

ARTICLE 2 – DEFINITIONS

2.01 DEFINITIONS

For the purpose of this ordinance, the following definitions apply.

Cidery: A state-licensed facility – see Winery.

Tasting Room: A room located on the same parcel as a Winery 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 facility. All further references to Wineries shall include Cideries.

ARTICLE 5 – SUPPLEMENTAL DEVELOPMENT STANDARDS AND PROVISIONS

5.13 WINERIES WITH TASTING ROOMS

It is the intent of this Section to promote local agriculture production/growth of agritourism as set forth by the Master Plan (Principle #2) by allowing construction of a Winery with Tasting Room and retail sale of winery products in the Agricultural A-1 district subject to this Ordinance. It is also the intent of this section to encourage the growing of fruit wine and production of wine as an integral component of the rural and agricultural ambiance of Whitewater Township, and to maintain the viability of fruit farming through the value-added processing and direct sales of wine and wine-related beverages made from locally grown fruit.

A. Permitted uses:

- 1) Wineries with Tasting Rooms are permitted in the Agricultural A-1 district subject to a Special Use Permit, as follows:
 - a. The Winery must be licensed by all applicable state and federal regulatory authorities, including the U.S. Treasury, Bureau of Alcohol Tobacco & Firearms; the Michigan Liquor Control Commission (MLCC); the Michigan Department of Agriculture, and the Michigan Department of Environment, Great Lakes, and Energy.
 - b. The total Building Coverage (see Article 2 – Definitions) shall not be greater than 7,000 square feet.
 - c. All new principal or accessory buildings used for winery purposes shall be setback at least 100 feet from any lot line. Principal or accessory buildings in existence prior to the effective date of winery-related zoning regulations that do not meet this setback requirement may also be used

for Winery purposes, subject to the possibility 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).

- d. Retail sales of winery/farm branded merchandise, food and beverages produced on the premise, and incidental merchandise commonly associated with a farm market are allowed. The sale of general retail consumer goods is not allowed.
- e. Food service is allowed, provided that the Winery obtains all necessary permits for such food service. The retail sale of food may be by the Winery or a third party. Food service operations are subject to the following:
 - 1) Food prepared by the winery/cidery shall be restricted to hors d'oeuvres, seasonal small plates, soups, and snacks.
 - 2) Food service shall be completed by 10:00PM
 - 3) Food trucks are allowed to be on site with operating hours the same as the tasting room's but not later than 10pm.
 - 4) Complete meals by the Winery are allowed in conjunction with Events & Promotional Activities provided that the Winery obtains all necessary permits for food service through commercial kitchen licensure.
 - 5) Catered food is allowed only in conjunction with Events.
- f. Provided that the use and property are in compliance with the Ordinance, Township Ordinances, and applicable Grand Traverse County and State of Michigan regulations and permitting, the hosting of Promotional Activities and Events are permitted subject to the conditions of sections (A)(1)(h.-j.) herein.
- g. Outdoor music, dining, and wine tastings are allowed.
- h. Promotional Activities: A Winery may engage in promotional activities to promote the sale of Winery products which are activities held at the Winery where the expected number of attendees does not exceed 100 persons, excluding Winery staff. The type of activity shall not be restricted so long as the activity complies with the following requirements:
 - 1) Shall be subject to all applicable State, County, and local regulations and permits.
 - 2) The Promotional Activity shall not include overnight sleeping accommodations for participants or spectators.
 - 3) The hours of Promotional Activities operations shall be confined between the hours of 10:00 a.m. and 10:00 p.m.
 - 4) Temporary structures such as tents and umbrellas are allowed. All temporary structures are to be taken down/removed within 48 hours of the conclusion of the Promotional Activity.
 - 5) Standards for Promotion Activity parking and lighting shall meet the standards as outlined in [Article 9](#) and [Article 11](#) of the Ordinance.

