(d) Decks and Storage: **(REVISED BY AMENDMENT 140)**

1. Intent It is the intent of this section to allow reasonable use of shoreline property by allowing decks with attached seating and enclosed storage to be located in front yard and ordinary high water line setback areas. It is also intended to only allow decks in locations where shoreline vegetation can be retained to protect scenic beauty, control erosion, reduce septic tank effluent and reduce other nutrients from entering the water. It is recognized that there are shoreline areas where decks and/or storage are not appropriate or reasonable because of the limited area between the road right-of-way and the Ordinary High Water Line. It is also recognized that the levels of the Great Lakes vary over time, and it can be hazardous to build structures where they may be damaged by high water or become a hazard to boats if they are destroyed by wave action.

2. Decks (including attached seating and/or attached storage) shall be allowed within the Ordinary High Water Line and the Front Yard setbacks in the case of properties located along the Great Lakes shoreline, provided:

   (a) All parts of the deck, attached seating, storage and railing shall be constructed within a building envelope as provided below: (See Figure 6-1)

      i. Located a minimum distance of 35 feet from the Ordinary High Water Line which is 581 feet above sea level (USGS).

      ii. Located above the Flood Elevation Line which is 584 feet above sea level (USGS).;

      iii. Located outside the fifteen foot side yard setbacks;

      iv. The floor of the deck at any point shall not have a height greater than thirty (30) inches above the finished grade of the site and no higher than the center of the traveled surface of the adjacent roadway.

      v. Attached Seating shall be no higher than 34 inches above the floor of the deck and no higher than 34 inches above the center of the traveled surface of the adjacent roadway.

      vi. Enclosed storage shall be no higher than 34 inches above the floor of the deck or 64 inches above finished grade, whichever is higher, provided that it is no higher than 34 inches above the center of the traveled surface of the adjacent roadway.

   (b) There shall be no walls, roofs or other construction attached to a deck other than the allowed seating, storage and railings required to meet the minimum requirements of construction codes.

   (c) Unattached items such as umbrellas, grill, swing or hammock are allowed as accessories to a deck.

   (d) Enclosed storage areas shall be constructed so as to conceal all stored material.

   (e) The total area of land covered by the deck, seating and storage shall not exceed ten (10%) percent of that land area within the side yard setbacks extending: a) from the road right-of-way to the ordinary high water mark; or b) where there is a residence on the

parcel, from a line parallel to the road right-of-way and touching the closest part of the foundation of the residence to the ordinary high water line.

(f) No deck shall be constructed within a road right-of-way.

(e) Rental of Non-owner Occupied Dwelling: **(REVISED BY AMENDMENT 182)**

1. Intent -This is a clarifying amendment that confirms the determination by the Zoning Board of Appeals on September 9, 1999, that the minimum length of time that a dwelling may be rented and be in conformance with the intent of the ordinance is one month and reaffirmed by the Zoning Board of Appeals on September 11, 2008 as 30 days. This is also to distinguish between rental of a "non-owner occupied dwelling" and "Bed and Breakfast" which is rental of a owner occupied dwelling.
2. A property owner may rent a non-owner occupied dwelling, provided that the minimum length of time that the dwelling may be rented is 30 days.

(3) Public Recreation:

(4) Storage of Trailer Units:

(5) The Keeping of Domestic Pets: Provided that all pets are so maintained as to not constitute a public nuisance and provided further that in the event the same are horses or livestock, then the sheltering structure shall be at least two hundred (200 feet) from any lot line and the pasturing area shall be at least one hundred (100 feet) from any lot line; and both the pasturing area and the sheltering structure shall be at least two hundred (200 feet) from any well or residence.

(6) General Farming and Horticultural Uses: Including the carrying on of usual soil practices of cultivation, spraying and fertilization including the use of barnyard and poultry manure, and also including migrant workers' quarters and roadside stands for the sale of agricultural products, but excluding the raising and grazing of farm animals and fowl excepting as permitted in (5) above.

(7) Family Day Care Homes and Group Day Care Homes:

(a) Such uses shall be duly licensed by the State Department of Social Services.

