memorandum

DATE: September 14, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1.F. Wineries Memo and Amendment

Introduction

At the May 6 meeting, we provided an audit of the drafted wineries ordinance amendment, starting our role with the wineries amendment task.

Amendment History

- **2025-2026 –** The Planning Commission developed a draft of the wineries ordinance. This work culminated in a draft ordinance dated 3/10/2026. After this, the Planning Commission then asked us (Giffels Webster) to audit the draft ordinance.
- **May 6, 2026 –** The Planning Commission discussed our wineries ordinance audit. Planning Commission then suggested we rewrite the ordinance based on some of the larger suggested changes, and that we present it at an upcoming meeting. Substantial points of Planning Commission discussion included the following suggestions/direction:
    - Create a more realistic maximum building coverage standard based on percentage of lot coverage.
    - Be more prescriptive in what kind of accessory uses are permitted in the 100 foot setback.
    - Agreement that provisions to ensure the winery's food service and retail portion don't turn into full scale restaurants and grocery stores would be important. However, Planning Commission seemed favorable towards the promotional activities' allowance to have full service food events, which the Planning Commission articulated that the Michigan Liquor Control Commission limits to three a month. An all-day full-service restaurant should not be allowed.
- **July 1, 2026 –** The Planning Commission discussed the draft ordinance amendment, focusing on the following areas:
    - Desire to prohibit split-zoned lots from being a winery with tasting room. The lot should be entirely zoned A-1 agricultural.

- Desire to consider all contiguous properties as part of one site/ownership to be recognized as one "zoning lot" to base the broader building coverage calculation on.
- There should be a more descriptive list of what "brand promotional events" could mean. Additionally, there was some discussion about the Michigan Liquor Control Commission's regulation on brand promotional events.
- There was discussion about blanket occupancy caps and how this threshold could be inconsistently applied.
- Desire to not move forward with the "Large Events Permits" draft general code ordinance and permit process. Instead, the desire was to allow an administrative review zoning process for special/flexible events where outdoor tents, equipment, overflow parking, etc. can be approved by the Zoning Administrator and the Fire Department. With this, however, there was a desire to require more static or permanency in the manner the site design/layout for flexible areas should be approved. For example, on a winery with tasting room's initial site plan review, an area for special event temporary tents should be laid out clearly so that the Zoning Administrator/Fire Department special event permitting is in alignment with what had been approved and where it was approved for.
- A Planning Commissioner asked how standalone "tasting rooms" would be permitted in other districts. It would be reasonable to permit tasting rooms (also known as a variety of terms, including "tap rooms" or "tap houses" – a place that might serve beverages produced off premises) in certain districts. Planning Commission should consider if these standalone tasting rooms for wine, cider, spirits, or beer, should be permitted C-1 and perhaps in V-1 as well. It may also be worth considering if micro-breweries and micro-distilleries – which don't grow their grains/barley/wheat/hops/etc. on the premises but may still brew or distill on the premises – should be permitted in C-1 and perhaps V-1.

- **August 5, 2026 –** To ensure we are taking due care in reviewing this language, we revisited the same draft language as was previously presented at the July 1 meeting. This August meeting discussion centered around the following key points:
  - Planning Commission's consensus on events was that a tiered approach should be taken rather than occupancy thresholds.
  - Catering allowances should be made more clear.
  - Two Planning Commissioners brought up they are also confused about the "brand promotional events" terminology and how it relates to the food service allowances. Research has been conducted and it seems like the brand promotional events pertain to advertising events where a salesperson or vendor representative of a brand can come sell/advertise products at another facility (in this case, the subject winery/microbrewery/micro-distillery). Brand promotional events are regulated by MCL 436.1609-436.1610 of the Michigan Liquor Control Code (Public Act 58 of 1998), the Michigan Liquor Control Commission's Administrative Rules, and the October 27, 1999 Michigan Liquor Control Commission's Administrative Order. None of these regulations include a guarantee or preemption that food service should be tied to brand promotional events, therefore I believe food service/ full service meals can be regulated. We make clear that brand promotional events are permitted, but that full service meals do not need to be attached to these.
  - A key consideration in this draft is the inclusion of "**wineries, microbreweries, and micro-distilleries**." Based on the definitions in the previous drafts, it is my

understanding that the intent was to include all three of such uses (and cideries – which appear to have always been under "wineries" based on the definition) in these regulations. Because these uses are rather similar in nature, it is sensible to include the three similarly so that the regulations are not seen to be exclusionary towards any such use.

