/2BA  
**\$475,000**

Empire Pole Barns For Sale  
Starting at \$75,000 and up! Please Call 231.218.2714 For More Info!

**Ranae Ihme**  
Broker  
[ranae@lvrrealtty.com](mailto:ranae@lvrrealtty.com) • [www.lvrrealtty.com](http://www.lvrrealtty.com)

BURDICKVILLE ROAD ESTATE PROPERTIES

Three 10-acre parcels! Choose 1, 2, or all!  
Would you like a large home with your 10 acres?  
A Rustic Cabin, or a 30 x 48 Pole Barn?

**1665 W. Burdickville Rd., Maple City**  
Spacious 4 bed/3.5 bath home can check off so many of the must-haves on your list. Two well-appointed bedroom suites on opposite ends of the house offer luxury and privacy. Large island kitchen, bay window/breakfast nook, huge pantry. Great room with cathedral ceiling, fireplace, and French doors that lead to a covered porch.  
**\$695,000 MLS# 1926281**

**1639 W. Burdickville Rd.**  
Unique cabin in a tree-house like setting. 858 square feet, 3 bedrooms, (two upstairs in loft area), unfinished basement with plenty of utility, a wall of windows on main floor offers amazing views of the rolling hills. If you are looking for a project to fix up, rent, flip, or have the dreamy experience of getting to live here, here is your chance.  
**\$239,000 MLS# 1926283**

A beautiful wooded 10-acre home site with an existing 1440 sq. ft., 30x48 storage/pole barn. Concrete floor, truss construction overhead, metal roof and sidewalls. Gable end service door and concrete apron. Some electrical circuits are installed, and have been powered by a generator when used as there is no power currently run to the building, but is available.  
**\$195,000 MLS #1926284**

Call Rob Serbin, Owner and Broker  
**231-633-8695**  
[www.serbinrealestate.com](http://www.serbinrealestate.com)

# EARLY DEADLINES

Due to the upcoming Labor Day Holiday, our deadline will be moved up for the September 5<sup>th</sup> issue.

**Regular Display Ads** must be turned by  
**Friday, August 30<sup>th</sup> by 10 a.m.**

**Classified Display Ads** must be turned in by  
**Friday, August 30<sup>th</sup> by 10 a.m.**

**In Column Liner Classified Ads** must be turned in by  
**Friday, August 30<sup>th</sup> by 10 a.m.**

**Late Classifieds** will be accepted until  
**Friday, August 30<sup>th</sup> by 2 p.m.**

## Leelanau Enterprise

Our office will be closed Mon, Sept. 2. We will resume our normal business hours on Tuesday, Sept. 3, 2024.

Have a safe & happy holiday.



