

**ORDINANCE OF THE LAWRENCE TOWNSHIP**

**BOARD OF TRUSTEES**

AN ORDINANCE TO AMEND IN PART  
AN ORDINANCE ENTITLED "LAWRENCE TOWNSHIP ZONING ORDINANCE"  
WHICH WAS ADOPTED 03/26/2005, AS AMENDED, 10/09/2014, 11/13/2014, AND  
02/12/2015 TO PERMIT MICROBREWERIES, SMALL WINERIES, AND CIDERIES BY  
SPECIAL USE PERMIT IN AGRICULTURAL DISTRICTS FOR THE PURPOSE OF SHOW  
CASING LOCAL AGRICULTURAL PRODUCTS; AND TO MODIFY THE HOME  
OCCUPATION SIGNAGE REQUIREMENTS.

Said **ORDINANCE** amending the Zoning Ordinance, is adopted at a **REGULAR** meeting held on 7/13/17 at 7:00 P.M. at 205 N. Paw Paw St., Lawrence, MI 49064.

THE MUNICIPALITY OF LAWRENCE TOWNSHIP, VAN BUREN, MICHIGAN,  
ORDAINS:

1. The Lawrence Township Zoning Ordinance of 03/26/2005, as amended, 10/09/2014, 11/13/2014, and 02/12/2015 (hereinafter the "Ordinance"), shall be amended to permit the establishment of **MICROBREWERIES, SMALL WINERIES, AND CIDERIES BY SPECIAL USE PERMIT IN AGRICULTURAL DISTRICTS FOR THE PURPOSE OF SHOW CASING LOCAL AGRICULTURAL PRODUCTS**, as follows, to wit:

**Section 4.3 Definitions** is amended to add the following definitions:

**Cidery:** A facility that produces Cider, whether fermented or unfermented, Brandy from Fruit, or a combination of both.

**Microbrewery:** A facility that manufacturers any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, or other cereal grains in potable water.

**Winery:** A facility that produces Wine, Brandy, or a combination of both.

**Section 6.5.4 Uses Permitted by Special Use Permit** is amended to add the following:

T. Wineries, Cideries and Microbreweries.

**Section 7.2. SPECIAL USES THAT MAY BE PERMITTED** is amended to add the following section:

## Section 7.2.9 . Wineries, cideries and microbreweries

A. **Intent:** Wineries, cideries and microbreweries are welcomed by Lawrence Township as appropriate farm activities. It is the Township's intent to promote local agricultural production by allowing construction of a tasting room and retail sale of associated products in the agricultural district, subject to a special use permit. It is also the township's intent to encourage the growing of crops and production as an integral component of the rural and agricultural ambiance of Lawrence Township, and to maintain the viability of farming through value added processing and direct sales of beverages made from locally grown crops.

B. General Requirements, Restrictions, and Standards. Wineries, Cideries and Microbreweries are permitted by special use permit in the township provided:

1) The Winery, Cidery, or Microbrewery shall obtain and maintain all necessary licenses, permits, and permissions to operate under Federal, State, and local Law and regulations.

2) Production limitations:

- a) Wineries may produce up to 50,000 U.S. Liquid Gallons of wine, brandy, or a combination of both, during one calendar year, in total;
- b) Cideries may produce up to 50,000 U.S. Liquid Gallons of cider, whether fermented or unfermented, brandy, or a combination of both, during one calendar year, in total;
- c) Microbreweries may produce up to 30,000 Barrels (1 Barrel equaling 31 US Liquid Gallons) of an alcoholic beverage created by fermentation of an infusion or decoction of barley, malt, hops, or other cereal grains in potable water;

3) Facility Dimensional Limitations:

- a) The parcel area on which the facility is permitted shall be at least 10 acres; the minimum parcel width shall be at least 200 feet;
- b) The total land area covered by the buildings and structures used for processing, storage, and sales shall not exceed 2 percent of the contiguous lot area;
- c) The aboveground portion of any individual building shall not be greater than 15,000 square feet; and
- d) All new buildings shall meet the same setback requirements for the zoning district the parcel is located in. If a building is open to the public, that building shall be setback at least the required setback distance from the respective lot line for the zoning district the parcel is located in. Any legal nonconforming building may have any setback distance reduced subject to Planning Commission approval to encourage the use of existing buildings.

4) Operations open to the Public:

a) Consumption of alcoholic beverages at the facility by the public shall be limited to tasting room quantities. No member of the public may imbibe more than four 12 ounce beers at 5% alcohol by volume, four 5 ounce glasses of wine at 12% alcohol by volume, or four 1.5 ounce servings of distilled spirits at 40% alcohol by volume, or an equivalent amount of alcohol (such as eight 12 ounce beers at 2.5% alcohol by volume), in any given day at the facility. In order to facilitate tasting, the facility may offer tasting room size cups or glasses to facilitate tasting. However, the limits on the amount of alcohol permitted to be consumed on any day by each member of the public is as stated above.

b) Tours, tasting rooms, and areas may only be open to the public between the hours of 10 a.m. and 7 p.m. The public may only be offered alcohol products on site during those times.