- 6) Promotional Activity noise shall conform to Whitewater Township's Noise Ordinance #39 and applicable state and local law.
 - 7) Occupancy shall conform to regulations set forth by the inspection of the Health Department and Whitewater Township Fire Department Inspection Code.
- i. Events: Events means either a Winery sponsored activity or a private party rental of all or a portion of the Winery property where the number of attendees exceeds 100 persons, excluding Winery staff. The Planning Commission may limit the maximum number of attendees above 100 persons per individual site plan review. The following requirements shall apply to Events:
- 1) Shall be subject to all applicable State, County, and local regulations, and permits.
 - 2) Events shall not be conducted more than (4) calendar days in any 30-day period.
 - 3) The event shall not include overnight sleeping accommodations for participants or spectators.
 - 4) The hours of event operations shall be confined between the hours of 10:00 a.m. and 11:00 p.m.
 - 5) Temporary structures such as tents and umbrellas are allowed. All temporary structures are to be taken down/removed within 48 hours of the conclusion of the Event.
 - 6) Standards for event parking and lighting shall meet the standards as outlined in Article 9 and Article 11 of the Ordinance. A plan for Events requiring temporary overflow parking is designed and approved per individual Site Plan review and Special Use permit.
 - 7) Event noise shall conform to Whitewater Township's Noise Ordinance #39 and applicable state and local law.
 - 8) Occupancy shall conform to regulations set forth by the inspection of the Health Department and Whitewater Township Fire Department Inspection Code.
- j. Standards for Wineries:
- 1) Parking shall be provided, per Article 9. A plan for temporary overflow parking is designed and approved per individual Site Plan review and Special Use permit.
 - 2) Hours of general operation are set forth and followed per individual Site Plan Review and Special Use Permit.
 - 3) All lighting shall meet the lighting standards as outlined in **Article 11** of the Ordinance.
 - 4) All signs shall meet the sign standards as outlined in **Article 14** of the Ordinance.
 - 5) Noise shall conform to Whitewater Township's Noise Ordinance #39. Amplified music and entertainment is allowed as long as the volume does not exceed a conversational level at the property lines. The Planning

- Commission may require sound barrier landscaping as part of Site Plan approval to mitigate noise.
- 6) Occupancy shall conform to regulations set forth by the inspection of the Health Department and Whitewater Township Fire Department Inspection Code.
- k. Site Plan Review:
 - 1) Site Plan Review as set fourth in **Article 12** is required.
 - 2) Additional Site Plan Review Standards: The Planning Commission shall review the Site Plan for conformance with the standards of the zoning district in which it is located.
 - m. A Special Use Permit from the Planning Commission is required and must meet the special conditions listed in **Article 13**, and specifically Section 13. 17, E.
 - n. Violations: All violations of any provision of the ordinance and/or of the terms, conditions, or limitations of the granted Special Use Permit shall be held to the standards/process set forth in **Article 13**; sections 13.16 and the penalties of **Article 22**.; 22.01.
 - o. As an accessory use to a Winery which meets the requirements of this sections, a winery may also operate a brewery and/or distillery, and associated tasting room, if such operation is licensed by applicable state and federal regulatory authorities.

ARTICLE 4 – USE REGULATIONS AND PRIMARY DIMENSIONAL REQUIREMENTS

4.10 AGRICULTURAL A-1 – INTENT

- A. A-1 Agricultural Use Regulations (add to table under “**Uses Permitted by Special Use Permit**”)

Uses Permitted by Right	Uses Permitted by Special Use Permit
	2. Winery/Tasting Rooms (See Article 13.17, E)

ARTICLE 9 – OFF STREET PARKING AND LOADING

9.07 SCHEDULE OF OFF-STREET PARKING REQUIRMENTS. USE – (add to table under “**Residential**”)

USE	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
RESIDENTIAL	
Wineries/Cideries	One space per every 100 square feet of space in the tasting room. Parking for events shall be

	provided at a ratio of one space for each 2.5 customers, and one space per employee.
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ARTICLE 13 – SPECIAL USES

13.17 ADDITIONAL CONDITIONS OF SPECIAL USES.

E. Wineries and Tasting Rooms

- 1) **Intent:** It is the intent of this section to establish reasonable standards for Wineries/Tasting Rooms.
- 2) **Minimal Requirements:** In addition to the standards set forth in **Article 5.13**, the Planning Commission shall find that proposed Wineries/Tasting Rooms shall meet the following specific Special Land Use Standards:
 - The Winery shall own a minimum of twenty (20) acres of contiguous property within Whitewater Township that are used in the production of products produced by the licensee.