Select or search for a feature in the map  
004-018-004-25 X Q

Select Clear

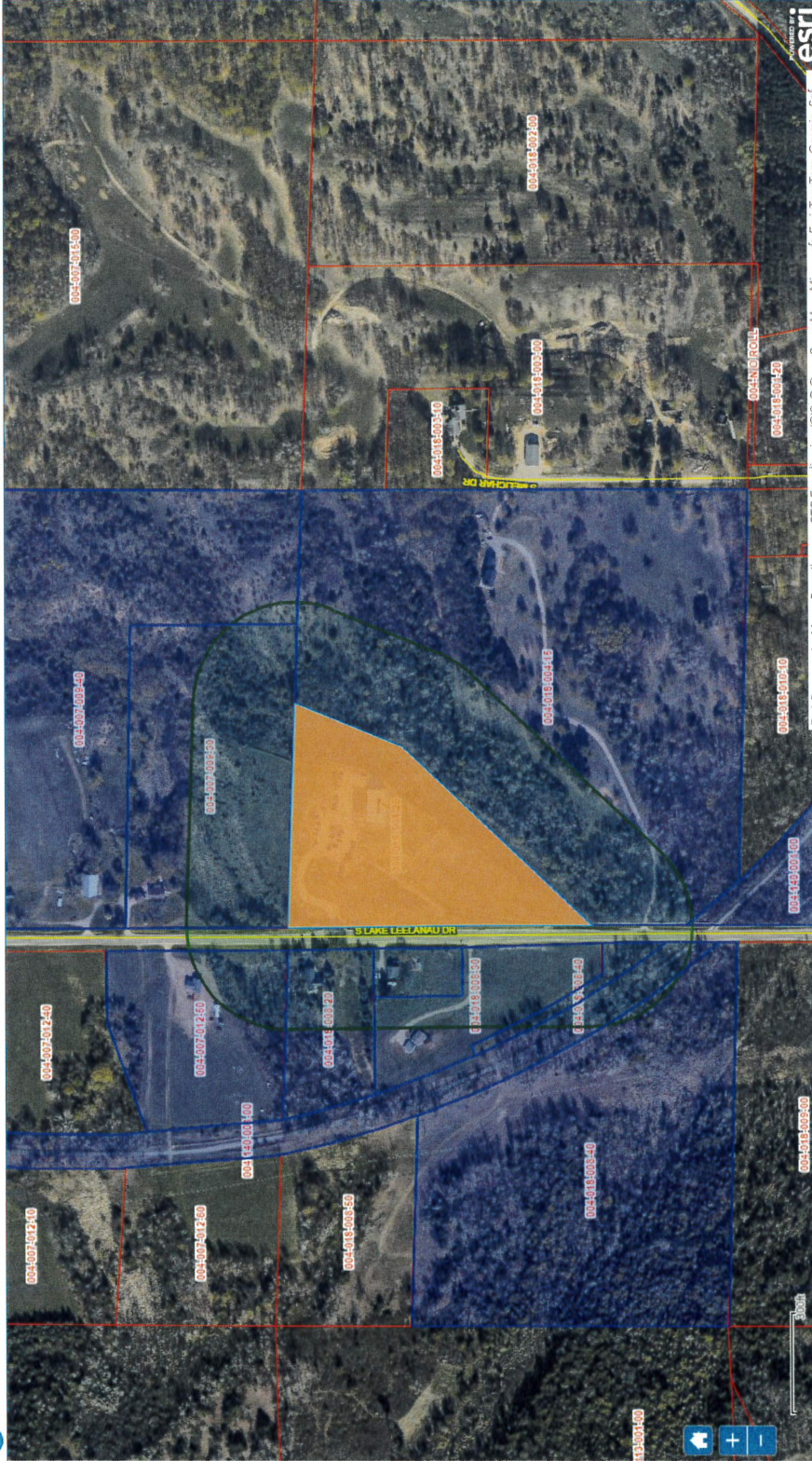
Apply a search distance  
300 Feet

Addresses Layer  
Tax Parcels - Mailing Address

Format  
PDF (label 1 x 4 inches; 20 per page)

10 addresses found; do you want to continue?

Download





For other information pertaining to SPR/SUP 2024-05, visit the epacket for the Commission's 8/20/24 meeting on the Township's website. This information is also posted under 'handouts' for the Commission's 9/17/24 meeting.



To: Elmwood Township Planning Commission  
From: Sarah Clarren  
Date: September 10, 2024  
RE: **ZO 2017-04-23** - Aligning & Reforming Alcohol Regulations.

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As the Commission may recall, a Township initiated (through Staff/ Planning Commission) text amendment seeking to align and reform alcohol regulations within the Township has spent the last few months before the Township Board.

A major component of the proposed text is to shift certain regulations that currently exist for Wine Tasting Rooms and Distillery Tasting Rooms (which oddly have different requirements) to the production facility and to take efforts to tie an arguably industrial use to agriculture when the use is proposed in the Agricultural-Rural zoning district. In some instances, the text allows more flexibility to operators; tasting rooms can be up to 2,500sq ft (instead of 2,000sq ft) and can be indoor and/or outdoor.

After three months, including two public hearings before the Township Board, the Board has requested the text to go back to the Planning Commission for further discussion. The purpose of this discussion is to review any alleged issues on how the text will adversely impact operators.

Although it will not be a public hearing, our Chair has agreed to hold a public comment period specific to the matter just prior to the Commission discussing the text. Any interested member of the public is encouraged to give comment and specific comments on elements within the proposed text are encouraged. Public comment on the specific agenda item will be 4 minutes. I also invited winery, distillery, and microbrewery facility operators within Elmwood Township to this discussion. As of the date of this memo, I have not received any written comments on the text.

At the Commission's meeting, after public comment specific to the text amendment is given, the Commission will be discussing the text and if any changes are necessary prior to sending the text back to the Township Board.

