

DRAFT

Peninsula Township
Zoning Ordinance

DRAFT DATED: April 11, 2016

Amended: _____

Effective: _____

Draft Dated: April 11, 2016

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Article 1 Title, Purpose, and Scope

Section 1.101 Preamble (currently Preamble and Introductory Paragraph)

An Ordinance to amend the Peninsula Township Zoning Ordinance designated as an Ordinance to establish zoning districts and land use regulations in the Township of Peninsula, County of Grand Traverse and State of Michigan, in accordance with the provisions of Public Act 110 of 2006 as amended; to define certain terms used herein; to provide for regulations governing nonconforming uses and structures; to establish a Board of Appeals and define its duties and powers; to provide for the administration and enforcement; to provide for amendment; and to provide penalties for the violation of this Ordinance.

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The Peninsula Township Zoning Ordinance is hereby amended to provide as follows, viz:

Section 1.102 Short Title (currently Article 1)

This Ordinance shall be known as "Peninsula Township Zoning Ordinance" and will be referred to herein as "this Ordinance."

Section 1.103 Purpose (currently Section 2.1)

The purposes of this Ordinance are as follows:

- (A) To protect the public health, safety, morals and general welfare of the inhabitants of the Township;
- (B) To provide for adequate light, air and convenience of access to secure safety from fire and other dangers;
- (C) To avoid undue concentration of population by regulating minimum open spaces and by regulating and limiting types and locations of buildings and regulating the location of trades, industries, and buildings designated for specific uses;
- (D) To provide for the orderly development of the Township;
- (E) To encourage the use of lands and resources of the Township in accordance with their character and adaptability;
- (F) To provide for safety in traffic, adequacy of parking and reduce hazards to life and property;
- (G) To facilitate the development of adequate systems of fire protection, education, recreation, water supplies and sanitary facilities;
- (H) To conserve life, property, natural resources and the use of public funds for public services and improvements to conform with the most advantageous use of lands, resources and properties;
- (I) To protect the quality of the shoreline and other environmentally sensitive areas;
- (J) To preserve and protect productive agricultural land; and
- (K) To protect the scenic viewsheds to the greatest extent practical.

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Section 1.104 Scope (currently Section 2.2)

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of law or ordinance, except as hereinafter specifically repealed, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises, or with any private restrictions placed upon property by

Article 1: Short Title, Purpose, and Scope

covenant or deed; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such private restrictions, the provisions of this Ordinance shall control.

Section 1.105 Severability (currently Article 10)

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgement shall have been rendered.

Section 1.106 Effective Date (currently Article 12)

The Peninsula Township Zoning Ordinance and any amendments thereto shall take effect pursuant to Section 14.105 and Public Act 110 of 2006, as amended, upon passage by the Township Board.

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Section 1.107 Conflicting Regulations (currently Section 4.2.2)

In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any provision or limitation imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern where applicable.

Article 2 Definitions

Section 2.101 Rules Applying to the Text (currently Section 3.1)

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- (A) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- (B) The word "person" includes a corporation, company, partnership, family, or firm as well as an individual.
- (C) The word "building" includes the word "structure".
- (D) The word "lot" includes the word "plot", "tract", "parcel", "subdivision lot", or "site condominium lot".
- (E) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (F) The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied".
- (G) Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization. A dictionary may be consulted.

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Section 2.102 Definitions (currently Section 3.2)

- (A) For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:
 - (1) **Accessory Building or Accessory Structure.** A building or structure subordinate to, and located on the same lot as a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use. An accessory building or structure shall not have water, sanitary or septic, cooking, sleeping, or bathroom facilities except for those facilities necessary for an agricultural building on a farm.
 - (2) **Accessory Use.** A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.
 - (3) **Adequate Permanent Access.** A Road Access Easement or road Right-of-Way of sufficient width for roadway and snow storage purposes without infringing on neighboring or adjacent property. The dimensions of Adequate Permanent Access shall met the requirements of Section 9.106.
 - (4) **Adult Foster Care, Family Home.** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family

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Article 2: Definitions

home licensee shall be a member of the household and an occupant of the residence.

(5) **Adult Foster Care, Small Group Home.** An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.

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(6) **Adult Foster Care Facility.** A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. Subject to Michigan Public Act 218 of 1979, as amended, adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, home for the aged, hospital, hospital for the mentally ill, facility for the developmentally disabled, county infirmary, child caring institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institution, and any other use excluded under Act 218 of 1979, as amended.

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(7) **Agricultural Labor Camp.** An agricultural labor camp means a tract of land and all buildings or other structures pertaining thereto, all or part of which is established, occupied, or used as living quarters for less than five (5) migrant farm laborers engaged in agricultural activities, including related food processing. (ADDED BY AMENDMENT 90) (REVISED BY AMENDMENT 166B)

(8) **Agricultural Labor Camp, Licensed.** An agricultural labor camp for migrant farm laborers licensed by the State of Michigan. (ADDED BY AMENDMENT 90) (REVISED BY AMENDMENT 166B)

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(9) **Alterations.** Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.

(10) **Basement.** An area of a building, having part, but not less than one-half (1/2) of its height below average level of the adjoining finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

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(12) **Board of Appeals.** Peninsula Township Zoning Board of Appeals.

(13) **Boarding of Livestock.** Providing care, custody and control of livestock for others, with or without remuneration, on agricultural land or in buildings incidental to the use for

Article 2: Definitions

agricultural purposes but not for hourly rental of animals and not a petting farm. (ADDED BY AMENDMENT 155A)

(14) Boat Hoist. A devise to raise and/or store boats above or out of the water. Included are shore stations, hoists, inclined ramps with carts on rails or similar devices. (REVISED BY AMENDMENT 109A)

(15) Boat House. An enclosed accessory structure designed for the use and storage of private boats and marine equipment having a maximum height of eleven (11) feet and a maximum area of 300 square feet.

(16) Boat Livery. A boat livery is hereby defined and declared to be any structure, site, or tract of land utilized for the storage, servicing, or rental of boats and for the sale of hunting and/or fishing tackle, equipment, boats and etc. Unlike a Marina, a Boat Livery shall not sell fuel.

(17) Building. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

(18) Building Area. See "Floor Area."

(19) Building Elevation or Building Width. The width of the building foundation, excluding front porches, measured along front of the building.

(20) Building Envelope. An area identified on a site plan within which a building or structure may be located. A Building Envelope shall be defined by the minimum required setback lines, outside of which a building or structure cannot be built unless otherwise permitted in this Ordinance. See definition of "Building Lines." (ADDED BY AMENDMENT 151)

(21) Building, Front line of. The line that coincides with the foundation of the building nearest the front line of the lot. This line includes sun parlors and enclosed porches, but does not include steps.

(22) Building, Height of. The vertical distance measured from the mean elevation of the finished grade line of the ground of the center of the front of the building; to the highest point of the roof surface of a flat roof; to the deck line for a mansard roof; or to the mean height level between the eaves and ridge for hip, gable and gambrel roofs (see Figure 1 below). For buildings on a waterfront lot, the largest height measurement where the center of the building abuts the front yard or waterfront side shall be the structure height (see Figure 2).

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Article 2: Definitions

Figure 1. Building Heights

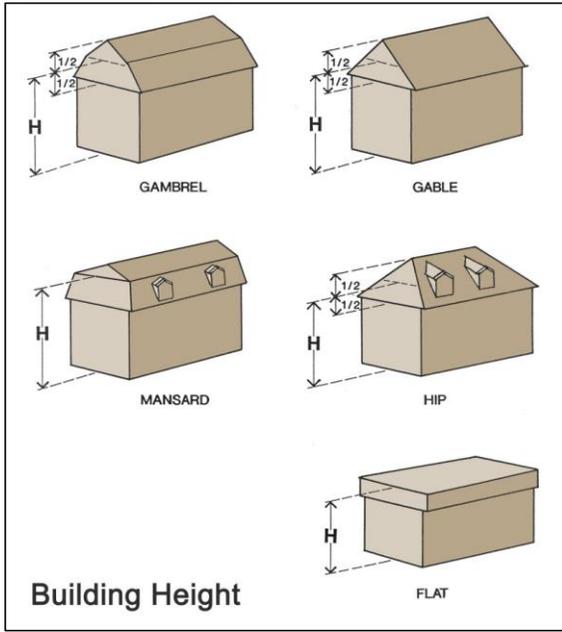
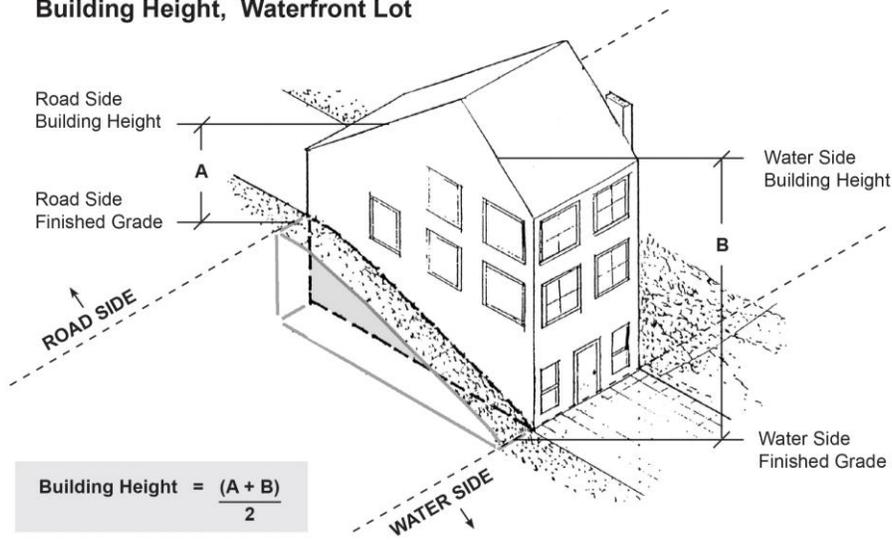


Figure 2. Building Height, Waterfront Lot



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Article 2: Definitions

- (23) **Building Lines.** See definition of "Building Envelope."
- (24) **Building, Principal.** A building in which is conducted the main or principal use of the lot on which it is located.
- (25) **Campground.** Means any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.
- (26) **Cellar.** See "Basement."
- (27) **Child Care Organization:** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act 116 of the Public Acts of 1973, as amended, and the associated rules promulgated by the State of Michigan. Such organizations shall be further defined as follows, which may be superseded by the Act:
- (a) **"Child care center" or "day care center"** means a facility, other than a private residence, receiving one (1) or more pre-school or school age children for care for period of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group, before- or after-school program, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution, a facility operated by a religious institution where children are cared for during short periods of time while persons responsible for such children are attending religious services, or other excluded uses stated in the Act.
- (b) **"Child Care, Family Home"** means a private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- (c) **"Child Care, Group Home"** means a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- (28) **Common land.** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development, subdivision, or

Commented [PS3]: Because "Building Envelope" and "Building Lines" are essentially the same, it is best to make the definition the same and cross-reference.

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Article 2: Definitions

site condominium.