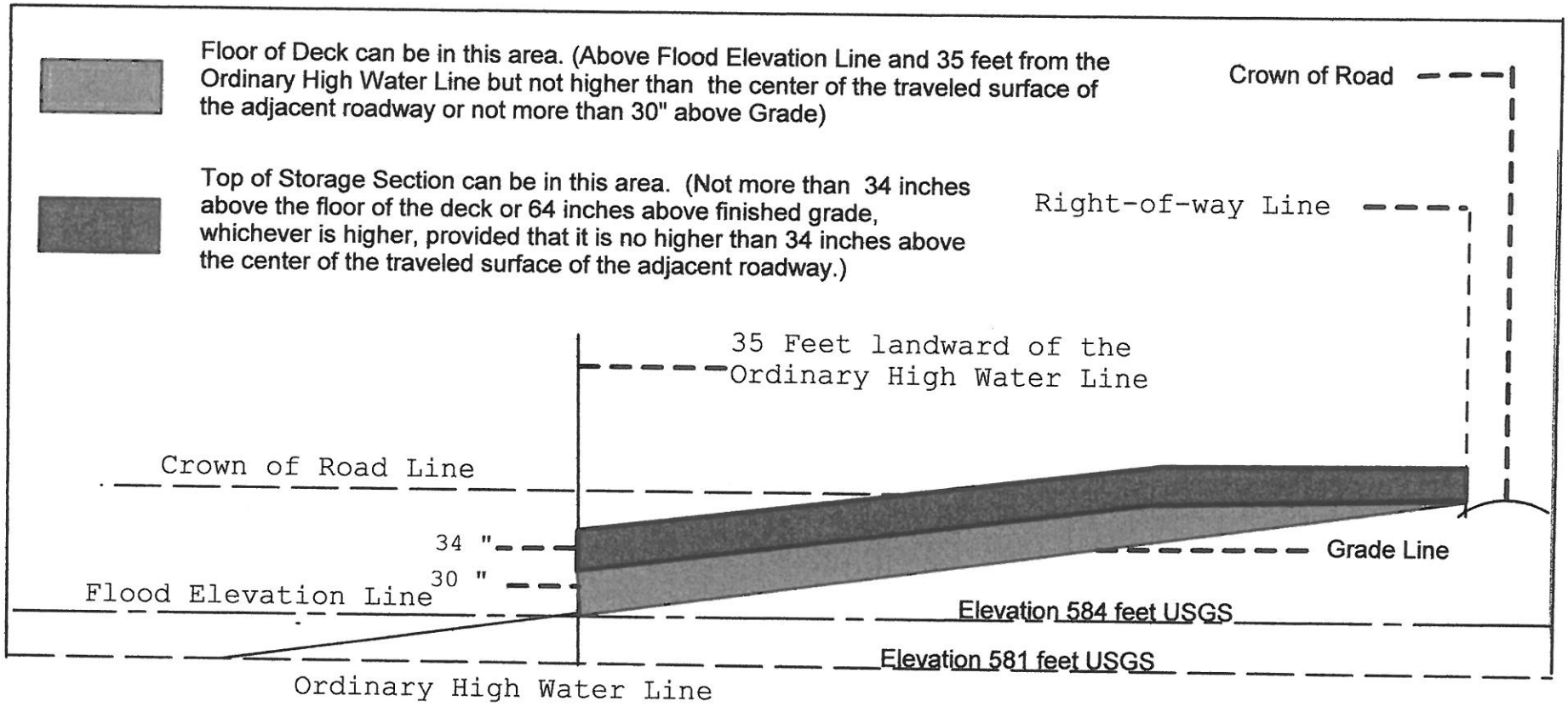
(b) Fencing of outdoor play areas may be required should it be determined by the Zoning Administrator that conditions exist in the immediate vicinity which could be hazardous to the user children or that objectionable trespass could occur onto neighboring properties by the user children. The Zoning Administrator shall make such determination by contacting adjacent property owners by U.S. Mail and allowing a ten (10) day response time to receive comments from the neighbors regarding such probability.