Enclosed you will find the following information:

- 1) The proposed text amendment. Note that a typo change will be proposed in section 5.5.N.2.b eliminate the word 'Monthly' so it reads "Retail sales of the beverages produced..."
- 2) 'Comments re: 2017-04-23.' This is a document I created on 8/7 for the second public hearing before the Township Board. It includes comments to compare proposed text to existing text in Ordinance. Comments are meant to *briefly summarize* changes from current regulations. This document is not meant as a replacement to the review of the proposed text to existing text and/or the proposed text on its own. This document is intended to more clearly show how the proposed text compares to the text within our current Ordinance.
- 3) Redlined version of ZO 2017-04-23 showing modifications from current Zoning Ordinance.
- 4) A copy of the emailed invite to facility operators in Elmwood Township.
- 5) Approved minutes from the Township Board's 8/12/24 meeting.





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, except as provided under subsection 2.c.iii below, 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. Monthly 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 and

maintain 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. The parcel shall have and maintain ten (10) planted acres of mature crop that is used for the on-site production of alcohol for production facilities 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 growing of wine fruit, the growing of the ingredients for making beer, and the growing of crops to be used in distilling spirits can originate from any source (grown on the land or imported).
- iv. 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. Monthly 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.

**Commented [P1]:** Attny recommended based on State definition

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

**Commented [P2]:** State definition

**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.

**Commented [P3]:** Attny recommended based on State definition

**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.

**Commented [P4]:** Attny recommended based on State definition

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

**Commented [P5]:** Attny recommended based on State definition

**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.

**Commented [P6]:** Attny recommended based on State definition

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

**Commented [P7]:** Attny recommended based on State definition

**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.

**Commented [P8]:** Attny recommended based on State definition

**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.

**Commented [P9]:** Attny recommended based on State definition

**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.

**Commented [P10]:** Attny recommended based on State definition

**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.

**Commented [P11]:** Attny recommended based on State definition

**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.

**Commented [P12]:** Attny recommended based on State definition



**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.

**Commented [P13]:** State definition

**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.

**Commented [P14]:** Attny recommended based on State definition

**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)

**Commented [P15]:** Combined with Winery Tasting room into one definition. Note that the new definition of 'Tasting Room' includes Micro/brewery Tasting Rooms, which currently are incorporated into Microbreweries which are NOT currently defined by the Ordinance.

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

**Commented [P16]:** Not defined by MLCC

**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 .

**Commented [P17]:** Not defined by MLCC

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

**Commented [P18]:** Not defined by MLCC

**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.

**Commented [P19]:** Combined with Winery Tasting room into one definition. Note that the new definition of 'Tasting Room' includes Micro/brewery Tasting Rooms, which currently are incorporated into Microbreweries which are NOT currently defined by the Ordinance.

**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:**

**Commented [P20]:** Psp means Site Plan Review. SUP means Special Use Permit. Changes are hard to show in comments, so see track changes documents for clarity on changes. Highlights of changes include increasing process from PSP to SUP for Distilleries/Breweries, allowing Distillery/Breweries in NC under PSP, allowing tasting rooms in LI (currently not allowed for winery tasting rooms, but allowed for distillery tasting rooms and microbreweries), removing tasting rooms of all kinds in the SC district, increasing permit process from Zoning Administrator approval for wineries in the GC and LI to PSP.

Applicable Districts	to	Multiple	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 and/or Brewery	SUP						Psp	Psp	Psp		
74. Tasting Room	SUP						Psp	Psp	Psp		
79. Winery	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.

**Commented [P21]:** Recommended by the Attorney

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, except as provided under subsection 2.c.iii below, the ingredients for such products are raised or grown. Such facilities are permitted with or without tasting rooms (See Section 9.8.J).

**Commented [P22]:** The intent section for this is new.

Note that under our current Zoning Ordinance, Wineries, Distilleries, and Breweries are allowed, in the Ag district with NO requirements other than meeting Article 8. All regulations pursuant to all things alcohol are tied to the tasting room. This means that one can pursue a processing plant in the Ag district with NO requirements other than meeting Article 8. Minimum acres of crops, size, etc. only come into play when (if) approval for a tasting room is sought.

What’s more, winery tasting rooms and distillery tasting rooms currently have a few different requirements—with the distillery tasting rooms being significantly more relaxed with lot coverage and winery tasting rooms having no limitations on food (while distillery tasting rooms do). Micro/breweries have no requirements other than meeting Article 8. This aligns all of these uses with the same requirements.