(29) **Cupola.** Ornamental structures for architectural decoration placed in a prominent position, usually at the top of a larger roof or dome. They often appear as small buildings in their own right, like diminutive temples perched on top of a building. They are non-habitable and do not have interior access except for maintenance purposes. See Section 7.108 (ADDED BY AMENDMENT 159)

(30) **Decibels.** A decibel is a unit of measurement of the intensity of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

(31) **Density.** The number of dwelling units residing upon, or to be developed upon, a net acre of land.

(32) **District, Zoning.** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, height limitations, and lot coverage.

(33) **Dwelling or Dwelling Unit.** A single building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including provisions for living, sleeping, heating, cooking, and sanitation,

(34) **Dwelling, Multiple.** An attached dwelling other than a one family dwelling including duplexes, triplexes, quadplexes, apartment houses, co-operatives, and attached single-family residences.

(35) **Dwelling, Single-Family.** A detached building designed for or occupied exclusively by one family.

(36) **Easement.** Any non-possessory right to use and/or enter onto the real property of another without possessing it, which include areas dedicated for utilities and access (see definition of Road, Access Easement).

(37) **Erected.** The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

(38) **Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, main, drains, sewers, pipes, conduits, cable, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, departments, or commissions. Essential services shall not include wireless communication facilities, solar energy facilities, or wind energy facilities.

(39) **Event.** A planned gathering or activity on a set date and time, and at a specific location.

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Commented [PS5]: Definition modified per Amendment #190

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Deleted: <#>Dwelling Unit. A building or portion thereof designed exclusively for residential occupancy by one (1) family regardless of whether cooking facilities exist.
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Article 2: Definitions

(40) **Existing Building.** A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

(41) **Existing Use.** A use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

(42) **Family.** "Family" means either of the following:

- (a) An individual or group of two or more persons living together and related by the bonds of blood, marriage or adoption, together with foster children and domestic staff of the principal occupants, and not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- (b) The functional equivalent of the domestic family, that is, a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other group of individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

(43) **Farmhouse.** A single family dwelling on a farm used or previously used as the residence of the farm owner. (ADDED BY AMENDMENT NO 113A)

(44) **Farm Processing Facility or Local Food Production Facility.** Means a building or buildings containing an area for processing equipment where agricultural produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a retail sales area for direct sales to customers and a tasting room for the tasting of fresh or processed agricultural produce including wine. The facility also includes necessary parking, lighting and access to a public road.(ADDED BY AMENDMENT NO 139A)

(45) **Feeder Lot.** Also known as an "Animal Feeding Operation (AFO)" by the State of Michigan, a "Feeder Lot" is an area used for the concentrated feeding of large numbers of marketable meat producing animals carried on as a commercial operation rather than as part of a normal farming operation.

(46) **Fence.** A structural barrier, including gates when closed, constructed of wood, metal or other durable parts such as rails, boards, wire mesh, or other material designed and marketed for such use; and used to mark a boundary or to define or enclose a specific area for the purpose of protection, privacy or confinement. (ADDED BY AMENDMENT

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Article 2: Definitions

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(47) **Fence, Temporary.** A fence of temporary nature, such as a snow fence, a fence erected around construction works, or maintained pursuant to building code or other ordinances of the Township or the county on behalf of the Township. (ADDED BY AMENDMENT 142)

(48) **Flood Plain Area.** Those areas along the Great Lakes Shore Line falling below the elevation 582.8 I.G.L.D. or as otherwise defined by the U.S. Government. (583.5 I.G.L.D. - 1985)

(49) **Floor Area.** The sum of all gross horizontal areas of all floors, including: (1) such area of a basement when the basement is classified as a story; (2) such area of any elevator shafts and stairwells at each floor; (3) such area used for mechanical equipment (except equipment, open or enclosed, located on a roof; (4) such area of any attic having headroom of seven (7) feet, ten (10) inches (7' -10") or more; and (5) such area of any interior balconies and mezzanines, but exclusive of uncovered porches, terraces, and steps.

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(50) **Garage, Private.** An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles owned and used by the occupants of the building to which it is accessory.

(51) **Gasoline Station and Automobile Service Station.** Any area of land, including any structures thereon, used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For the purpose of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles, including automobile repair and car wash.

(52) **Golf Course.** An area of land used for the game of golf and consisting of more than one (1) golf hole. (ADDED BY AMENDMENT 91)

(53) **Grade, Finished.** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs related thereto.

(54) **Guest House.** A dwelling unit detached from the principal single-family dwelling, which may only be permitted on the same lot as the principal single-family dwelling in accordance with the provisions of this Ordinance.

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(55) **Guest Unit.** A room or group of rooms occupied, arranged or designed for occupancy by one (1) or more guests for compensation, such as in a Bed and Breakfast.

(56) **Health Department.** Grand Traverse-County Health Department,

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(57) **Home Occupation.** An accessory use of professional, service, or business character conducted within a dwelling by the family residents thereof, which is clearly secondary and incidental to the use of the dwelling for living purposes and does not change the character thereof.

Deleted: ~~Highway~~. Any public thoroughfare in Peninsula Township, including Federal and State roads and highways.
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Article 2: Definitions

(58) Hotel, Motel, Tourist Court. Commercial establishments, known to the public as hotels, motor hotels, motels or tourist courts, including resort hotels and hotels operated by membership organizations, and open to the general public, primarily engaged in providing lodging, or lodging and meals, for the general public; however, not including bed and breakfast establishments, Recreational Unit Parks, Campgrounds, or tent sites. (REVISED BY AMENDMENT 114C)

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(59) Impervious Surface. Any surface that cannot be effectively and easily penetrated by water, thereby resulting in runoff. Examples include, but are not limited to, "lot coverage" (as defined in this Ordinance) and any material (asphalt, concrete, compacted stone and gravel, etc.) used in roads, driveways, decks, terraces, patios, porches, or sidewalks that cannot be effectively and easily penetrated by water. The definition of an impervious surface shall exclude roads, driveways, and sidewalks that are composed of materials that will allow infiltration and prevent runoff, such as permeable pavers, permeable pavement, or crushed stone or pea stone that does not bind. The definition of an impervious surface shall also exclude decks, terraces, patios, or porches that are composed of pervious materials and/or designed to allow for easy infiltration and underlain with materials that will allow infiltration and prevent runoff. Natural and artificial water bodies shall not be classified as impervious surfaces.

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(60) Junk Yard. A "junk yard" as used herein is defined to be any establishment or premises where any motor vehicle, machinery, appliance, product or merchandise, scrap metal, or other scrap materials which are damaged, deteriorated, or that are in a condition which prevents their use for the purpose for which they were intended, are bought, kept, sold and/or stored. A "Junk Yard" shall include any premises upon which one (1) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of (15) days or more.

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(61) Kennel. Any lot or premises used for the sale, boarding, training, transfer, or breeding of dogs, cats, or other household pets over the age of six (6) months. Kennel shall also mean the keeping of five (5) or more dogs, cats or other household pets over the age of six (6) months.

(62) Land Use Permit. Permit required for any change in use of land or structure in accordance with the provisions of this Ordinance.

(63) Line, Street. The dividing line between a street right-of-way and a lot.

(64) Lot. An area of land, which may consist of lots of record and/or parcels or parts thereof, having frontage along a street or right-of-way, which may consist of lots of record and/or parcels or parts thereof, on which one (1) principal building and its accessories are located or intended to be located together with any open spaces required by this Ordinance. The definition of "Lot" may consist of two (2) or more lots, lots of legal record, or platted lots, when contiguous to each other and when held in common ownership, for purposes of this Ordinance where the combination of lots is necessary to meet the setback or lot coverage requirements of this Ordinance. Unless otherwise provided in this Ordinance, public and private streets and road rights-of-way, and approved road easements for ingress and egress shall divide lots (including parcels and sites) for purposes of this Ordinance. While

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Article 2: Definitions

two (2) or more lots separated by not more than the width of a public road right-of-way or private road easement may be combined into a single tax identification parcel, all principal and accessory buildings shall be placed on one (1) lot and such lot coverage shall be calculated using the coverage and area of that one (1) lot. See also "Site, Area."

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(65) **Lot, Depth of.** The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

(66) **Lot, Front of.** That lot line which is (or contains) the road line of the principal road or right-of-way providing access to the lot. (REVISED BY AMENDMENT 88)

(67) **Lot, Line.** The lines bounding a lot as herein described.

(68) **Lot, Width of, Frontage.** The frontage width, is measured along the front lot line and is a straight line connecting the two points where the front lot line intersects the two adjacent side lot lines. (ADDED BY AMENDMENT 88)

(69) **Lot, Width of, Minimum.** The minimum lot width shall be measured at the shortest distance between the side lot lines extending 100 feet from the front lot line. Where the front lot line is not a straight line, and curves into the lot (such as a cul-de-sac), the minimum lot width shall be measured at the shortest distance between the side lot lines measured tangent to a curve 100 feet from the front lot line. In no case, however, shall the width between side lot lines at the frontage (i.e., where they intersect with the right-of-way line or road easement) be less than the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width in the front yard setback may be eighty percent (80%) of the minimum width required.

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(70) **Lot Coverage.** The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, decks, patio roofs, but shall not be deemed to include fences, walls, or hedges used as fences, water bodies, or at-grade structures such as driveways, walkways, and at-grade patios. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

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(71) **Lot Line Types.** Lot Line Types are as follows:

(a) **Lot Line, Front.** The line(s) separating the lot from any street right-of-way, private road or other access easement. In the case of a corner lot and double frontage lot, the front lot line shall mean that line separating said lot from that street right-of-way, private road, or other access easement which is designated as the front on the plat, approved site plan, or recorded survey and in the request for a Land Use Permit. A front lot line shall be continuous at least a sufficient length to conform with the minimum lot width requirement of the district.

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(b) **Lot Line, Rear.** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at

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Article 2: Definitions

least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line

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(c) Lot Line, Side. Any lot line other than a front or rear lot line.

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(72) Lot of Record. A lot which is part of a subdivision or site condominium, the map of which has been recorded in the Office of the Register of Deeds in Grand Traverse County or a lot described by metes and bounds, the deed or land contract to which has been recorded in the Office of the Register of Deeds in Grand Traverse County.

(73) Lot Types. Lot Types are as follows (refer to *Figure 3*):

(a) Lot, Corner. A lot which has at least two (2) contiguous sides abutting upon a street for their full length. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. A corner lot shall have one (1) front lot line, from which primary access shall be taken.

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(b) Lot, Double Frontage. An interior lot having frontage on more than one (1) street or road. A double frontage lot shall have one (1) front lot line, from which primary access shall be taken.

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(c) Lot, Flag. A pre-existing nonconforming lot which uses a narrow, unbuildable strip of land that does not meet the frontage requirements of the district in which is it located, which provides access to, or legal frontage on, a public or private street.