5) Adjunct food services may be provided in conjunction with the above tasting room, adjunct food services may be provided. However, the following applies:

a) No grill, stove, oven, fryer, smoker, or similar cooking equipment may be used at the facility for the preparation of food offered to the public at the facility;

b) Only toasters, toaster ovens less than 20 inches x 20 inches x 20 inches, or smaller, refrigerators, and microwaves are permitted;

c) Food may be prepared offsite; and

d) The facility may not otherwise operate as a restaurant.

6) Retail Sales:

a) Retail sales of merchandise, beverages, and advertising associated with the products produced at the facility is permitted. Only beverages produced at the facility, or merchandise or advertising materials depicting products made at the facility may be sold at the facility.

b) All retail sales shall be clearly subordinate to the production of the beverage produced.

c) The retail sales shall be no more than twenty five (25) percent of the floor area devoted to the Winery/Brewery/Cidery, but in no case shall it occupy more than two thousand (2000) square feet of floor area.

7) Additional Limitations:

a) Any special use permit granted pursuant to this section will terminate if the facility ceases to operate as a Cidery, Winery, or Microbrewery for a period of 9 months.

b) No alcoholic beverage or alcoholic products other than those produced by the Winery, Microbrewery, or Cidery be provided or sold on the premises. All alcoholic products must be for human consumption.

- c) It is a condition of any special use permit issued that the facility and owner shall comply with all Federal, State, and Local Law or regulation regarding the sale, distribution, storage, and manufacturing of alcoholic spirits.
- d) The facility is subject to inspection to determine compliance with this Ordinance, and other Federal, State, and local laws and regulations.
- e) Parking spaces shall be provided in accordance with the requirements of section 10.1.7.

**Section 10.1.7 Parking Space Requirements** is amended as follows. Winery/Cidery/Microbrewery Tasting Room and Winery/Cidery/Microbrewery Processing/Bottling are added to the Land Use column. As amended each requires 2 parking spaces per 100 Sq. Ft.

<u>Land Use</u>	<u>Parking Spaces per Designated Unit(s)</u> /100 Sq. Ft.
Winery/Cidery/Microbrewery Tasting Room	2
Winery/Cidery/Microbrewery Processing/Bottling	2

2. The Ordinance shall be amended to modify the **HOME OCCUPATION SIGNAGE RELATED ORDINANCES**, as follows, to wit:

**Section 9.8 (B) (9) will now read as follows:**

Signs shall be permitted in general accordance with this ordinance. One sign with a maximum of nine (9) square feet in area may be mounted flat against the wall of the home occupation. One sign with a maximum of two (2) square feet in area may be located in the front yard so as to not be a clear vision hazard or in the road right-of-way. In no case shall the number of signs exceed two (2).

**Section 4.3 Definitions, regarding “Home Occupations, Customary” will now read as follows:**

**Home Occupation, Customary reads:**

An occupation, profession or hobby allowed within a dwelling unit or accessory building and carried on by the inhabitants thereof, as well as their employees, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes. It does not change the character thereof, and does not endanger the health, safety, and/or welfare of any persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards, and the like, involved in or resulting from such occupation, profession or hobby.

Also known as cottage industry, home based business, home marketing network, or home interactive distribution or marketing.

3. All other acts, sections, and provisions of the Lawrence Township Zoning Ordinance shall remain in full force and effect except as changed by this Ordinance. The above modifications can be inserted directly into the respective acts, sections, and provisions of the LAWRENCE TOWNSHIP CODE OF COMPILED ORDINANCES, Vol. I.

4. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments thereto, of Lawrence Township in conflict with the provisions of this ordinance are hereby repealed.

5. RECODIFICATION: That the Ordinance is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme established by the Ordinance.

6. SEVERABILITY. If more restrictive, State or Federal Law or Regulations exist, they shall govern. The invalidity of any clause, sentence, paragraph, or part of this ordinance shall not affect the validity of the remaining parts of this ordinance. This Ordinance is to be construed as consistent with State and Federal Law and Regulations.

7. SAVINGS CLAUSE. A prosecution that is pending on the effective date of this ordinance and that arose from a violation of an ordinance repealed or amended by this ordinance, or a prosecution that is started within 1 year after the effective date of this ordinance arising from a violation of an ordinance repealed or amended by this ordinance and that was committed before the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed or amended.

8. EFFECTIVE DATE: This ordinance amendment shall take effect 30 days after publication.

Motion offered by Stroud and supported by Spenner.


Roll Call Vote: Yes: Spenner, Thompson, Tinker, Reynolds, Stroud

No: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED:

I hereby certify the foregoing constitutes a true and complete copy of the ordinance adopted by the Lawrence Township Board of Trustees, County of Van Buren, Michigan, at a regular meeting held on the 7/13/17, 2017.

Date: 7/13/17

  
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Kim Thompson, Lawrence Township Clerk

This Ordinance amendment was published on 7/21/17.