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. Monthly 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.

**Commented [P23]:** Same regs under current ZO.

**Commented [P24]:** Monthly here is a typo, this should be removed.

**Commented [P25]:** New

**Commented [P26]:** Same regs under current ZO.

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 and maintain 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. The parcel shall have and maintain ten (10) planted acres of mature crop that is used for the on-site production of alcohol for production facilities 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 growing of wine fruit, the growing of the ingredients for making beer, and the growing of crops to be used in distilling spirits can originate from any source (grown on the land or imported).
- iv. 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.).

**Commented [P27]:** Same as current WINE tasting room. 20 acres are currently required for DISTILLERY tasting room. No requirement for Micro/breweries.

**Commented [P28]:** Same for WINE tasting rooms and DISTILLERY tasting rooms. No requirement for Micro/breweries.

**Commented [P29]:** Same for WINE tasting rooms and DISTILLERY tasting rooms. No requirement for Micro/breweries.

**Commented [P30]:** New.

**Commented [P31]:** New.

**Commented [P32]:** New.

**Commented [P33]:** New, recommended by Attorney.

**Commented [P34]:** WINE tasting rooms currently only allow 2.5% for "The total footprint covered by buildings and structures used for any purpose, including wine tasting rooms..." so the new text is more lenient. DISTILLERY tasting rooms currently have a much different requirement of "Tasting Rooms shall not exceed two and one half (2.5) percent of the lot area"; this would be impossible not to meet as a Distillery (and Wine) Tasting Room currently only can be 2000 sq ft.

Again, no requirements for Micro/breweries.

**Commented [P35]:** New.

**Commented [P36]:** New.

**Commented [P37]:** 100' setback is from current Ordinance for Distiller and Wine tasting rooms, but the setback was only for adjacent properties. Now it's from all required setbacks (rear, side, front, wetlands/water's edge)

**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

**Commented [P38]:** New, but aligns with Fruit and Vegetable processing facilities.

**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:

**Commented [P39]:** Same but word smithed.

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. Monthly sale of food shall not exceed 10% of gross sales of licensed products. At the request of the Township, the

**Commented [P40]:** New, but most requirements already in current Ordinance for Tasting Rooms (not Micro/breweries.

This would require anyone seeking a tasting room to also meet requirements that have been shifted to the production facility.

**Commented [P41]:** New.

**Commented [P42]:** Current is 2,000 sq ft. No requirement for Micro/brewery

**Commented [P43]:** 'new,' but arguably clarified as it used to only say 'adjoins a residence.' No requirement for Micro/brewery.

**Commented [P44]:** 'new,' but arguably clarified as it used to only say 'adjoins a residence.' No requirement for Micro/brewery.

**Commented [P45]:** Same requirement except highlighted is new. No requirement for Micro/brewery.

**Commented [P46]:** Same requirement except highlighted is new. No requirement for Micro/brewery. This is recommended by the Attny.

**Commented [P47]:** New, but arguably clarifying text.

**Commented [P48]:** Same requirement as DISTILLERY tasting room. Not currently a requirement for WINE tasting room. No requirement for Micro/brewery.

**Commented [P49]:** 'MONTHLY' was added, but otherwise, same requirement as DISTILLERY tasting room. Language clarified on documents only provided to twp if twp asks. Not currently a requirement for WINE tasting room. No requirement for Micro/brewery.

- 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.

**Commented [P50]:** Same requirement as DISTILLERY tasting room. Not currently a requirement for WINE tasting room. No requirement for Micro/brewery.

**Commented [P51]:** Same requirement as DISTILLERY tasting room. Not currently a requirement for WINE tasting room. No requirement for Micro/brewery.