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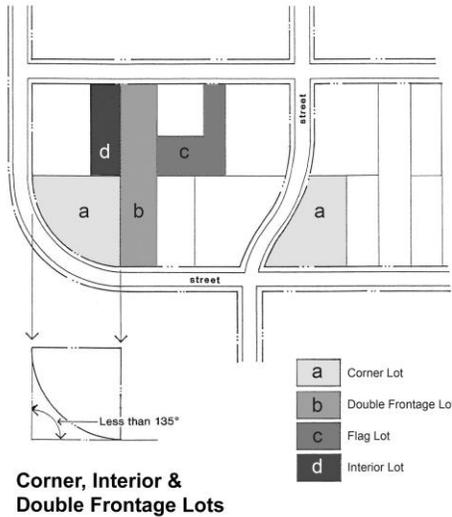
(d) Lot, Interior. A lot other than a corner lot with only one (1) frontage on a street or road.

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Figure 3. Lot Types

Article 2: Definitions



Corner, Interior & Double Frontage Lots

- (74) **Major Thoroughfare.** Unless stated otherwise in the Master Plan, a Major Thoroughfare shall be an arterial or collector-distributor road, which includes M-37, Center Road, Peninsula Drive, Bluff Road, Montague Road, and East Shore Drive.
- (75) **Marina.** A commercial boat basin or dock with facilities for berthing and servicing all types of water craft, as well as providing supplies, provisions, service and fueling facilities.
- (76) **Migrant Farm Laborer.** Is a person employed in agricultural work of a seasonal or other temporary nature who:
- (a) Has to travel from his or her permanent place of residence to do the farm work so that he/she is unable to return to his/her permanent residence within the same date;
 - (b) Is not employed in farm work year round by the same employer; and
 - (c) Does not have an ownership interest in the property. (ADDED BY AMENDMENT NO. 166A)
- (77) **Mobile Home.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

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Commented [PS7]: These roads are referred to in the Site Condominium section as being significant roads. The Master Plan also refers to these roads as significant.

Commented [PS8]: The definition of "Mobile Home" has been replaced with the definition in "The Mobile Home Commission Act."

Deleted: Means a trailer coach, a trailer or a single family manufactured living unit which is transported to a site as one (1) or more modules, any of which is so constructed as to permit permanent occupancy as a dwelling or sleeping place by one (1) or more persons, and licensable as a "trailer coach" under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948, and meets the Mobile Home Construction and Safety Standards, (24 CFR part 3280) and bears a HUD label so indicating.

Article 2: Definitions

- (78) **Mobile Home, Occupied.** Means a mobile home which is being used for dwelling or sleeping purposes.
- (79) **Mobile Home Park.** Means any parcel or tract of land under the control of any person, upon which three (3) or more mobile homes are located on a continual, non-recreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.
- (80) **Nonconforming Building, Nonconforming Structure, or Nonconforming Use.** A building, structure, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
- (81) **Normal High Water Mark.** See “Ordinary High Water Mark.”
- (82) **Open Space.** An area that is open to the sky exclusive of roads, parking lots and building envelopes. (REVISED BY AMENDMENT 151)
- (83) **Ordinary High Water Mark.** For Lake Michigan, the Ordinary High Water Mark is a point 579.8 feet above sea level (International Great Lakes Datum 1955, change for 1985 = 580.5 - add .7 to get to 1985) and 581.0 feet above sea level (United States Geological Survey Datum), or as otherwise determined by the State of Michigan or U.S. Government. For other water bodies, the Ordinary High Water Mark is the approximate location on the shore where physical markers such as vegetation indicate the ordinary high water mark or something along those lines.
- (84) **Parcel Area.** See “Site, Area.”
- (85) **Parcel Size.** See “Site, Area.”
- (86) **Plan, Master.** A statement of policy by the Township relative to the agreed-upon desirable physical pattern of future community development, consisting of a series of maps, charts, and written material that represents a sound conception of how the community should grow in order to bring about the very best community living conditions.
- (87) **Planned Unit Development.** A land area which has both individual building sites and common property, such as a park, and which is designed and developed under one (1) owner or organized group as a separate neighborhood or community unit in accordance with the Michigan Zoning Enabling Act.
- (88) **Principal Use.** The main use to which the premises are devoted and the principal purpose for which the premises exists.
- (89) **Private Launching Ramp.** A space or structure from which a boat may be launched for the use and benefit of the patrons of the waterfront marina or boat yard wherein said boats are berthed or docked.

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<#>Practical Difficulty. To obtain a dimensional variance, the applicant must show practical difficulty by demonstrating all of the following:¶

¶ <#>Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity unnecessarily burdensome;¶

¶ <#>A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;¶

¶ <#>The plight of the owner is due to unique circumstances of the property; and;¶

¶ <#>The problem was not self-created. (ADDED BY AMENDMENT 171A)¶

Article 2: Definitions

(90) **Public Utility.** Any person, firm, corporation, municipal department or board fully authorized under Federal, State, or Municipal Regulations to furnish to the public electricity, gas, steam, communications (excluding wireless communication facilities), telegraph, transportation or water. Public utilities shall not include solar energy facilities or wind energy facilities.

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(91) **Recreation, Private.** A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of man-made structures and/or other artificial apparatus which are necessary to form the basis for said use.

(92) **Recreational Unit.** Means a tent, or vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreation unit shall include "Travel trailers", "Camping trailer", "Motor home", "Truck camper", "Slide-in-camper" and "Chassis-mount camper" as defined in Public Act 368, Public Acts of 1978, Michigan. (REVISED BY AMENDMENT 114A)

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(93) Recreational Unit Park. See definition of "Campground."

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(94) Recreational Vehicle. Includes travel trailers, pickup campers, motor homes, folding tent trailers, boats, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers, and similar equipment used for transporting recreational equipment. See Section 7.103.

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(95) **Regional Wastewater Treatment System.** That system being planned as of the effective date of this Ordinance by the City of Traverse City and the five townships surrounding Traverse City.

(96) **Registered Guest.** Means a person or people that stay overnight and have signed a guest register. (ADDED BY AMENDMENT 114B)

(97) Retail Sales. The function and activity involved in the selling of goods to customers.

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(98) **Right-of-Way.** A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles which, if used to establish a lot front, provides adequate permanent access.

(99) **Road, Access Easement.** A right-of-way or commons area including a private road which provides access to a lot or parcel in lieu of access from a public road. (ADDED BY AMENDMENT 88)

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(100) **Road, County Standards.** The Standards and Specifications for Subdivision Streets as adopted by the Grand Traverse County Road Commission. (ADDED BY AMENDMENT 88)

Article 2: Definitions

Road, Cul-de-sac: A local road of short length having one end terminated by a vehicular turnaround. (ADDED BY AMENDMENT 88)

(101) **Road, Private.** A private road approved by the Township Zoning Administrator as meeting the published standards of Peninsula Township to serve as a private road for zoning purposes, and may include approved roads in a Condominium Project, but does not include alleys, easements, driveways, or the like unless they have been approved by the Township as private roads. (ADDED BY AMENDMENT 88)

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(102) **Road, Highway.** Any public thoroughfare in Peninsula Township, including Federal and State roads and highways.

Deleted: A right-of-way along with related improvements which provides for vehicular and pedestrian access to abutting properties

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(103) **Road, Local Access.** Local access roads provide access to homes, farms and other low intensity land uses. Traffic desires are local in nature and these roads do not require trip continuity for an extended length. (ADDED BY AMENDMENT 88)

(104) **Road, Local.** A public or private road designated a local road by the Grand Traverse County Road Commission which is intended primarily for access to abutting properties. (ADDED BY AMENDMENT 88)

(105) **Road, Marginal Access.** A local road which is parallel and adjacent to arterial roads and which provides access to abutting properties and protection from through traffic and not carrying through traffic. (ADDED BY AMENDMENT 88)

(106) **Road, Primary.** Those roads of considerable continuity which are designated as primary roads by the Grand Traverse County Road Commission. (ADDED BY AMENDMENT 88)

(107) **Road, Private Subdivision.** A private road in a subdivision approved by the Grand Traverse County Road Commission and/or Peninsula Township pursuant to the Plat Act (Act 288, P.A. of 1967 as amended). (ADDED BY AMENDMENT 88)

(108) **Road, Sight Distance.** The unobstructed vision on a horizontal plane along a road centerline from a driver-eye height of 3.75 feet and an object height of 6 inches, unless otherwise defined by the Road Commission or Township Engineer as applicable. (ADDED BY AMENDMENT 88)

Deleted: <#>Road, State Highway. State or federal numbered highway. (ADDED BY AMENDMENT 88)¶

(109) **Roadside Stand.** A is a structure or display area used for displaying and selling regionally grown fresh and/or processed farm, produce and products. Such farm stands must be operated as an accessory use of a farm. (Amendment 86A)

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(110) **Self Service Storage Facility.** A structure or structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

(111) **Setback.** The minimum horizontal distance between the lot line (or other line as applicable) and the structure, as required herein:

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Article 2: Definitions

(a) Setback, Front. The minimum distance, extending the full lot width, between the structure and the front lot line.

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(b) Setback, Rear. The minimum distance, extending the full lot width, between the structure and the rear lot line or between the structure and the easement line of the alley, if there be any alley.

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(c) Setback, Side. The minimum required distance, extending from the front setback to the rear setback, between the structure and the side lot line.

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(d) Setback, Waterfront. The minimum required distance, extending the full width of the lot, between the structure and the Ordinary High Water Mark of a water body.

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(112) Service Institution. A commercial establishment which performs services on the premises within a completely enclosed building including, but not limited to, clothing repair shops, barber and beauty shops, photographic studios, and drop-off/pick-up dry cleaners provided no treatment of clothing or other material occurs on the property.

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(113) Shared Waterfront Ownership. Property with frontage on Grand Traverse Bay that is owned by more than one family through deed, land contract, non-exclusive easement or other form of ownership. (REVISED BY AMENDMENT 109A)

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(114) Site. See "Site, Area."

(115) Site, Area (includes the terms: "Site," "Site Area," "Lot," "Parcel Size" and "Parcel Area"). The total area within the lot lines including road and street right-of-ways except as follows: "Site Area," "Parcel Area," and "Parcel Size" shall include road or street rights-of-way, provided the property legal description includes such right-of-way and the property is being developed as a Planned Unit Development. (REVISED BY AMENDMENT 158)

(116) Story, Height of. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

(117) Street. A road or similar thoroughfare that provides direct access to individual abutting properties.

(118) Street Line. See "Right-of-Way."

(119) Structure. Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on or below the ground. Structures shall include but not be limited to buildings, manufactured homes, decks, patios, sidewalks, driveways, walls, fences, billboards, signs, and towers, but not including: (a) access steps required to negotiate changes in site elevation; and (b) landscape mounds.

Deleted: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, stand pipes; fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including: (a) a temporary fence; (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade. (REVISED BY AMENDMENT 152)

Article 2: Definitions

(120) **Tasting Room.** A room in conjunction with a licensed winery premises, including a remote wine tasting room, where the following takes place; a) tasting of fresh and/or processed agricultural produce such as wine, fruit wines, and non-alcoholic fruit juices; b) retail sales of winery products by the bottle for off-premises consumption; and c) sales of wine by the glass for on-premises consumption. (ADDED BY AMENDMENT NO 139A)(REVISED BY AMENDMENT NO 181)

~~(121) **Tenant House.** A house that is part of farm property for full-time farm employees associated with principal use and subject to the same height and setback requirements as the principal dwelling.~~

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(122) **Township Board.** Peninsula Township Board.