    - We provide a draft Special Event Permits Ordinance and draft Noise Ordinance attached to this memo as well. The draft Noise Ordinance was shared with the wineries audit in May. The Special Event Permits Ordinance came from our audit recommending this strategy to govern large events, as well as comments MSU Extension made on the draft ordinance as well. It is our thought that it will be easier to regulate these through a general code ordinance where the applicant seeks a permit through the Township Board on an individual basis. As outlined above, the Planning Commission was less favorable towards the large events permit during discussion at the July meeting. However, at the August meeting, after deliberating on the merits of "tiers," Planning Commission saw a potential benefit to this ordinance again for "Tier 2" usage.

- **September 9, 2026 –** The Planning Commission reviewed the changes and had robust discussion over the "Tier 2" event types. The focus was primarily over how they would be permitted and whether the Township was giving wineries an opportunity to have large events that other businesses/property owners could not enjoy. The following changes were requested:
    - Add in a minimum zoning lot size of 20-acres. This is intended to preserve agricultural land.
    - For Tier One events, remove the size limit for tents but keep the delineated areas.
    - Remove sound standards as the updated noise ordinance addresses this.
    - Remove all of Tier Two event types and hold the special events ordinance for Tier Two. Concerns over giving wineries different permissions than other uses/businesses in the township.
    - Note: because events will no longer be tiered, we are deleting the references and naming convention of "tier" and instead just calling everything "events."

Next Steps

We revised the text from the September meeting. A public hearing will be held at the October 7, 2026 Planning Commission meeting. If satisfied with the proposed amendment after the public hearing, the Planning Commission may move the proposed amendment to the Township Board.

Items for Consideration in a Later Text Amendment

If Planning Commission desires more continued flexibility for agricultural lands, a broader agri-tourism ordinance could be an item to work on in a later text amendment. This could include the implementation of "tiered activities," which was discussed at several meetings.

Proposed Zoning Text Amendments

*Please note: text that was updated from the September 9, 2026 discussions is symbolized in blue underline. Some deleted text is symbolized in ~~strikethrough~~ when relevant. Giffels Webster annotations are provided in **green bold.***

SECTION 2.01 – DEFINITIONS

Cidery: A state-licensed facility – see Winery.

Lot, Zoning: A single tract of land, not separated by a public or private road right-of-way, at the time of applying for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect and is entirely located within a singular zoning district on the zoning map. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

Micro-brewery: A state-licensed small-scale beer-making facility that uses agricultural products (grains, hops, fruits, honey, or other farm ingredients) where the production of beer; beer and/or other fermented malt beverages are brewed, processed, and sold at wholesale or retail to the public with or without the use of a tasting room or taproom facility.

Micro-distillery: A state-licensed facility where agricultural products (grains, fruits, sugar, or other fermentable materials) are fermented and then distilled to produce spirits (e.g., whiskey, vodka, rum, brandy); distilled spirits are bottled, processed, and sold at wholesale or retail to the public with or without the use of a tasting room or on-site retail facility.

Tasting Room: A room located on the same parcel as a winery, micro-brewery, or micro-distillery where a) tasting of wine, fruit wines, and nonalcoholic fruit juices takes place and b) the retail sales of winery products, incidental merchandise, and incidental retail sales of non-food items and packaged food items are allowed as provided herein.

Winery: A state-licensed facility where agricultural fruit production is maintained; wine and/or cider is processed; and sold at wholesale or retail to the public with or without the use of a wine tasting room. All further references to wineries shall also include cideries, micro-breweries, and micro-distilleries.

SECTION 4.10 – AGRICULTURAL A-1 – INTENT

A. A-1 Agricultural Use Regulations: Uses Permitted By Special Use Permit
   2. Wineries, microbreweries, and micro-distilleries, subject to Section 5.16

SECTION 5.16 – WINERIES, MICROBREWERIES, AND MICRO-DISTILLERIES

A. **Intent.** It is the intent of this section to encourage the growing of crops and production of wine, beer, and distilled spirits as an integral component of the rural and agricultural ambiance of Whitewater Township, and to maintain the viability of farming through the value-added processing and direct sales of wine, beer, distilled spirits, and related beverages made from locally grown crops. It is also the intent of this section to preserve agricultural lands while promoting the growth of agritourism as economic development, as set forth by the Master Plan by allowing construction of a winery, micro-brewery, or micro-distillery with a tasting room, with events and gatherings, and with retail sale of winery, microbrewery, or micro-distillery products, in the Agricultural A-1 district subject to this Ordinance.

