

## Rob Manigold


---

**From:** Gregory M. Meihn [gmeihn@foleymansfield.com]  
**Sent:** Tuesday, May 08, 2018 12:14 PM  
**To:** Christina Deeren  
**Cc:** 'supervisor@peninsulatownship.com'; Treasurer (treasurer@peninsulatownship.com); Gordon; Joanne Westphal (clerk@peninsulatownship.com); Marge (deputytreasurer@peninsulatownship.com); Isaiah Wunsch (Wunschis23@gmail.com)  
**Subject:** RE: Flood Plain and Wetland Restrictions  
**Attachments:** 5-8-2018 Draft - for Twp Board approval 5-7-2018.docx

Guys, here is my review of the proposed wetland and flood plain. My additions are in yellow. Not much. Quick read.

greg



**Gregory M. Meihn** | Partner | T: 248-721-8183 | F: 248-721-4201  
130 East Nine Mile | Ferndale, MI 48220 | [foleymansfield.com](http://foleymansfield.com) 

Chicago | **Detroit** | Edwardsville | Indianapolis | Kansas City | Los Angeles | Miami | Minneapolis | New York | Oak

**NOTICE:** Important disclaimers and limitations apply to this email. Please click [HERE](#) to view these disclaimers and limitations.

Proposed DRAFT for 5/8/2018 Township Board

Section 6.9.3.7 shall be deleted and replaced by:

**Section 6.9.3.7 Wetland and Floodplain Restrictions**

Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be used for residential purposes or for uses that may in the judgment of the Planning Commission increase the flood hazard, or increase the danger to health, life, or property. See Section 7.4.7 Flood Plain and Wetland Controls. Such land within a condominium subdivision shall be set aside for other uses, such as parks or other open space.

**Section 7.1.3. (Addition)**

Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be used for residential purposes or for uses that may in the judgement of the Planning Commission increase the flood hazard, or increase the danger to health, life, or property. See Section 7.4.7 Flood Plain and Wetland Controls.

Original 7.47. in its entirety is deleted and replaced by:

**Section 7.4.7 Flood Plain and Wetland Controls:**

**(A) Wetland**

Definition of Wetland: Land characterized by the presence of water at frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. A wetland may or may not be contiguous to the Great Lakes, an inland lake or pond, or a river or stream.

- (1) A setback of 25 feet shall be maintained between any structure or impervious surface and a wetland.
- (2) Except as specified in subsection (3), there shall be no development or modification of any kind within a wetland or wetland setback. Wetlands may be used for density calculations.
- (3) Boardwalks 3 feet or less in width shall be permitted following issuance of a Land Use Permit. Boardwalks shall be laid using open pile construction to avoid placement of fill and minimize impacts on wetland resources.

- (4) Wetland Identification: In the event of reasonable doubt as to the presence of a wetland, The Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a registered professional engineer showing the existence, extent, and location of wetland areas. The Zoning Administrator shall use such information provided in making a final determination of the presence of a wetland.

(B) Flood Plain

- (1) Intent and Purposes: The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the flood plain of the Great Lakes. All land included in the flood plain shall be subject to the requirements and prohibitions specified herein, in addition to the normal zoning district requirements in which the land is located.

(a) Notwithstanding anything to the contrary in this entire Ordinance, any request to fill in the flood plain of a parcel or a portion thereof, must be evaluated in concert with the proposed use of the land after the filling in of the flood plain or portion of the flood plain, and such proposed use must be a permitted use as set forth in Section 7.4.7 (B)(3). A request to fill in the flood plain or a portion thereof will not be considered alone and is not permitted.

(2) Flood Plain Area Identification: Flood plain areas shall be those areas falling below elevation 583.5-1985 International Great Lakes Datum (I.G. L.D.). Such flood plain areas may not be filled in except as specifically set forth in section 7.4.7 (B) (1)(a), (3), and (5). In the event of reasonable doubt as to the location of a flood plain, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a registered professional engineer showing the extent and location of floodable areas.

(3) Permitted Uses: Notwithstanding any other provisions of this Ordinance, no uses shall be permitted to occur within a flood plain or to occur on a parcel for which a request has been made to fill in the flood plain or a portion thereto, except the following:

- (a) Gardens, playground, preserve, and parks.
- (b) Boardwalks and paths no wider than 3 feet.
- (c) Yard and setback areas or other open space portions required for any District.
- (d) Roads, service drives, utility uses, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

(4) Restricted Uses: Any structure where human habitation is contemplated either as a place of residence, place of public gathering or employment, shall be prohibited from locating in flood plain areas. Any structure where human habitation is contemplated either as a place of

residence, place of public gathering or employment shall be prohibited from locating on a parcel of property for which a prior request has been approved to fill in the flood plain or fill in any portion of the parcel.

(5) Required Conditions For Permitted Uses: To the extent that a request to fill in the flood plain on a parcel or a portion of a parcel along with the permitted use as set forth in Sections 7.4.7 (B) (1)(a) or (3) has been granted, such granting of the request is subject to the following conditions:

(a) Any work, construction, or filling in the flood plain shall conform to the requirement of Section 7.4 of this Article, and permits for such work, construction, or filling in the flood plain shall not be issued unless they receive review and approval by the Planning Commission and the Township engineer.

(b) Any work, construction, or filling in the flood plain shall be so fixed to the site as to withstand the force of the expected velocity of flood water. The Planning Commission may require professional engineering review of any such construction.

(c) The Planning Commission may request additional information prepared by a registered professional engineer. Information may include: topographic information, studies to determine the effects of flooding or flow of water, determination that the use will not adversely affect floodplain capacity, and that the use will not generate stormwater, sedimentation or other water quality concerns.

(d) All of the conditions set forth herein must be fully satisfied before applicant may proceed with the work, construction, or filling in the flood plain, or a portion thereof.

(F) Vegetated Buffer Protection: All shoreline properties including flood plain areas shall have a vegetated strip inland of the beach area to filter nutrients and storm water and give protection from lake waves. Use of deep rooted shrubs, tree, and native plants provide greater protection than man-made structures.

(G) Retaining Wall or Seawalls: There shall be no retaining walls or seawalls in any flood plain area.