**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 Districts	Multiple	A-R	R-1	R-2	R-3	MH P	M C	NC	G C	LI	SC	R R
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<del>49. Distillery Tasting Rooms**</del>	<del>SUP</del>						<del>Ps</del>	<del>Ps</del>	<del>Ps</del>
<del>49. Distillery and/or Brewery</del>	<del>SUP</del>					<del>Psp</del>	<del>Ps</del>	<del>Ps</del>	
<del>60. Microbreweries/Distilleries regulated by Michigan Liquor Control Commission</del>	<del>Psp**</del>						<del>Ps</del>	<del>Ps</del>	<del>Ps</del>
<del>*74. Tasting Room</del>	<del>SUP</del>					<del>Psp</del>	<del>Ps</del>	<del>Ps</del>	
<del>78. Wine Tasting Room</del>	<del>SUP</del>					<del>Psp</del>	<del>Ps</del>		<del>Ps</del>
79. Winery	Psp						<u>Ps</u>	<u>Ps</u>	

**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, except as provided under subsection 2.c.iii below, 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 and maintain 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. The parcel shall have and maintain ten (10) planted acres of mature crop that is used for the on-site production of alcohol for production facilities 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 growing of wine fruit, the growing of the ingredients for making beer, and the growing of crops to be used in distilling spirits can originate from any source (grown on the land or imported).
  - iv. 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. 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. Monthly 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.~~

~~e. — 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: \_\_\_\_\_

## Sarah Clarren

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**From:** Sarah Clarren  
**Sent:** Thursday, August 29, 2024 1:54 PM  
**Subject:** Upcoming 9/17 Planning Commission Meeting - Discussion on Proposed Text Amendment  
**Attachments:** 2024-09.17\_PC Agenda DRAFT.pdf; 2024-07.08\_2017-04-23\_CLEAN.pdf; 2024-07.08\_2017-04-23\_COMMENTS.pdf; 2024-07.08\_2017-04-23\_Redlined.pdf

Hello there!

I would like to invite you to the Planning Commission's 9/17 public meeting. At this meeting, the Planning Commission will be further discussing a proposed text amendment to align and reform alcohol regulations within the Township. The meeting will be held at Township Hall (10090 E Lincoln Rd, Traverse City, MI 49684) and discussion is anticipated to begin around 7pm.

As you may be aware, the Township has been going through the process of amending its Zoning Ordinance. The Township initiated (through Staff/ Planning Commission) proposed text amendment seeks to align and reform alcohol regulations within the Township. A major component of the proposed text is to shift certain regulations that currently exist for Wine Tasting Rooms and Distillery Tasting Rooms (which oddly have different requirements) to the production facility and to take efforts to tie an arguably industrial use to agriculture when the use is proposed in the Agricultural-Rural zoning district. In some instances, the text allows more flexibility to operators; tasting rooms can be up to 2,500sq ft (instead of 2,000sq ft) and can be indoor and/or outdoor.

After three months, including two public hearings before the Township Board, the Board has requested the text to go back to the Planning Commission for further discussion. The purpose of this discussion is to review any alleged issues on how the text will adversely impact operators.

The Planning Commission determined that this discussion will take place at their next regularly scheduled meeting—September 17<sup>th</sup>. I've attached our DRAFT agenda. As you'll see, discussion on the text amendment won't be the first item on the agenda; I anticipate discussion to begin at 7pm or later. Although it will not be a public hearing, our Chair has agreed to hold a public comment period specific to the matter just prior to the Commission discussing the text. Any interested member of the public is encouraged to give comment and specific comments on elements within the proposed text are encouraged. Public comment on the specific agenda item will be 4 minutes. If you believe there are issues with the text, I encourage you to be specific on those issues so the Commission can have a fruitful discussion and plot a path forward. That said, I will note that the definitions are proposed by the Township Attorney and any a modification of any dimensional provisions within the Ordinance may granted by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause an undue hardship or practical difficulty owing to circumstances unique to the specific property or parcel.

If you are interested in discussing the text with me prior to the meeting, I would love to set something up. If you are unable to attend the meeting, but would like to submit comments, please email them to me or drop them off/mail them to 10090 E Lincoln Rd, Traverse City, MI 49684. Comments I receive prior to 9/10 will be provided to the Commission with their packet.

I look forward to receiving your input on the text,

Sarah

**Sarah Clarren** | Planner / Zoning Administrator | Elmwood Township | 231-946-0921 | [www.elmwoodmi.gov](http://www.elmwoodmi.gov) |

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The PDFs attached to this email are:

- 1) The DRAFT 9/17/24 Commission agenda.
- 2) The proposed text amendment. Note that a typo change will be proposed in section 5.5.N.2.b eliminate the word 'Monthly' so it reads "Retail sales of the beverages produced..."
- 3) 'Comments re: 2017-04-23.' This is a document I created on 8/7 for the second public hearing before the Township Board. It includes comments to compare proposed text to existing text in Ordinance. Comments are meant to *briefly summarize* changes from current regulations. This document is not meant as a replacement to the review of the proposed text to existing text and/or the proposed text on its own. This document is intended to more clearly show how the proposed text compares to the text within our current Ordinance.
- 4) Redlined version of ZO 2017-04-23 showing modifications from current Zoning Ordinance.