B. **Permitted Uses.** Wineries, micro-breweries, and micro-distilleries with tasting rooms are permitted on a zoning lot entirely located within the A-1 agricultural district; split-zoned lots or zoning lots consisting of different zoning districts shall not be permitted. The use shall be subject to approval of a special use permit in accordance with Article 13 of this Ordinance. Site plan review in accordance with Article 12 of this Ordinance is required, and the Planning Commission shall find that the site plan complies with the requirements of this section before approving any site plan.

C. **Requirements for All Wineries, Micro-breweries, and Micro-distilleries with Tasting Rooms**. All wineries, micro-breweries, and micro-distilleries with tasting rooms shall comply with the following requirements.

1) The use shall be licensed by all applicable state and federal regulatory authorities.

2) A minimum lot or zoning lot size of 20 acres is required.

3) The total building coverage for all buildings on the zoning lot shall not exceed more than five percent (5%) of the total area of the zoning lot in which the use is located.

4) **Setbacks**.

   a. All new principal or accessory buildings, and accessory structures including decks, patios, and all outdoor seating areas, shall be set back at least 100 feet from any lot line. Principal or accessory buildings in existence prior to the effective date of the amendment that created this section that do not meet this setback requirement may also be used for winery, micro-brewery, or micro-distillery purposes, subject to the provision of additional landscaping and buffering features being required by the Planning Commission. Such additional landscaping and buffering features may include plant material, mounding, or other decorative landscape elements that serve to abate potential noise impacts and light spillover along property line(s). The Planning Commission shall consider Article 10 of this Ordinance when making such determination.

   b. All accessory uses and parking areas shall be set back at least 100 feet from any lot line.

5) **Sales of food, beverages, and merchandise**. Retail sales of food and beverages produced consisting of at least fifty-five percent (55%) of agricultural products grown on the premises, and incidental merchandise associated with the tasting room and/or farm are permitted. The sale of general retail consumer goods is prohibited.

6) **Food service**. Food service is permitted, subject to the following requirements:

   a. Food prepared by the tasting room shall be restricted to hors d'oeuvres, seasonal small plates, soups, and snacks.

   b. Food service shall be completed by 10:00 pm.

   c. All necessary permits for food service shall be obtained.

   d. Catering service is permitted in conjunction with a permitted event in accordance with Subsection D.

7) **Parking**

   a. Parking for the winery, micro-brewery, or micro-distillery processing and production areas shall comply with the requirements of Section 9.07 for 'industrial or manufacturing establishment, research and testing labs.'

   b. Parking for tasting room areas shall comply with the requirements of 9.07 for 'restaurants, taverns, bars, nightclubs.'

   c. Parking for retail areas shall comply with the requirements of 9.07 for 'supermarket, self service food or beverage shop.'

8) **Noise**. Noise shall comply with the requirements of the Township Noise Ordinance #XXXX

9) **Location Buffer**. To preserve the rural character of the Township, prevent the concentration of similar commercial uses, minimize traffic on lightly travelled roads, and minimize noise and land-use conflicts, wineries, micro-breweries, or micro-distilleries with tasting rooms shall be subject to the following buffering requirements.

   a. No winery, micro-brewery, or micro-distillery with a tasting room shall be established within one (1) mile of another such winery, micro-brewery, or micro-distillery with a tasting room, measured in a straight line from property line to property line.

   b. A waiver or reduction from the buffer requirement in C.8.a. may be granted by the Planning Commission upon finding of all of the following criteria are met:

      i. Road capacity is sufficient and traffic impacts on rural roads are minimized.

      ii. Potential cumulative impacts from events, noise, and lighting are mitigated.

      iii. The property and use is compatible with surrounding agricultural and residential uses.

      iv. The property and use preserves rural character and scenic viewsheds.

D. Events. Events are permitted in conjunction with a winery, micro-brewery, or micro-distillery tasting room, and shall be defined and regulated as follows:

1) **Intent.** To protect the health and safety of event goers, and the surrounding community, as well as to mitigate traffic, noise, and other nuisance factors, the Township regulates events in conjunction with a winery, micro-brewery, or micro-distillery tasting rooms ~~with a tiered approach. "Tier 1" events are generally recognized to be lower in land use intensity, with layout of facilities or activities generally following the original site plan and/or special use permit approval and no additional nuisance factors anticipated. "Tier 2" events are generally recognized to be broader in scale and may incorporate more intensive accessory land uses or activities, or may involve more variable space or temporary layouts in addition to what had been previously documented in the original site plan review and/or special use permit approval~~.