(123) **Use.** The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

Deleted: <#>Trailer Coach. Mobile Home as defined herein.¶
¶

~~(124) **Wall.** A structural barrier, including gates when closed, constructed of masonry or other durable parts such as stone or other material designed and marketed for such use; and used to mark a boundary or to define or enclose a specific area for the purpose of protection, privacy or confinement.~~

Deleted: structure
Deleted: which has openings of fifty (50%) percent or less of each one square yard of surface area.

(125) **WECS.** The approved form of abbreviation of "wind energy conversion system". WECS shall mean a combination of:

- (a) A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
- (b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
- (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (d) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Tower Height.

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- (i) **Horizontal Axis Wind Turbine Rotors.** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades;
- (ii) **Vertical Axis Wind Turbine.** The distance between the ground and the highest point of the WECS.

Article 2: Definitions

Survival Wind Speed. The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

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Interconnected WECS. A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

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(126) Wine. Means the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.

(127) Winery, Chateau. A state licensed facility whereat (1) commercial fruit production is maintained, juice is processed into wine, stored in bulk, packaged, and sold at retail or wholesale to the public with or without the use of a wine tasting facility and (2) a limited number of guest rooms with meals are offered to the public.

(128) Winery. A state licensed facility where agricultural fruit production is maintained, juice is processed into wine, stored in bulk, packaged, and sold at retail or wholesale to the public with or without the use of a wine tasting facility. The site and buildings are used principally for the production of wine.(ADDED BY AMENDMENT NO 139A)(REVISED BY AMENDMENT

(129) Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

(130) Yard, Front. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building (see Figure 4 below).

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(131) Yard, Rear. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear line of the lot and the rear line of the main building. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there be any alley, and the rear line of the building (see Figure 4 below).

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(132) Yard, Side. A yard between the building and the side line of the lot and extending from the front yard to the rear yard. Any yard not defined as a front yard or rear yard shall be deemed a side line (see Figure 4 below).

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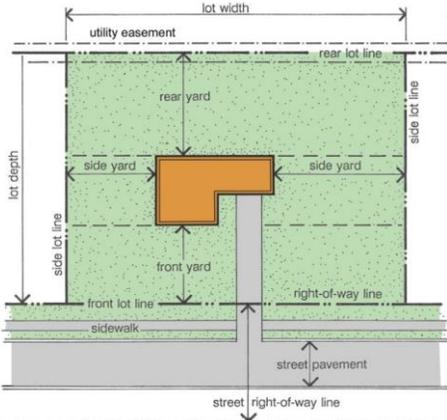
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Figure 4. Yard Terms

Article 2: Definitions



Yard Terms

(133) Zoning Permit. See "Land Use Permit".

Commented [PS13]: Because "Land Use Permit" and "Zoning Permit" mean exactly the same, it is best to simply refer to "Land Use Permit" in the definition of "Zoning Permit."

Deleted: Permit required for any change in use of land, or structure in accordance with the provisions of this Ordinance.

Article 3 Zoning Districts and Map

Section 3.101 Districts Established (currently Section 6.1.1)

For the purpose of this Ordinance the Township of Peninsula is hereby divided into the following districts:

- (A) A-1: Agricultural
- (B) R-1A: Rural and Hillside Residential
- (C) ~~R-1B: Coastal Zone Residential~~
- (D) ~~R-1C: Suburban Residential~~
- (E) ~~R-1D: Community Residential~~
- (F) ~~C-1: Commercial~~

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Commented [PS14]: The Planned Unit Developments are not districts; rather, they are a set of regulations applicable to the subject property while the underlying zoning district is maintained. Therefore, because the underlying zoning district is maintained and there is no separate PUD district. For sites with a PUD approval, they can be indicated as such on the Zoning Map without calling it a separate district.

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Deleted: <#>R-1A: Planned Unit Development¶

Deleted: <#>R-1B: Planned Unit Development¶

Deleted: <#>R-1C: Planned Unit Development¶

Deleted: <#>R-1D: Planned Unit Development¶

Section 3.102 Zoning Districts Map (currently Section 6.1.2)

The boundaries of the districts are hereby defined and established as shown on a map entitled "Zoning District Map of Peninsula Township, Grand Traverse County, Michigan" which accompanies this Ordinance and which map with all explanatory matter thereon is hereby made a part of this Ordinance.

The official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bearing the following words: "This is to certify that this is the official Zoning Map, referred to in [Section 3.102](#) of the Peninsula Township Zoning Ordinance adopted on June 5, 1972." If in accordance with the provisions of this Ordinance and of the applicable statute, amendments effecting changes are made in district boundaries or other matter portrayed on the official Zoning Map, such changes shall not be considered final, and land use permits shall not be issued until changes have been made on the official Zoning Map. Such Map changes shall be made after the effective date of the Ordinance amendment. Each Map change shall indicate the zoning amendment number on the Map. The official Zoning Map shall be maintained and kept up to date by the Township.

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Commented [PS15]: The adopted date will be changed in this paragraph upon adoption of the Zoning Ordinance.

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Section 3.103 Interpretation of District Boundaries (currently Section 6.1.3)

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning Map, the following rules shall apply:

- (A) Streets, Roads, and Highways. Boundaries indicated as approximately following the streets, roads, or highways shall be considered to be such boundaries.
- (B) Lot Lines. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- (C) Township Boundary Lines. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
- (D) Parallel to Streets, Roads, or Highways. Boundaries indicated as approximately parallel to the center lines of streets, roads, or highways shall be construed as being parallel thereto and at

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Article 3: Zoning Districts and Map

such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.

(E) **Water Bodies.** Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines; on the Great Lakes, the boundaries shall be the ordinary high water mark or the shoreline, whichever is lower.

(F) **Zoning of Filled or Accreted Land.** Whenever fill is placed in any lake, river, or stream or land is created by accretion, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which the same shall attach or be adjacent, and the same shall be used for the same purposes as are permitted under this ordinance for such adjoining lands. Use of the surface of any lake or stream shall not be permitted for any purpose not permitted on the land from which the use emanates.

(G) **Unresolved District Boundaries.** Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals.

Section 3.104 Scope of Regulations (currently Section 6.1.4(1))

No building or structure, or part thereof, shall be erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with the provision of this Ordinance and with the regulations specified for the district in which it is located.

The regulations applying to each district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot that can be covered by each structure.

Section 3.105 Categories within Zoning Districts (currently Section 6.1.5 and Section 8.7.2)

In order to insure all possible benefits and protection for the Zone Districts in this Ordinance, the land uses have been classified into three (3) categories:

(A) **Uses Permitted By RIGHT.** The primary uses and structures specified for which the Zone District has been established, subject to applicant use and development standards of this Ordinance.

(B) **Uses Permitted by SPECIAL USE PERMIT.** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the Zone District, but could present potential injurious effects upon the primary uses and structures within the Zone District, therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such uses proposed shall be approved in accordance with the provisions of this Ordinance, including Article 6.

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Commented [PS16]: Uses permitted "Under Special Conditions" is deleted because these uses are either Permitted Uses (with applicable use and development standards) or Special Uses.

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<#>Special Uses that May be Permitted. The following land and structure uses may be permitted within the particular zone districts cited, PROVIDED that requirements specified in Section 8.1 and the applicable specified conditions established herein can be complied with:¶

<#>¶
<#>Incinerators and sanitary fills within the A-1 agricultural zone district.¶

<#>Sewage treatment and disposal installations within any zone district.¶

<#>Special Open Space uses, such as public beaches, bath houses, recreational camps, and other open space uses operated for profit within any agricultural zone district.¶

<#>Golf Courses and Country Clubs.¶

<#>Airports or airfields, within the agricultural zone district.¶

<#>Marinas in C-1 District.¶

<#>Warehousing and light industrial in the Agricultural District.¶

<#>Wind Energy Conversion Systems.¶

<#>Bed and Breakfast Establishments within the residential and agricultural zone districts.¶

<#>Adult Foster Care Facilities in the Agricultural District.¶

<#>Winery, Chateau in the Agricultural District.¶

<#>Wireless Telecommunication Antenna Towers¶

<#>Remote Winery Tasting Rooms within the Agricultural District A-1.¶

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**Article 3: Zoning Districts and Map
Section 3.106: Permitted Uses by District**

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Section 3.106 Permitted Uses by District (NEW Table of Land Uses, which includes applicable parts of Sections 6.2 – 6.7)

Use	A-1	R-1A	R-1B	R-1C	R-1D	C-1	Development Standard
Agricultural Uses							
Agricultural Labor Camp, Less than 5 migrant workers	P						
Agricultural Labor Camp, Licensed	P						
Barn Storage	P						Section 6.102
Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses and nurseries (no retail sales), and similar agricultural enterprises.	P						
General Farming and Horticultural Uses	P	P	P	P	P		Section 6.109
Raising and keeping of small animals	P						
Raising, keeping, and boarding of livestock	P						
Raising of Fur Bearing Animals for Profit	SU						
Roadside stands	P						Section 6.132
Sawmills	SU						
Storage for agricultural products	SU						
Residential Uses							
Accessory Buildings	P	P	P	P	P	P	Section 7.113
<u>Adult Foster Care, Family Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Adult Foster Care, <u>Small Group Home</u>	SU						Section 6.101
Child Care, Family Home	P	P	P	P	P		
Child Care, Group Home	<u>SU</u>	<u>SU</u>	<u>SU</u>	<u>SU</u>	<u>SU</u>		Section 6.105
Dwelling, Single-Family	P	P	P	P	P		Section 6.107
Dwelling, Two Family	P		P	P	P		
Guest Houses		P	P	P	P		Section 6.114
Keeping of Domestic Pets	P	P	P	P	P		Section 6.121
Mobile Homes (not in a Mobile Home Park)	P	SU	SU	SU	SU		Section 6.125
Mobile Home Park Developments					SU		Section 6.126
Rental of Non-owner Occupied Dwelling	<u>P</u>	P	P	P	P		Section 6.131
Tenant House	P						Section 6.136
Commercial Uses							
Bed and Breakfast Establishments	SU	SU	SU	SU	SU		Section 6.103
<u>Boat Livery</u>						<u>SU</u>	
<u>Child Care Centers</u>						<u>SU</u>	Section 6.104
<u>Drive-Through Uses</u>						<u>SU</u>	Section 6.106
Farm Supply and Implement Dealers						SU	
Food Processing Plants	SU						Section 6.110
Game or hunting preserves operated for profit	SU						
Gasoline <u>Station and Automobile Service Stations</u>						SU	Section 6.111
Golf Courses and Country Clubs	SU		SU	SU	SU		Section 6.112

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Commented [PS18]: The Michigan Zoning Enabling Act requires Adult Foster Care Family Homes (i.e., up to 6 residents) must be a permitted use in all residential zones.

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Commented [PS19]: The Adult Foster Care Facility Licensing Act classifies different types of adult foster care facilities. The adult foster care facility closest to the type currently permitted in the A-1 district via special use approval is an "Adult Foster Care, Small Group Home" which permits up to 12 residents.

