

Peninsula Township  
Special Joint Township Board & Planning Commission Meeting  
April 26, 2016 6:00- 8:00 p.m.

Meeting called to order at 6:00 p.m.

Present:

Town Board: **Avery; Byron; Hoffman; Correia**-Chair; **Weatherholt; Rosi**

Planning Commission: **Wunsch; Peters; Leak**- Chair; **Hornberger; Serocki**

Also present were Claire Schoolmaster, Planning & Zoning Coordinator; Michele Reardon, Director of Planning & Zoning, via Skype, Patrick J. Sloan, McKenna Associates and Mary Ann Abbott, Recording Secretary

Absent: Town Board: Witkop

Planning Commission: Couture

**Approve Agenda**

**TOWN BOARD MOTION: Byron/Hoffman** to approve the Agenda. **PASSED UNAN**

**PLANNING COMMISSION MOTION: Hornberber/Serocki** to approve the Agenda. **PASSED UNAN**

**Brief Citizen Comments - for items not on the agenda**

None

**Conflict of Interest**

Town Board: None

Planning Commission: None

**Business**

1. Peninsula Township Zoning Ordinance DRAFT (Discussion)

*Reardon* introduced Patrick Sloan via Skype to lead the discussion.

*Sloan* based on the previous meeting it was decided that it might be best to break out the information into chunks based on the major themes. Having three meetings. Tonight will be shoreline regulations; next week will be Agricultural and Ag Tourism Uses and the May 9<sup>th</sup> meeting to cover everything else and more major topics.

Definition of "Building Height"

Last week Building Height was a point of discussion. The consensus was that all heights should be measured to the peak regardless of the type of roof. But the Boards wanted some options on how to measure height on the waterfront. Discussion turned to McKenna letter of April 21, 2016 and the Definition of Building Heights. Two options were presented. Concerns of staff and boards were how to determine natural grade; requirements of a topographical survey before the permit; alterations of grade before the permit process; soil erosion; use of fill. There was a consensus on applying to all walkouts

Staff to do research on what GIS is available and revisit as we go further. Staff would also like to look at it from an enforcement standpoint, and see what it would do from a permit aspect. *Reardon* measurements will exclude chimneys but would like to look closer at cupola issue

Shoreline Overlay District

*Sloan* Section 3.12 Shoreline Overlay is a new district. In addition to new regulations it also has sections of the current Zoning Ordinance. Proposal is to split of the Shoreline Overlay into two sub-districts: The Waterfront Sub-District where the setback would change to 60 feet from shoreline and the Upland Sub-District which would be 60-200 feet of the shoreline. Also would prefer vegetative cover in the area where possible with permit from a landscape architect.

Topics discussed under Waterfront sub-District.

Discussion continued on the purpose of vegetative cover and the types of cover.

*Reardon* Right now we do not allow clear-cutting but we also do not require that natural vegetation be restored. This will be a change from what we do now. We need to check with our attorney on what we can do about MDOT right of way. Proposed that residents will need to get a permit from the township in the future. Would make soil erosion aware that there is a new permitting process in Peninsula Township.

*Reardon* I like the idea of requiring a permit for earth movement in our Waterfront District. In that ordinary high we might want to be proactive about protecting our shoreline.

Consensus of the Board to keep this Waterfront Sub-district section.

**Hoffman** would like to talk about Permitted Storage (e). This is where we have the shore stations out all winter. There is a letter from the Heritage Road Committee on this. *Reardon* this is a rewrite of current ordinance that you can store on your property as long as not in the Road Right of way and not in the 15-foot side-yard setback. If in the Road right -of- way it would need to be moved. Enforcement was discussed. Ordinary high water does not matter for storage.

Discussion and consensus on use of wording of “ temporary seasonal storage” across the board in the waterfront district.

Topics discussed under the Upland Sub-District

**Sloan** The Upland Sub-District requires 30% tree canopy from the 60-200 foot. Could require to be certified by a Landscape Architect

**Byron** would like to back up to 3-7 (f) Dredging and Filing *Reardon* we require that if they bring in fill below the flood plain and above the ordinary high they receive approval from the ZBA and have soil erosion permit. Can we add that a civil engineer be required? A citation could be issued. **Hoffman** A permit may help.

**Wunsh** it might be helpful to provide a list of vegetation that would work. *Reardon* Asks Sloan to check with their Landscape architect. Could just be a list kept at the township. The only time this would trigger is if there is a permit pulled.

Additional topics discussed under Upland Sub-District

D) Hoists *Reardon* Current ordinances end at the Ordinary High Water and suggest that we end it at the water's edge. Can be addressed by attorney.

Consensus is that board would like to think on this topic.

E) Decks, Storage and Walkways *Sloan* Reviewed this section. *Reardon* Walkway requirements came from ZBA to address people who need a way to get down to the their beach. No changes by boards.

F) Shared Waterfront *Sloan* Only significant change is for portable sanitary equipment. No changes by the boards.

G) Filing and Grading *Sloan* to find out if Army Corp of Engineers requires permit for seawall.

H) Removal of Shore Cover No changes by Board

I) Road Ends No common dockage. Staff to look into whose responsibility with Right of Way

*Reardon*. If everyone feels comfortable with Shoreline Overlay District we will see the changes and edits as we move forward.

Fences and Walls

*Sloan* New section on retaining walls but must be to protect or prevent structures from erosion damage and may bring in Township engineer.

Clear vision areas discussed. Maximum height privacy fence is listed as 6 feet. Prohibited materials are also listed.

**Peters** would like to see Retaining Walls listed under definitions. **Rosi** questioned structures and the flood plain areas

*Reardon* discussed that the concept of Privacy Fences is new to the Board. The ZBA felt that there was a problem with the zoning ordinance because of the number of variances they were seeing. The staff needs to research corner lots. Need to look at corner lots and protect ourselves against the right of way. *Reardon's* suggestion is to keep the height at 6 feet and see what comments come at the Public Hearing.

Board consensus to continue discussion on definitions at a future meeting.

*Reardon* Next meeting will cover Agricultural related uses and Articles 3-5. There is change in the Agricultural Related uses and this comes from the Ag Tier discussions.

### **Citizen Comments**

*Margaret Achorn, 11284 Peninsula Drive* The Board continue to call the waterfront side of the house the front side of the house and you need to make sure you change the reference points. Docks and temporary storage - does this need to be 15' from the property line. *Reardon* Storage is required to not be in the side yard setback. Placement of usable dock should be at or near the center of the property

Jim Raphael, 14826 Mallard Drive A little confused about requirements for waterfront sub district. Wondering if the issue is erosion control why you are talking about tree canopy requirements as opposed to a broader definition of vegetation that will accomplish the goal. Second issue is how do you measure the up to 200 feet on a steep slope. Think of the unintended consequences of tying too many things together.

*Britt Eaton, 1465 Neahtawanta* is concerned with the trend of larger homes and the lack of mid sized homes. Urges the Boards to strengthen the ordinance to a maximum of 35' and 2 ½ stories.

### **Board Comments**

**Peters** work session on Master Plan tomorrow morning at 8:00 am

### **MOTION:**

**Town Board: Byron/Hoffman** to adjourn at 8:04 pm. **PASSED UNAN**

**Planning Commission: Hornberger/Peters** to adjourn at 8:04 pm. **PASSED UNAN**

Respectfully submitted by Mary Ann Abbott, Recording Secretary