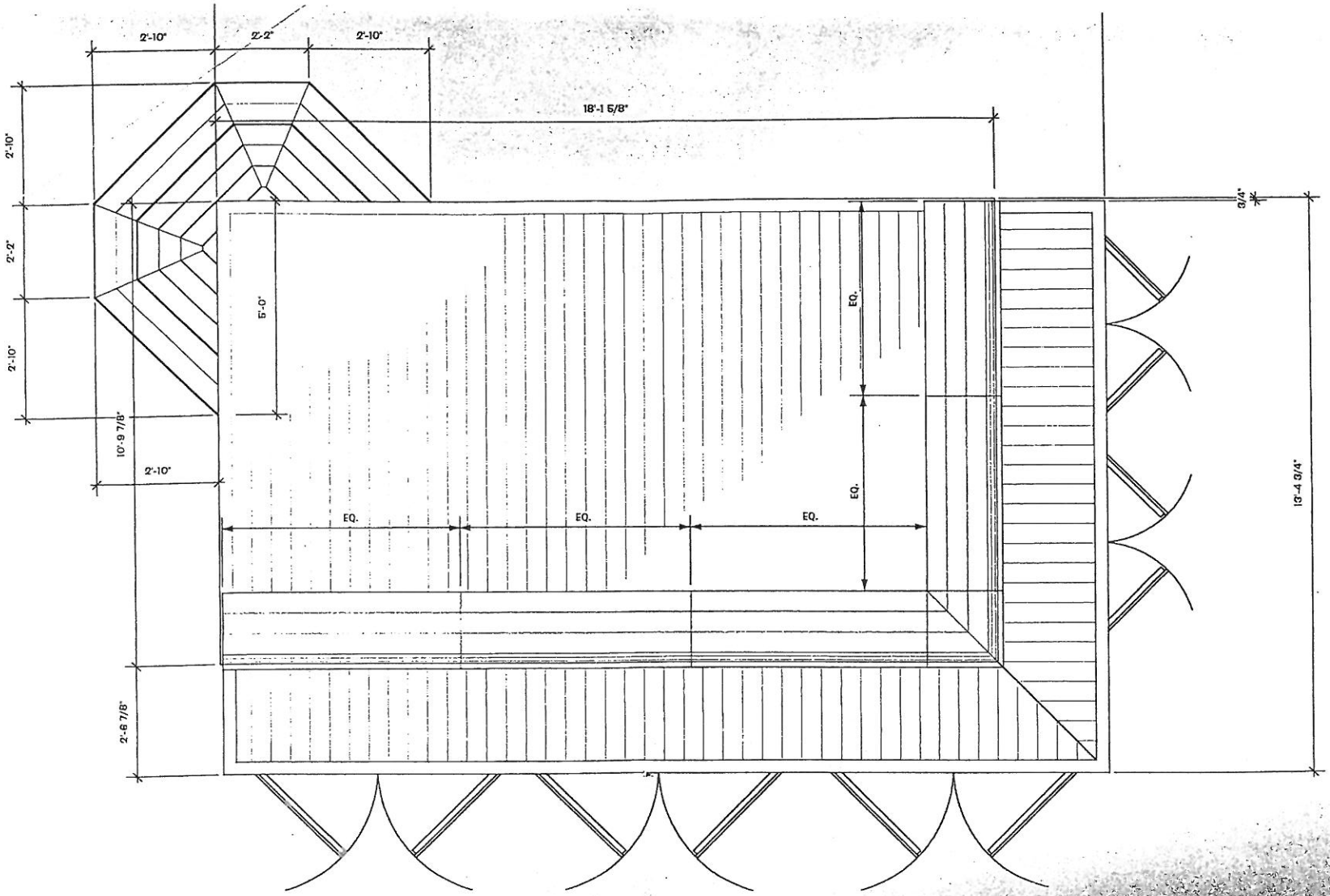
(c) The Zoning Board of Appeals may, at any time, limit the hours of operation of a family day care home should they receive any written complaints regarding operating hours.