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Commented [PS20]: The Michigan Zoning Enabling Act requires Family Child Care Homes (i.e., up to 6 children) must be a permitted use in all residential zones.

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Commented [PS21]: The Michigan Zoning Enabling Act requires a Group Child Care Home (i.e., up to 12 children) to be a special land use, subject to certain conditions, which are listed in the corresponding section in Article 6.

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Commented [PS22]: Although this is currently only permitted in residential districts, many similarly situated parcels in the A-1 district may want the same use. Please note that this use excludes lodging uses, such as Bed and Breakfasts.

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Article 3: Zoning Districts and Map
Section 3.106: Permitted Uses by District

Greenhouses and Nurseries (Retail Sales)	SU						Section 6.113
Home Occupations	P	P	P	P	P		Section 6.115
Hotels, motels, and tourist courts						SU	Section 6.116
Indoor Recreation						SU	Section 6.119
Junk Yards						SU	Section 6.120
Kennels	SU						Section 6.122
Local Food Production Facility	P						Section 6.123
Marinas						SU	Section 6.124
Mining or removal of top soil	P						Section 8.105
Off-street Parking Lots						SU	
Retail Sales						SU	
Professional Offices						SU	
Recreational Unit Sales						SU	
Remote Winery Tasting Room	SU						Section 6.130
Restaurants and Taverns						SU	
Riding stables and livestock auction yards	SU						
Self Service Storage Facility						SU	Section 6.133
Service Institutions						SU	
Utilities						SU	
Veterinary Hospitals and Clinics	SU						
Warehousing of Products Sold at Retail on the Premises						SU	
Winery, Use by Right	P						Section 6.138
Winery-Chateau	SU						Section 6.139
Recreational and Open Space Uses							
Public areas, Public Parks, and Public Recreation	P	P	P	P	P		Section 6.128
Public and private conservation areas	P						Section 6.127
Recreational Unit Park and Campgrounds	SU						Section 6.129
Special Open Space Uses, including public beaches, bath houses, recreational camps, and other open space uses operated for profit	SU	SU	SU	SU	SU		Section 6.135
Other Uses							
Airports and Airfields	SU						
Cemeteries	P						
Incinerators and sanitary landfills	SU						Section 6.117
Institutional Structures and Uses	SU	SU	SU	SU	SU		Section 6.118 Section 6.104
Planned Unit Development	SU	SU	SU	SU	SU		Section 5.101 Section 6.108
Public buildings and public service installations	SU						
Sewage Treatment and Disposal Installations	SU	SU	SU	SU	SU	SU	Section 6.134
Temporary Buildings		P	P	P	P		
Warehousing and Light Industrial	SU						Section 6.137
Wind Energy Conversion Systems (WECS)	SU	SU	SU	SU	SU	SU	Section 6.140
Wireless Telecommunication Towers	SU					SU	Section 6.141

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Article 3: Zoning Districts and Map
Section 3.106: Permitted Uses by District

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P = Uses Permitted by Right
SU = Uses Permitted by Special Use Permit

**Article 3: Zoning Districts and Map
Section 3.108: R-1A, Rural and Hillside Residential District**

Section 3.108 R-1A, Rural and Hillside Residential District (currently Section 6.2)

(A) Intent and Purpose (currently Section 6.2.1)

This section establishes the R-1A Rural and Hillside Residential District to set standards for the continued development of: (1) rural areas suited to very low density residential development; (2) fragile hillside areas; and (3) interface areas between more intensive residential uses and agricultural land uses. This district includes existing low density residential developments as well as areas within which such development appears both likely and desirable.

(B) Uses Permitted by Right (currently Sections 6.2.2 and 6.2.3)	(C) Uses Permitted by Special Use Permit (currently Section 6.2.4)
<ul style="list-style-type: none"> • Single Family Dwellings • Accessory Buildings • Guest Houses • Rental of Non-owner Occupied Dwelling • Public Areas, Public Parks, and Public Recreation • The Keeping of Domestic Pets • General Farming and Horticultural Uses • <u>Child Care, Family Home</u> • Temporary Buildings • Home occupations • <u>Adult Foster Care, Family Home</u> 	<ul style="list-style-type: none"> • Planned Unit Developments • Special Open Space Uses, including public beaches, bath houses, recreational camps, and other open space uses operated for profit • Wind Energy Conversion Systems (WECS) • Mobile homes (not in a Mobile Home Park) • Bed and breakfast establishments • Institutional structures and uses • Sewage Treatment and Disposal Installations • <u>Child Care, Group Home</u>

The above list is a summary of uses permitted by right or special land use approval in the district.

(D) Dimension Regulations (currently Section 6.2.7 and Section 6.8)			
Lot Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	1 acre	<i>Front Yard</i>	30 feet
<i>Min. Lot Width (ft.)</i>	150 feet	<i>Side Yard</i>	15 feet
<i>Max. Lot Coverage (%)</i>	15%	<i>Rear Yard</i>	30 feet
<i>Max. Building Height (ft.)</i>	35 feet	<i>Ordinary High Water Mark</i>	60 feet
<i>Max. Building Height (stories)</i>	2.5 stories		
<i>Min. Elevational Width of a Principal Structure</i>	24 feet		

Footnotes:

Area and bulk requirements shall be subject to the provisions of [Article 4 "Schedule of Regulations"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

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<#>Decks and Storage¶

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Article 3: Zoning Districts and Map
Section 3.109: R-1B, Coastal Zone Residential District

Section 3.109 R-1B, Coastal Zone Residential District (currently Section 6.3)

(A) Intent and Purpose (currently Section 6.3.1)
This section establishes the R-1B Coastal Zone Residential District to set standards for the development of residential properties of a semi-rural character along lake shore drives and in areas of high scenic value where more intensive development would deteriorate the Peninsula environment, and less intensive development is not essential to maintenance of the established environment.

(B) Uses Permitted by Right (currently Section 6.3.2)	(C) Uses Permitted by Special Use Permit (currently Section 6.3.3)
<ul style="list-style-type: none"> • Single Family Dwellings • Two Family Dwellings • Accessory Buildings • Guest Houses • Rental of Non-owner Occupied Dwelling • Public Areas, Public Parks, and Public Recreation • Keeping of Domestic Pets • General Farming and Horticultural Uses • <u>Child Care, Family Home</u> • Temporary Buildings • Home occupations • <u>Adult Foster Care, Family Home</u> 	<ul style="list-style-type: none"> • Planned Unit Developments • Special Open Space Uses, including public beaches, bath houses, recreational camps, and other open space uses operated for profit • Wind Energy Conversion Systems (WECS) • Mobile homes (Not in a Mobile Home Park) • Bed and breakfast establishments • Institutional structures and uses • Golf courses and country clubs • Sewage Treatment and Disposal Installations • <u>Child Care, Group Home</u>

The above list is a summary of uses permitted by right or special land use approval in the district.

(D) Dimension Regulations (currently Section 6.3.4 and Section 6.8)			
Lot Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	25,000 sq. ft.	<i>Front Yard</i>	30 feet
<i>Min. Lot Width (ft.)</i>	100 feet	<i>Side Yard</i>	15 feet
<i>Max. Lot Coverage (%)</i>	15%	<i>Rear Yard</i>	30 feet
<i>Max. Building Height (ft.)</i>	35 feet	<i>Ordinary High Water Mark</i>	60 feet
<i>Max. Building Height (stories)</i>	2.5 stories		
<i>Min. Elevational Width of a Principal Structure</i>	24 feet		

Footnotes:

Area and bulk requirements shall be subject to [Article 4](#) "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

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Article 3: Zoning Districts and Map
Section 3.109: R-1C, Suburban Residential Development District

Section 3.110 R-1C, Suburban Residential Development District
(currently Section 6.4)

(A) Intent and Purpose (currently Section 6.4.1)

This section establishes the R-1C Suburban Residential District to encourage medium density residential development associated with proximate areas of Traverse City. Such development shall fall within the logical service pattern of the Regional Wastewater Treatment System, whether or not serviced by that system.

(B) Uses Permitted by Right (currently Section 6.4.2)	(C) Uses Permitted by Special Use Permit (NEW SECTION)
<ul style="list-style-type: none"> • Single Family Dwellings • Two Family Dwellings • Accessory Buildings • Guest Houses • Rental of Non-owner Occupied Dwelling • Public Areas, Public Parks, and Public Recreation • Keeping of Domestic Pets • General Farming and Horticultural Uses • <u>Child Care, Family Home</u> • Temporary Buildings • Home occupations • <u>Adult Foster Care, Family Home</u> 	<ul style="list-style-type: none"> • Planned Unit Developments • Special Open Space Uses, including public beaches, bath houses, recreational camps, and other open space uses operated for profit • Wind Energy Conversion Systems (WECS) • Mobile homes (Not in a Mobile Home Park) • Bed and breakfast establishments • Institutional structures and uses • Golf courses and country clubs • Sewage Treatment and Disposal Installations • <u>Child Care, Group Home</u>

The above list is a summary of uses permitted by right or special land use approval in the district.

(D) Dimension Regulations (currently Section 6.4.3 and Section 6.8)			
Lot Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	20,000 sq. ft.	<i>Front Yard</i>	25 feet
<i>Min. Lot Width (ft.)</i>	100 feet	<i>Side Yard</i>	15 feet
<i>Max. Lot Coverage (%)</i>	25%	<i>Rear Yard</i>	30 feet
<i>Max. Building Height (ft.)</i>	35 feet	<i>Ordinary High Water Mark</i>	60 feet
<i>Max. Building Height (stories)</i>	2.5 stories		
<i>Normal High Water Mark</i>	60		
<i>Min. Elevational Width of a Principal Structure</i>	24 feet		

Footnotes:

Area and bulk requirements shall be subject to [Article 4](#) "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

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Article 3: Zoning Districts and Map
Section 3.110: R-1D, Community Residential District

Section 3.111 R-1D, Community Residential District (currently Section 6.5)

(A) Intent and Purpose (currently Section 6.5.1)
 This section establishes the R-1D Community Residential District to encourage moderately high density development where community services such as fire protection, schools, commercial development, community parks and services are available.

(B) Uses Permitted by Right (currently Section 6.5.2)	(C) Uses Permitted by Special Use Permit (currently Section 6.5.3)
<ul style="list-style-type: none"> • Single Family Dwellings • Two Family Dwellings • Accessory Buildings • Guest Houses • Rental of Non-owner Occupied Dwelling • Public Areas, Public Parks, and Public Recreation • Keeping of Domestic Pets • General Farming and Horticultural Uses • <u>Child Care, Family Home</u> • Temporary Buildings • Home occupations • <u>Adult Foster Care, Family Home</u> 	<ul style="list-style-type: none"> • Planned Unit Developments • Special Open Space Uses, including public beaches, bath houses, recreational camps, and other open space uses operated for profit • Wind Energy Conversion Systems (WECS) • Mobile homes (Not in a Mobile Home Park) • Bed and breakfast establishments • Institutional structures and uses • Golf courses and country clubs • Mobile Home Park Developments • Sewage Treatment and Disposal Installations • <u>Child Care, Group Home</u>

The above list is a summary of uses permitted by right or special land use approval in the district.