**CHARTER TOWNSHIP OF ELMWOOD  
REGULAR BOARD MEETING  
AUGUST 12, 2024  
IN THE TOWNSHIP HALL**

**Call to Order**

Supervisor Shaw called the meeting to order at 6:00 p.m.

**Pledge of Allegiance**

Supervisor Shaw led the Pledge of Allegiance.

**Roll Call**

**Present:** Chris Mikowski, Terry Lautner, Dave Darga, Kyle Trevas, Jeff Shaw, Jordan Gallagher, and Connie Preston

**Excused:** None

**Declaration of Conflict of Interest**

None

**Public Hearing Zoning Ordinance Amendment 2024-03, Alcohol Regulation**

The public hearing was opened at 6:02 p.m.

Chris Fredrickson, Owner/Operator of TC Whiskey said, we have been working together for the past six years trying to create a process for distilleries like ours, to both be planned and executed on that planning. In six years we have developed a project that we believe will benefit our company and community and have been operating under our understandings with the Township. We believe that TC Whiskey is a brand the community can be proud of and proud to have Elmwood Township as our home. We've had a chance to review the proposed changes and it seems that they are designed to discourage and target businesses like ours. We do not believe that they apply to us. We have spent millions of dollars and years in construction upon a different set of rules and those rules cannot be changed as they pertain to us but to any other businesses like ours these new restrictions will make it impossible to operate a successful vineyard or distillery. It certainly would do that to ours and force us into an uncomfortable choice if these restrictions were attempted to be imposed on us, TC Whiskey. Before approving this, we ask that you evaluate the actual goal, as an example, if we're going through this exercise to tighten some boundaries with craft breweries or breweries alike. If you want distilleries and vineyards, you do not want these new restrictions, thank you.

The public hearing was closed at 6:04 p.m.

**Public Comment**

None

**Consent Calendar:**

**Department Reports:**

Treasurer  
Planning/Zoning  
Fire Chief Report

**Committee Reports:**

**Minutes:**

7-8-24  
7-23-24

**Post Audit Invoices 7-1-24 through 7-31-24**

MOTION BY TRUSTEE DARGA, SECONDED BY CLERK PRESTON TO APPROVE THE CONSENT CALENDAR AS PRESENTED. The motion passed unanimously by a voice vote.

**Agenda approval**

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE GALLAGHER TO APPROVE THE AGENDA AS PRESENTED. Motion passed unanimously by a voice vote.

**Supervisor Remarks**

Supervisor Shaw submitted a written report and added that he will be attending a Michigan Natural Resources Trust Fund Tour

**Trustee Remarks**

None

**Engineer's Report**

None

**Other Officer Remarks**

None

**Communications from the Clerk**

Clerk Preston stated that our voter turnout was 28%.

**Old Business**

None

**New Business**

**Consideration of Text Amendment 2024-03/Alcohol Regulations**

Planner Sarah Clarren stated that this the third month the Board has been talking about this. This is the second public hearing before the Board. She created a new document to try to show and visualize a different way to show that the Township is not reinventing the wheel with this text amendment. Clarren relayed that when she met with Fredrickson on Friday only two concerns of the text were made, the first being a definition which was from the State and the second being planting requirements. Clarren indicated that anyone can seek a variance from any dimensional requirement in the Ordinance and noted that in the proposed text, an increase in the lot coverage requirement can be approved by the Planning Commission. She relayed that the proposed text is more lenient in certain things. The size of a tasting room is increased from 2000 sq. feet to 2500 sq. feet and allows seating indoors and outdoors where the current is only indoors. She stated that the current text has no requirements for planted crops for breweries and distilleries. This text would align all the uses.