2) ~~General~~ Requirements for all events:

   a. Events unrelated to the principal use of the winery, micro-brewery, or micro-distillery shall not be held on the premises unless granted the ability to hold events by way of site plan review and special use permit approval. As part of the site plan review process, the Fire Department may restrict maximum occupancy for all future events. The event shall follow the layout of the approved site plan and special use permit, with all accessory uses and activities, even those temporary in nature, taking place in the delineated areas on the plan. **(This final sentence was moved from the former *3) Requirements for Tier 1 Events* below.)**

   b. A maximum of four events per any 30-day period shall be permitted.

   c. The event shall not include overnight sleeping accommodations for attendees.

   d. Event operations shall occur only between the hours of 10:00 am and 10:00 pm.

   e. Parking for Events. If the tasting room is closed to the public for the duration of the event, the event shall provide the amount of parking as required in Section 9.07 for 'restaurants, taverns, bars, nightclubs' or 'dance and union halls, civic clubs, fraternal orders, conference rooms, exhibit halls, ball rooms or any similar type of use,' whichever is greater. However, if the tasting room remains open to the public during the event, the event shall provide the aggregate of the parking required for both the tasting room and the event.

   f. Brand promotional events, subject to the Michigan liquor control code and administrative rules/orders, are permitted, but there shall be no more than three such events per month.

g. Tents or temporary structures shall be located within the delineated area as specified on the approved plan. (**Moved from the former *3) Requirements for Tier 1 Events* below.)**

h. Food trucks are permitted within delineated area as specified on the approved plan. (**Moved from the former *3) Requirements for Tier 1 Events* below.)**

3) ~~Requirements for Tier 1 Events.~~

a. ~~A Tier 1 event shall follow the layout of the approved site plan and special use permit, with all accessory uses and activities, even those temporary in nature, taking place in the delineated areas on the plan.~~

b. ~~Tents or temporary structures shall not exceed 100 square feet in area and shall be located within the delineated area as specified on the approved plan.~~

c. ~~Food trucks are permitted within delineated area as specified on the approved plan.~~

d. ~~Amplified sound is not permitted outdoors.~~

e. ~~The minimum lot area for a tasting room holding a Tier 1 event is 10 acres.~~

4) ~~Requirements for Tier 2 Events.~~

a. ~~In addition to the Tier 1 events above, any event incorporating any of the following accessory uses or activities shall be a Tier 2 event, and shall be subject to a Special Event Permit in Special Events Ordinance XXXX.~~

i. ~~Tents or temporary structures greater than 100 square feet.~~

ii. ~~Overflow parking. Overflow parking shall comply with the dimensional requirements of zoning ordinance section XXXX and shall be located at least 50 feet from any abutting property.~~

iii. ~~Outdoor amplified sound, subject to the Noise Ordinance XXXX.~~

iv. ~~The use of Tier 1 accessory uses or activities outside of the delineated areas on the approved site plan or special use permit.~~

b. ~~Tents or temporary structures shall meet the setbacks principal structures in the A-1 district.~~

c. ~~The minimum lot area for a tasting room holding a Tier 2 event shall be 20 acres.~~

GENERAL CODE ORDINANCE #XXXX NOISE ORDINANCE

[New language; this was presented with the wineries audit in the May meeting. This is attached for reference, but because we are proposing it as a general code ordinance, it does not require Planning Commission review and public hearing. The Township Board is solely responsible in adopting a general code ordinance.]

A. Intent. The intent of these noise regulations is to provide a safe and peaceful environment for wildlife and people in Whitewater Township, including residents, visitors, and workers. This section intends to limit the emission of noise from its sources that could be considered obnoxious by those on neighboring properties, including transient noise, intermittent noise, and constant sound, including infrasound below 20 Hz.

B. The emission of measurable noise from any use shall comply with the following:

   1. In general. Objectionable sounds of an intermittent nature or characterized by high frequencies, even if falling below the maximum decibel limits set forth in this section, shall be controlled so as not to become a nuisance to adjacent uses.

   2. A-weighted decibels. Between 7:00 A.M. and 10:00 P.M., noise shall not exceed fifty-five (55) dB(a) as measured at the boundary property lines, except that where normal street traffic noises exceed fifty-five (55) dB(a) during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. Between 10:01 P.M. and 6:59 A.M., noise shall not exceed forty-five (45) dB(a) at the property line. In the [industrial] district the following maximum noise levels may be permitted:

      a. 7:00 A.M. to 10:00 P.M. Noise not to exceed seventy (70) dB(a)

      b. 10:01 P.M. to 6:59 A.M. Noise not to exceed forty-five (45) dB(a).

   3. C-weighted decibels. Noise shall not exceed seventy (70) dB(c) as measured at the boundary property lines, except that where normal street traffic noises exceed seventy (70) dB(c) during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises.

   4. G-weighted decibels. Infrasound at any property line shall not exceed eighty (80) db(G) LGeq,10-minute.