2. Figure 6-1.

# PENINSULA TOWNSHIP ZONING ORDINANCE AMENDMENT 140

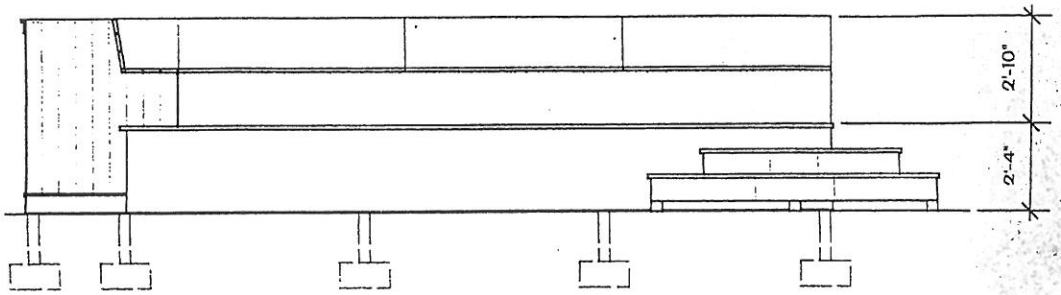
## SECTION 6.2.2(2) (d) 3 FIGURE 6-1





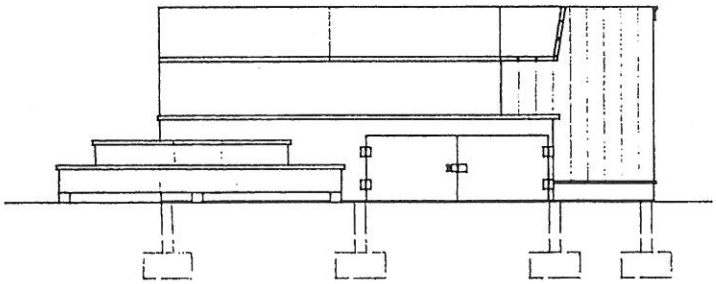

# BEACH DECK PLAN

SCALE: 1/2" = 1'-0"



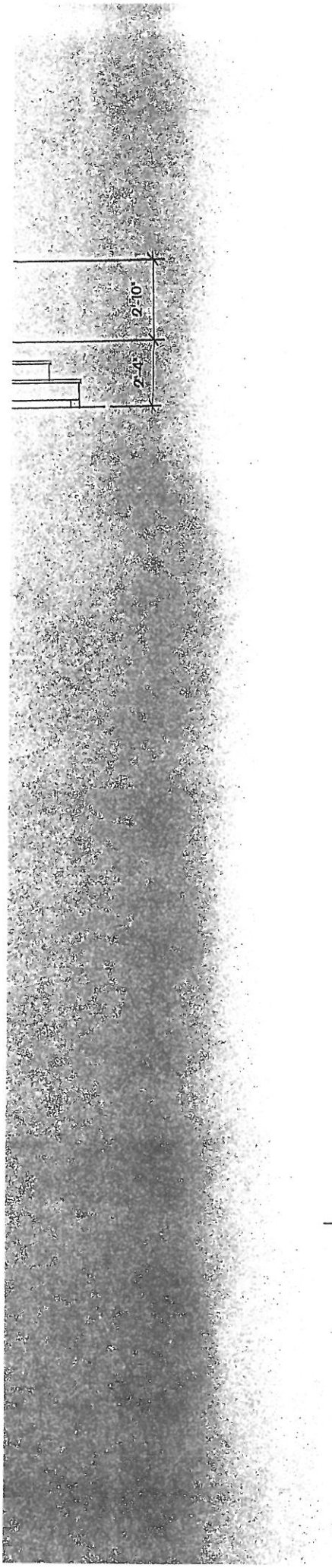

# WEST ELEVATION

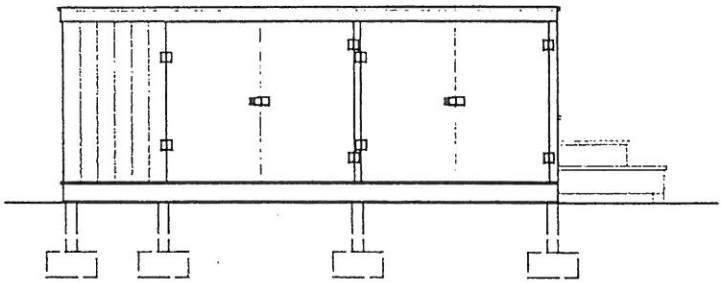
SCALE: 1/4"= 1'-0"



# SOUTH ELEVATION

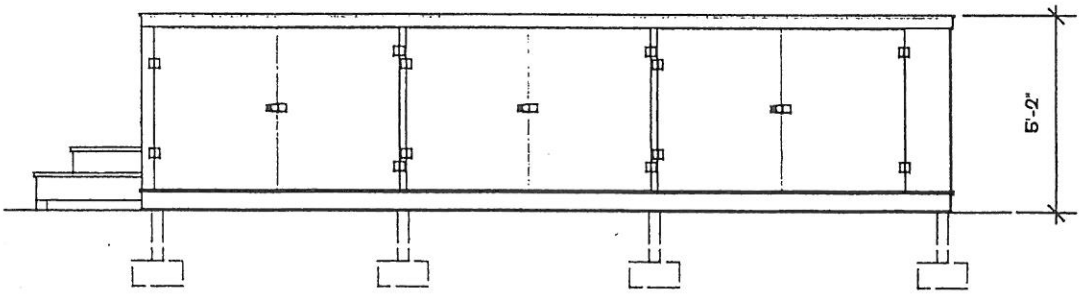
SCALE: 1/4"= 1'-0"



# NORTH ELEVATION

SCALE: 1/4"= 1'-0"




# EAST ELEVATION

SCALE: 1/4"= 1'-0"