(D) Dimension Regulations (currently Section 6.5.4 and Section 6.8)			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	15,000 sq. ft.	Front Yard	25 feet
Min. Lot Width (ft.)	100 feet	Side Yard	15 feet
Max. Lot Coverage (%)	30%	Rear Yard	30 feet
Max. Building Height (ft.)	35 feet	Ordinary High Water Mark	60 feet
Max. Building Height (stories)	2.5 stories		
Min. Elevational Width of a Principal Structure	24 feet		

Footnotes:

Area and bulk requirements shall be subject to the provisions of [Article 4 "Schedule of Regulations"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

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Section 3.113 Shoreline Overlay District (NEW)

(A) **Intent and Purpose (currently Section 7.4.1).** It is the intent and purpose of this Ordinance to protect surface and groundwater quality, existing vegetated natural shoreline areas, wildlife habitats, and prevent erosion and sedimentation of the shoreline area. It is also the intent of this section to provide guidelines for recreational usage of private, shared, and public shoreline areas that promote the health, safety, and welfare of the general public. This section's purpose establishes regulations that apply in addition to those of the underlying zoning district which support land management practices that conserve and protect the Grand Traverse Bay shoreline throughout the Township. Where the provisions of this district conflict with those of the underlying zoning district, the provisions of this section shall supersede.

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(B) **Township Permit Required.** For activities within the Shoreline Overlay District requiring a building permit, increasing the amount of impervious cover on the parcel, or reducing the amount of vegetated buffer or tree canopy cover, a site plan for the parcel must be presented to the Zoning Administrator for administrative review to ensure compliance with the provisions of the Overlay District.

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(C) **Establishment of Shoreline Overlay District and Sub-Districts.** For purposes within this section and throughout this Ordinance, the Shoreline Overlay District shall exist within two hundred (200) feet of the Ordinary High Water Mark (OHWM). This unique physical and Township wide attribute is hereby divided into two (2) different zones as illustrated and defined within the following.

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(1) **Waterfront Sub-District Intent, Purpose, and Regulations.** The Waterfront Sub-District's intent and purpose is to protect the natural vegetation in order to prevent erosion, improve stormwater quality, limit invasive shoreline plants and the application of pesticides, herbicides, and fertilizers, while maintaining fish and wildlife habitats within areas of the Township where shorelines exist. Lands within this designated area shall adhere to the following regulations:

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(a) **Waterfront Sub-District Area.** The Waterfront Sub-District shall extend inland sixty (60) feet from the Ordinary High Water Mark (OHWM). If the sixty (60) foot boundary ends on a slope greater than nine percent (9%), then the boundary of the Waterfront Sub-District shall extend to five (5) feet beyond the point at which the slope of the land is less than nine percent (9%).

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(b) **Yard Waste Storage Prohibited.** Storage of leaves, grass clippings, and similar yard and garden waste is prohibited.

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(c) **Maintenance and Removal of Vegetation.** Maintenance and removal of vegetation shall be limited to removal of dead limbs, trimming tree limbs, and replacement of dead trees, shrubs, and vegetation.

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(d) **Septic Areas Prohibited.** Septic tanks and septic systems filtration fields are prohibited unless the Health Department determines that there is no other feasible location.

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**Article 3: Zoning Districts and Map
Section 3.113: Shoreline Overlay District**

(e) Permitted Storage. Storage of portable decks, boats, shore stations, and other water recreational items is permitted but shall not take place in a required side yard setback.

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(f) Dredging or Filling. Dredging or filling, including the addition of beach sand, is prohibited below the OHWM except where permitted by State or Federal law. Beach sanding above the OHWM requires the establishment of a natural vegetative barrier or slope maintenance to ensure that any sand placed above the OHWM will not be blown or eroded into the water body.

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(g) Structures and Impervious Surfaces. Structures and impervious surfaces such as decks, elevated walkways, boat ramps, and retaining walls must be reviewed and approved by the Township Zoning Administrator and other applicable reviewing agencies, prior to construction efforts taking place.

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(h) Vegetated Buffer Required. Where possible, seventy percent (70%) of the Waterfront Sub-District shall be covered with a mix of native grasses, trees, shrubs, and other plants to establish a viable groundcover. No lot coverage or impervious surface shall be permitted within the vegetative buffer portion of the Waterfront Sub-District. If the vegetative cover is less than seventy percent (70%) prior to construction activity or if the construction activity will result in reducing the vegetative coverage to less than seventy percent (70%), then the plan submitted for the land use permit shall include additional vegetative cover to be planted in the Waterfront Sub-District that will achieve seventy percent (70%) vegetative coverage over the long term, to the extent that such vegetative coverage is possible, to the satisfaction of the Zoning Administrator. The plan submitted by the applicant to meet this requirement shall be certified by a Registered Landscape Architect.

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(2) Upland Sub-District Intent, Purpose, and Regulations. The purpose of the Upland Sub-District is to manage impervious cover, improve storm water quality, prevent soil erosion and effectively retain tree canopy cover in areas near the shoreline which traditionally are host to residential land uses. Lands within this designated area shall adhere to the following regulations:

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(a) Upland Sub-District Area. The Upland Sub-District shall be identified as the lands adjacent to the Waterfront Sub-District and exist within the area between sixty (60) feet from the OHWM and two hundred (200) feet from the OHWM.

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(b) Tree Canopy Required. Where possible, thirty percent (30%) of the land area within the Upland Sub-District shall be maintained in tree canopy cover as defined by this Ordinance. If the tree canopy is less than thirty percent (30%) prior to construction activity or if the construction activity will result in reducing the tree canopy coverage to less than thirty percent (30%), then the plan submitted for the land use permit shall include one (1) or more new large deciduous trees (at least 2.5-inch caliper) to be planted in the Upland Sub-District that will achieve thirty percent (30%) canopy coverage over the long term, where possible, to the satisfaction of the Zoning

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Article 3: Zoning Districts and Map
Section 3.113: Shoreline Overlay District

Administrator. The plan submitted by the applicant to meet this requirement shall be certified by a Registered Landscape Architect.

(D) Boat Hoists (Shore Stations) and Docks (currently Section 6.2.2(2)(c)).

- (1) **Maximum Number of Docks and Boat Hoists.** A maximum of one (1) dock per parcel, plus one boat hoist, is permitted per fifty (50) feet of shoreline, measured at the ordinary high water mark.
- (2) **Nonconforming Lots.** A maximum of one (1) dock and one (1) boat hoist is allowed on properties of insufficient size for a single-family dwelling, provided the following conditions are met:
 - (a) The lot is a pre-existing lot of record or has a minimum width of fifty (50) feet; and
 - (b) A minimum of two (2) parking places must be provided off the adjacent road right-of-way. In the event of properties owned by the same party being separated by a thoroughfare, parking may be provided on the inland parcel and need not be in excess of that required for a single-family dwelling.

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- (3) **Maximum Dock Width and Length.** Where a dock is within the jurisdiction of Peninsula Township, no dock shall be wider than seven (7) feet and no longer than necessary to provide adequate water depth for the boat using the dock or boat hoist.
- (4) **Shared Waterfront Ownership.** Shared waterfront ownership is allowed pursuant to Section 3.113(F), (REVISED BY AMENDMENT 109C)

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(E) Decks, Storage, and Walkways Located in the Ordinary High Water Mark Setbacks or Front Yard Setback (currently Section 6.2.2(2)(d)).

- (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 setback and ordinary high water mark 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 Mark. 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) **Deck and Storage Requirements.** Uncovered decks (including attached seating and/or attached storage) shall be allowed within the required Ordinary High Water Mark and the Front Yard setbacks in the case of properties located along the Great Lakes shoreline, provided all of the following are met:
 - (a) **Location.** All parts of the deck, attached seating, storage and railing shall be constructed within a building envelope as provided below: (See Figure 6-1)

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**Article 3: Zoning Districts and Map
Section 3.113: Shoreline Overlay District**

- (i) **Ordinary High Water Mark Setback.** Located a minimum distance of 35 feet from the Ordinary High Water Mark.
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- (ii) **Above Flood Elevation.** Located above the Flood Elevation Line which is 584 feet above sea level (USGS), or as otherwise determined by the U.S. Government.
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- (iii) **Side Yard Setback.** Located at least fifteen (15) feet from the side lot line.
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- (iv) **Maximum Height of Deck.** 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.
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- (v) **Maximum Height of Attached Seating.** Attached seating shall be no higher than 34 inches above the floor of the deck or 64 inches above the finished grade below, whichever is higher, provided that it is no higher than 34 inches above the center of the traveled surface of the adjacent roadway.
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- (vi) **Maximum Height of Enclosed Storage.** 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.
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- (vii) **Slope.** Decks and storage shall not be built on or within five (5) feet from a slope with a grade greater than nine percent (9%).
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- (b) **Allowable Attachments.** 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.
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- (c) **Unattached Items.** Unattached items such as umbrellas, grill, swing or hammock are allowed as accessories to a deck.
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- (d) **Concealment of Enclosed Storage.** Enclosed storage areas shall be constructed so as to conceal all stored material.
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- (e) **Maximum Surface Area.** The total area of land covered by the deck, seating, and storage located within the front yard setback area or ordinary high water mark setback area shall not exceed ten percent (10%) in any of the following land areas:
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- (i) **Front Yard Area, Lots With a Residence.** The land area located outside of the side yard setbacks extending from the front lot line to the closest part of the foundation of the residence.
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Article 3: Zoning Districts and Map
Section 3.113: Shoreline Overlay District

(ii) Waterside Area, Lots With a Residence. The land area located outside of the side yard setbacks extending from the ordinary high water mark to the closest part of the foundation of the residence.

(iii) Lots Without a Residence. The land area located outside of the side yard setbacks extending from the front lot line to the ordinary high water mark, provided the appropriate areas of the deck, seating, and storage are removed prior to construction of a residence.

(f) Prohibited Structures. Patios and similar structures are prohibited in the Ordinary High Water Mark Setbacks or Front Yard Setback.

(g) Prohibited in Road Right-of-Way or Private Road Easement. No deck shall be constructed within a road right-of-way or private road easement.

(3) Walkway Requirements. A constructed walkway or sidewalk may be located in an Ordinary High Water Mark Setbacks or Front Yard Setback, provided the width does not exceed 4 feet and the slope does not exceed five percent (5%). Access steps required to negotiate changes in site elevation are permitted, provided that landings are no greater than four (4) feet by four (4) feet.

(F) Shared Waterfront Ownership (currently Section 7.4.2). Any waterfront land that is to be used by more than one family shall meet the following requirements:

(1) Intent. It is the intent of this section to reduce the conflicts that occur between residential single-family use and shared waterfront use, such as a number of families using the beach, making noise, trespassing, temporarily storing boats, shore stations and other equipment, and impact to shoreline vegetation.

(2) Land Use Permit. Where more than one family has Shared Waterfront Ownership in the waterfront property, a land use permit shall be obtained from the Zoning Administrator. The application for land use permit shall indicate the number of families with access rights, the name and address of a principal family member for each family, the name and address of one person who shall receive the tax bill in the event that all families do not have taxable real property in Peninsula Township, and a site plan showing compliance with the minimum requirements of this [Section 3.113\(F\)](#). The Zoning Administrator shall be notified of any change in ownership and a new land use permit may be required.