The Board discussed potential impact on TC Whiskey's project. Clarren indicated that she still has not been provided with an adequate document regarding work done on the 2022 approval for the addition to the distillery (use approved in 2018 as a change of use), the tasting room, offices, and visitor's center. Discussion ensued on substantial construction and what variances would be necessary for the project if the text amendment passed and substantial construction had not been reached on the 2022 approval.

Board members voiced support over tying growing to uses in the agricultural district, but also concern over impact to long-term projects. Clarren indicated that putting the proposed text amendment aside, if substantial construction has not occurred onsite, then the approval would expire as approvals are not valid indefinitely. Approvals are valid indefinitely if substantial construction has been reached; any modifications would need to meet the requirements in effect at the time of approval. Clarren relayed that these sections in the Ordinance have been flagged as major issues for some time and staff had time to look at it over the winter; the Board can base their decision on the text amendment on anything but the proposed text closes many gaps in our Ordinance.

The Board discussed how the proposed planting requirement could be met in winter. Trustee Mikowski questioned past zoning of the site, classifications of the site and if it was feasible to have an industrial-agricultural

district; Clarren relayed that could be possible, but the Ordinance would need to be amended. It was added that assessing classifications and zoning districts do not always align. Trustee Darga asked if anything has been planted onsite to which Clarren said she does not believe so; Fredrickson said no, but noted that the land has been tilled. The Board continued to discuss proposed and current planting requirements.

Shaw asked for a motion. Darga made a motion to approve as presented but there was no support. Motion failed. Mikowski offered that the text could go back before the PC and Fredrickson could attend and present his argument of what it is we need to change, and then as a Planning Commission, they can decide if we need to tweak or change anything, then have it come back to the board. Preston would like input from someone else with a distillery. Chris Fredrickson was asked to comment. Fredrickson said there has been several exchanges between Sarah and his team in the last week. Our team has a better understanding of the process here that made it clear to us. He said that under no circumstance would I approve the language as it is written and as a business owner and resident can commit to you to work with Sarah to create a better understanding of words that have been chosen. There are several items that don't make sense for the livelihood of a brewery, distillery, or winery. It is a big lift to help the Township because we are running a business. There a lot of reasons that we are being delayed. What is before you does not make sense as regards to the practical operations of a winery, distillery, or brewery. Preserving the agricultural essence of the properties is there but is not written well. It is written by an attorney not by a practicing professional so there is a way to do this but if you were to take this language and apply it in a literal sense, the practice doesn't make sense. So I would ask and commit to taking time and resources from our company which is not small which is why it's been three months but only in last 45 or 60 days have we understood it more thoroughly, so I would recommend that the way it's written needs to be updated for practical application.

Shaw said we want to make it so someone can make it successful but not just for one but for everybody. We need information from a broader range. Darga would like to see specific terms or we will have the same thing at the Planning Commission.

**MOTION BY TREASURER MIKOWSKI, SECONDED BY TRUSTEE GALLAGHER TO SEND IT BACK TO THE PLANNING COMMISSION FOR REEVALUATION.** The motion passed 6-1 by a roll call vote with Trustee Darga voting no.

#### **Timberlee Water Updated Cost Estimates**

Wade Trim engineer Ken Schwerdt and GT County DPW Director John Divozzo presented the updated cost and plans for the project.

**MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE GALLAGHER TO APPROVE THE PLANS AS PRESENTED BUT LOOK INTO THE COST OF A PROPANE VS. DIESEL GENERATOR.** The motion passed unanimously by a voice vote.

#### **Health Benefits Extension to Dependents**

**MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE TREVAS TO AUTHORIZE THE MEMORANDUM OF UNDERSTANDING WITH THE ELMWOOD PROFESSIONAL FIRE FIGHTER'S UNION.** The motion passed unanimously by a voice vote.

#### **Schedule Special Meeting**

**MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE GALLAGHER TO SCHEDULE A SPECIAL BOARD MEETING FOR AUGUST 19, 2024 AT 6:00 P.M. TO DISCUSS A MULTITUDE OF MARINA ITEMS.** The motion passed unanimously by a voice vote.

**Payment of Invoices**

MOTION BY TRUSTEE DARGA, SECONDED BY CLERK PRESTON TO PAY THE INVOICES IN THE AMOUNT OF \$279,095.28. Motion passed unanimously by voice vote.

**Extended Public Comment**

Jim O'Rourke

**Adjournment**

Supervisor Shaw adjourned the meeting at 7:29 p.m.