(3) Minimum Lot Widths and Vehicle Parking Space Requirements:

(a) For shared waterfront property. Not approved within a Subdivision or Condominium.

Number of Families with Access Rights	Minimum Lot Width
Two Families	100
Three Families	150
Four Families	200

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**Article 3: Zoning Districts and Map
Section 3.113: Shoreline Overlay District**

Over Four Families	Five additional feet per family
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(b) One parking space for each boat hoist shall be provided off the traveled portion of the road such that all portions of a parked vehicle are at least five (5) feet from the driving lane to provide safe egress from the vehicle.

(c) Each parking space shall be a minimum of twenty-three (23) feet in length. The parking space does not have to be paved or graveled.

(4) **Maximum Number of Docks and Boat Hoists.** Group docking, hoist and other related facilities and boat hoists shall not exceed one dock per parcel and one boat hoist per fifty (50) feet of shore line, measured at the ordinary high water mark, and shall be located as near as possible to the center of the parcel.

(5) **Maximum Dock Width and Length.** Where a dock is within the jurisdiction of Peninsula Township, no dock shall be wider than seven (7) feet and no longer than necessary to provide adequate water depth for the boat using the dock or boat hoist.

(6) **Dwellings and Clubhouses Prohibited.** No dwelling units or clubhouses are allowed on shared waterfront parcels.

(7) **Minimum Side Yard Setback.** The area within fifteen (15) feet of side lot lines shall not be used for the permanent or temporary placing or storage of boats, boat hoists and other equipment, nor for locating fire pits or decks flush with the ground.

(8) **Portable Sanitary Facilities.** A portable toilet is allowed, provided the Township is notified of the placement and maintenance schedule for the toilet. The toilet shall not be placed within a road right-of-way, or closer than thirty (30) feet from the water's edge. The toilet shall be screened from the nearest property line, the road, and the water.

(G) **Filling and grading within 200 Feet of Normal High Water Mark (currently Section 7.4.3).** In addition to any State, County, or local soil erosion and sedimentation control requirements, the following rules shall apply to any filling, grading or other earth movement beyond normal gardening within 200 feet of the ordinary high water mark to prevent harmful erosion and related sedimentation:

(1) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover, such as sod, shall be planted.

(3) Diversions, silting basins, terraces, and other methods must be used to trap any sediment.

(4) Fill must be stabilized according to accepted engineering practices.

(5) The Zoning Administrator may issue a land use permit for a sea wall without regard to the minimum yard setback from the ordinary high water mark otherwise required in Article 4

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Number of Families with Access Rights

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Article 3: Zoning Districts and Map
Section 3.113: Shoreline Overlay District

when a sea wall is necessary to protect or prevent structures on the premises from erosion damage caused by high water and a seawall permit has been obtained by the State of Michigan.

(H) **Removal of Shore Cover (currently Section 7.4.4).** Regulation of tree cutting along the Great Lakes shoreline is necessary to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shore land. These provisions shall not apply to the removal of dead, diseased or dying trees at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester. Tree cutting in a strip paralleling the shoreline and extending thirty-five (35) feet inland from all points along the normal high water mark of the shoreline shall be limited in accordance with the following provisions:

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- (1) **Maximum Clearing.** No more than thirty percent (30%) of the length of this strip shall be clear cut to the depth of the strip.
- (2) **Maximum Clear Cut Opening.** Cutting of this thirty percent (30%) shall not create a clear cut opening in this strip greater than thirty (30) feet wide for every one hundred (100) feet of shoreline.
- (3) **Remaining Vegetative Cover.** In the remaining seventy percent (70%) length of this strip cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, as seen from the water; to preserve natural beauty; and to control erosion.
- (4) **Preservation and Re-Vegetation.** Natural shrubbery shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty, per the requirements of Section 3.113(C)(1).
- (5) **Paths.** Any paths, roads or passages within the strip shall be so constructed or surfaced as to be as effective in controlling erosion.
- (6) **Cutting Plan.** As an alternative to the above requirements a special cutting plan allowing greater cutting may be permitted by the Zoning Administrator, or the Zoning Administrator may defer the decision to the Planning Commission. In applying for such a permit the Zoning Administrator, or Planning Commission, shall require the lot owner to submit a plan of his lot including the following information: location of all structures, location of parking, gradient of the land, existing vegetation, proposed cutting and proposed replanting. The plan shall be certified by a Registered Landscape Architect. The Zoning Administrator, or Planning Commission, may grant such a permit only if it finds that such special cutting plans:

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- (a) Will not cause undue erosion or destruction of scenic beauty, and
- (b) Will provide substantial shielding from the water of dwellings, accessory structures and parking areas. The Board may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement shall be enforceable in court.

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**Article 3: Zoning Districts and Map
Section 3.113: Shoreline Overlay District**

(7) Commercial Forestry. From the inland edge of the thirty-five (35) foot strip to the outer limits of the shore land the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. The purpose of this provision will favor long-lived species.

(I) Review by the State of Michigan (currently Section 7.4.5). If it is determined by the Zoning Administrator that any proposed structure may adversely effect, deteriorate or alter the shore land resource, preliminary plans and specifications shall be transmitted to the staff of the Michigan Department of Environmental Quality (MDEQ) for review and approval. If it is determined by the MDEQ staff that such development would adversely affect public and private rights, impair the public trust or otherwise deteriorate the unique shore land resource, such determination shall be considered sufficient justification for denying a building permit.

(J) Road Ends. There shall be no common dockage (or other similar structures) or restriction of access at public road ends within the township.

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Article 3: Zoning Districts and Map
Section 3.114: Airport Overlay District

Section 3.114 Airport Overlay District (currently Section 7.9)

(A) **Purpose and Intent (NEW SECTION).** The purpose of the Airport Overlay District is to permit land uses and development within the Overlay District in an orderly manner that does not conflict with the adopted plan of the Cherry Capital Airport and is not hazardous to aircraft.

(B) **Definitions (currently Section 7.9.1)**

(1) **Airport Overlay Zone District.** The Airport Overlay Zone District is the airport hazard area consisting of all of the lands within Peninsula Township lying beneath the approach, transitional, 149 feet horizontal, conical and 500 foot horizontal surface; said land being located within a circle having a radius extending horizontally (6.32 miles) from the established center of the useable landing area of the airport.

(2) **Critical Zone.** The critical zone includes the clear zone approach-departure surface and the transitional surface as defined in the attached diagram (Airport Imaginary Surfaces).

(3) **Inner Horizontal Surface Area.** The inner horizontal surface area is that area surrounding the airport for a distance of three miles, excluding the clear zone surface, transitional surface and airport approach-departure clearance surface.

(4) **Other Horizontal Surface.** The outer horizontal surface is the airport hazard area less the critical zone area beyond a three mile distance of the Inner Horizontal Surface area to the outer boundary of the Airport Overlay Zone District.

(C) **Area Affected (currently Section 7.9.2).** Every parcel of land which lies in whole or in part within the Airport Overlay Zone as depicted on the Official Zoning Map is subject to the regulations of this Overlay Zone to the extent the parcel lies within this Overlay Zone. The regulations of this Overlay Zone are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

(D) **Height Limitations (currently Section 7.9.3).** No person shall erect any building or structure to an actual height in excess of the height limitations indicated below unless issued a permit by Peninsula Township. Structure heights exceeding the following limitations may be granted a permit upon receipt of a favorable review in response to notice being filed with the FAA or State of Michigan Aeronautical Department by the applicant in response to the applicant's submission of a Form 7460.

(1) No structure within the inner horizontal surface area shall exceed the elevation of 774 U.S.G.S. (except as provided in [Section 3.114\(D\)\(4\)](#)).

(2) No structure will be allowed to penetrate the critical zone surface as depicted on Sheets 2 through 4 of the official Airport Zoning Plans (except as provided in Subsection D).

(3) No structure shall be allowed to penetrate the conical or outer horizontal surfaces as depicted on Sheets 2 through 4 of the Official Airport Zoning Plans (except as provided in Subsection D).

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Article 3: Zoning Districts and Map
Section 3.114: Airport Overlay District

- (4) Provided, however, a structure having a height of 35 feet or less, will be allowed to penetrate any surface area and will not be subject to this section.
- (E) **Conflicting Federal or State Regulations (currently Section 7.9.4).** The regulations of the Airport Overlay Zone are not intended to conflict with existing or future approach protection regulations promulgated by the United States (Federal Aviation Regulations Part-77), the State of Michigan (P.A. 23 of 1950 as amended by P.A. 158 of 1976), or any agencies thereof, including, but not limited to, the giving of notice of any construction, erection or alteration of a building or structure that:
- (1) Would be more than 149 feet above ground level at its site.
 - (2) Would be above any imaginary surface extending outward and upwards at 100:1 slope within 20,000 feet of the nearest point of an airport runway more than 3,200 feet in length; or
 - (3) Would be above any imaginary surface extending outward and upward at 50:1 slope within 10,000 feet if the nearest point of an airport runway less than 3,200 feet in length.
- (F) **Unlawful Land Uses (currently Section 7.9.5).** It shall be unlawful to put any parcel within 3 miles (inner horizontal surface area) of the Airport to any use which would:
- (1) Create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by the airport or by aircraft.
 - (2) Make it difficult for aircraft pilots to distinguish between airport lights and other lights or result in glare in the eyes of aircraft pilots using the airport.
 - (3) Create air pollution in such amounts as to impair the visibility of aircraft pilots in the use of the airport.
 - (4) Would endanger the landing, taking off or maneuvering of aircraft.
 - (5) Abnormally attract birds.
 - (6) Would otherwise create an airport hazard.
- (G) **Land Use Guidance Zones (currently Section 7.9.6)**
- (1) **Purpose.** The purpose of Land Use Guidance Zones (Sheet 5, Airport zoning Plans) is to designate areas where in certain types of land uses that are recommended due to undesirable effects that may be caused due to the operation of aircraft within such zones.
 - (2) **Acceptable Land Use.** The use of land within the areas shown on the zoning plans are compatible, land use as outlined in Land Use Guidance Chart II, as shown on Sheet 5 of the zoning plans.

Article 3: Zoning Districts and Map

Section 3.114: Airport Overlay District

- (H) Official Zoning Map (currently Section 7.9.7).** The Official Zoning Map is hereby amended to show the Airport Overlay Zone as provided for in the approved Cherry Capital Airport Zoning Plans Sheet 1 through 5, as approved by the Peninsula Township Planning Commission on November 21, 1989.

Article 3: Zoning Districts and Map
Section 3.115: Conservation Easement Restricted Farmland

Section 3.115 Conservation Easement Restricted Farmland (currently Section 6.7.5)

- (A) Intent.** The Peninsula Township Purchase of Development Rights Ordinance allows future building sites under certain conditions and in specific locations as shown on recorded conservation easements. It is the intent of this section to allow those future building sites to be used for residents on the farm or to be sold along with all or a portion of the restricted farmland with a minimum area of one acre or more. It is also the intent of this section avoid the conversion of preserved agricultural land by allowing access to these individual future building sites without requiring a new public or private road to the site.
- (B) Reserved Building Site Access.** Restricted farmland may be divided without the requirement of providing access to a public or private road irrespective of [Section 9.106](#) provided:
- (1)** A reserved dwelling site shall have access to an existing road by either a driveway or a new private road, which shall be located within thirty-three (33) foot wide access easement. Access by private road shall be required if it serves or is to serve three (3) or more residences.
 - (2)** A residential building site may be separated from the remainder of the restricted farmland on a parcel of not less than one acre irrespective of [Article 4](#) with access as provided in (1) above.
 - (3)** Where access is provided by a driveway and not a public or private road; the front yard setback will be fifty (50) feet rather the thirty-five (35) foot front yard setback required from a public or private road. (ADDED BY AMENDMENT 117A)

Article 3: Zoning Districts and Map
Section 3.116: Productive Agricultural Buffer Overlay

Section 3.116 Productive Agricultural Buffer Overlay (TO INCLUDE SECTION 7.2.7)

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Article 3: Zoning Districts and Map
Section 3.117: Neighborhood Overlay District

Section 3.117 Neighborhood Overlay District

(A) Purpose. There are small, established neighborhood areas in Peninsula Township with residential lots that do not meet the minimum lot area and/or lot width of the underlying zoning district; thus, in many cases residential buildings cannot be constructed on these neighborhood lots without variance approvals from the Zoning Board of Appeals. In general, such issues can often be resolved by granting variances, rezoning the lot(s) to a more suitable zoning district, or amending dimensional requirements of the existing zoning district. However, for the following reasons, these resolutions are not appropriate for the Neighborhood Overlay District:

- (1) Continually granting variances to similar lots in the same area for the same reasons will result in recurring variance approvals, which is discouraged in Section 14.104.
- (2) Amending the lot area, lot width, setback, and lot coverage requirements of the underlying zoning district could have the effect of undermining the character of the zoning district as a whole and lead to undesirable development patterns elsewhere in the district.
- (3) Creating a new zoning district for the Neighborhood Overlay District areas will be very similar to the existing zoning districts with respect to use and development pattern, with the only exceptions being those stated in this section for side yard setbacks and lot coverage.

(B) Location of Neighborhood Overlay District. The location of the Neighborhood Overlay District shall only apply to those residential neighborhood areas delineated on the Zoning Map that were established before the adoption of this Ordinance and have a historic character worthy of inclusion in the Neighborhood Overlay District. The boundaries of the Neighborhood Overlay District shall not be expanded to apply to isolated lots, or groups of lots, in the township that do not meet the requirements of this section for inclusion into the Neighborhood Overlay District. Prior to considering amending the Zoning Map to include a land into the Neighborhood Overlay District, the Township shall consider if a better remedy is to grant a variance, amend the provisions of the applicable zoning district, or to create a new zoning district, as described in Section 3.117(A) above.

(C) Development Standards. All lots in the Neighborhood Overlay District shall meet the development standards of the underlying zoning district, except as follows:

- (1) Minimum Side Yard Setbacks. For lots in the Neighborhood Overlay District that do not meet the minimum lot width requirements of the underlying zoning district, the following side yard setback requirements shall apply to the principal building (and accessory buildings attached thereto) only:
 - (a) Principal Buildings (and Attached Accessory Buildings). Eight (8) feet plus an additional setback of one (1) foot for each one (1) foot that the dwelling exceeds eighteen (18) feet in height, but not to exceed a maximum setback of fifteen (15) feet. Unless not required elsewhere in this Ordinance, the minimum setback

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Article 3: Zoning Districts and Map
Section 3.117: Neighborhood Overlay District

distance between the outside walls of 2 or more principal buildings on neighboring lots shall be 10 feet.

(2) Maximum Lot Coverage. For lots in the R-1A and R-1B districts that do not meet the minimum lot area requirements of the underlying zoning district, the following lot coverage requirements shall apply:

(a) R-1A Lots. For lots in the R-1A district that are less than one (1) acre, the lot coverage shall be twenty percent (20%) or 6,534 square feet (i.e., 15% lot coverage of a 1-acre lot), whichever is smaller.

(b) R-1B Lots. For lots in the R-1B district that are less than 25,000 square feet, the maximum lot coverage shall be twenty-five percent (25%) or 3,750 square feet (i.e., 20% lot coverage of a 25,000-square foot lot), whichever is smaller.

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Article 4 Schedule of Regulations

Section 4.101 Statement of Purpose (NEW SECTION)

The purpose of this Article is to provide area, height, and placement regulations for districts established by this Zoning Ordinance.

Section 4.102 Schedule of Regulations (Currently Section 6.8)

The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning District.

Zoning District	Minimum Zoning Lot Size per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback per Lot in Feet from Each			Normal High Water Mark Setback	Maximum % of Lot Area Covered by All Structures	Minimum Elevational Width of a Principal Structure
	Area	Width (ft.)	Stories	Feet	Front	Side	Rear			
R-1A, Rural & Hillside	1 acre	150 <i>(A)</i>	2.5 <i>(B)</i>	35	30 <i>(I)</i>	15 <i>(I)</i>	30 <i>(I)</i>	60 <i>(C)</i>	15	24 feet
R-1B, Coastal Zone, One & Two Family	25,000 sq. ft.	100 <i>(A)</i>	2.5 <i>(B)</i>	35	30 <i>(I)</i>	15 <i>(I)</i>	30 <i>(I)</i>	60 <i>(C)</i>	15	24 feet
R-1C, Suburban Residential, One & Two Family	20,000 sq. ft.	100 <i>(A)</i>	2.5 <i>(B)</i>	35	25 <i>(I)</i>	15 <i>(I)</i>	30 <i>(I)</i>	60 <i>(C)</i>	25	24 feet
R-1D, Community Residential, One & Two Family	15,000 sq. ft.	100 <i>(A)</i>	2.5 <i>(B)</i>	35	25 <i>(I)</i>	15 <i>(I)</i>	30 <i>(I)</i>	60 <i>(C)</i>	30	24 feet
R-1A PUD; R-1B PUD; R-1C PUD; R-1A PUD	<i>(D)</i>	<i>(D)</i>	2.5 <i>(B)</i>	35	30 <i>(D)</i>	15 <i>(D)</i>	30 <i>(D)</i>	60 <i>(C)</i>	15	24 feet
C-1, Commercial	25,000 sq. ft.	150	2.5 <i>(B)</i>	35	35	10	30	60 <i>(C)</i>	35	
A-1, Agricultural	5 acres	330 <i>(F), (G), (H)</i>	2.5 <i>(B)</i>	35	35 <i>(I)</i>	50 <i>(E), (I)</i>	50 <i>(E), (I)</i>	60 <i>(C)</i>		

Section 4.103 Footnotes to Schedule of Regulations (Currently Section 6.8.1)

- (A) See definition of "Lot, Width of, Frontage" and "Lot, Width of, Minimum."
- (B) Allowable height variations are subject to the provisions of [Section 7.108](#).
- (C) Does not include fishing, boating or swimming docks, open decks, and boat hoists as provided in [Section 3.113\(D\)](#) and [Section 3.113\(E\)](#).
- (D) As approved under [Section 5.101](#).

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Article 4: Schedule of Regulations

(E) The minimum setback for other than residential structures shall be fifteen (15) feet. PROVIDED, HOWEVER, the minimum side yard setbacks for residences shall be fifteen (15) feet on lots of record with lot widths of one-hundred ninety-nine (199) feet or less that were recorded prior to the adoption of Amendment No. 91 by the Township Board on June 9, 1992. (REVISED BY AMENDMENT 108)

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(F) Where a lot in the Agricultural District has its access on a public road, the lot shall have a minimum lot width and frontage width of 330 feet. Where a lot in the Agricultural District has as its access from a private road, that lot shall have a minimum lot width and frontage width of 100 feet and if the lot also abuts a public road, the lot shall also have a width of not less than 330 feet on the public road side of the lot. Where a lot has been created by Planned Unit Development, the minimum frontage width shall be that which is approved by the Township Board.

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(G) REQUIRED LOT SHAPE. A lot in the Agricultural District shall be of such shape that a square measuring 210 feet on a side can be located within the parcel. The square has no relevance to structure location or setbacks. (REVISED BY 107D)

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(H) Access to residential building sites on farmland subject to a recorded Conservation Easement consistent with the intent of Ordinance No. 23 shall be regulated by the provisions of [Section 3.115](#). (ADDED BY AMENDMENT 117B)

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(I) See [Section 7.109\(A\)](#) for required setbacks of residences adjacent to agricultural lands. (ADDED BY AMENDMENT 138A)

Article 5 Supplemental Zoning District Standards

Section 5.101 Planned Unit Developments (currently Section 8.3, Section 7.2.6, and Section 6.5A)

(A) Intent and Purpose (currently Section 6.5A.1 and Section 7.2.6(1))

- (1) This section establishes planned unit development regulations for all residential districts to allow the use planned development in areas of the township where conventional development practices are not suited to the terrain; or existing land use or natural environmental conditions make conventional development practices undesirable yet the density allowed is suitable to the intent of the conventional district designated.
- (2) It is the intent of this Ordinance that residential developments other than conventional subdivisions be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the township in which they are located, and that such a use will not change the essential character of the area in which it is proposed. In as much as planned unit developments, mobile home parks and other group housing developments may involve higher densities of land use, or building types may distinctly differ from the single-family, conventionally-built dwellings which predominate the Township, periphery setbacks for such developments are established.

(B) Authorization (currently Section 8.3.1). It is the purpose of this Section to encourage more imaginative and livable housing environments within Residential Districts and to encourage the retention of agricultural land in active production within the Agricultural Zoning District through a planned reduction of the individual lot area requirements for each district, providing the overall density requirements for each district remain the same. Such reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a project as an entity and thereby qualify for regulation of that project as one land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned unit development providing the standard, procedures, and requirements set forth in this Section can be complied with.

(C) Objectives (currently Section 8.3.2). The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.

- (1) To provide a more desirable living environment by preserving the natural character of open fields, stand of trees, steep slopes, brooks, ponds, lake shore, hills, and similar natural assets.
- (2) To provide open space options.

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Article 5: Supplemental Zoning District Standards

Section 5.101: Planned Unit Developments

- (3) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
 - (4) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential project.
 - (5) To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.
 - (6) To provide for the retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.
- (D) **Qualifying Conditions (currently Section 8.3.3).** Any application for a special use permit for a PUD shall meet the following conditions to qualify for consideration as planned unit development:
- (1) **Minimum Site Area.** The planned unit development project shall not be less than twenty (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit. PROVIDED that the project acreage requirement may be reduced by the Township Board if the Board determines that the proposed use is a suitable and reasonable use of the land.
 - (2) **Permitted Zoning Districts.** The planned unit development project shall be located within a Residential or Agricultural District, or a combination of the above Districts. Individual planned unit developments may include land in more than one zone district in which event the total density of the project may equal but not exceed the combined total allowed density for each district calculated separately.
 - (3) **Water and Sanitary Waste Disposal.** Water and waste disposal shall comply with the Township Master Plan and be approved by Grand Traverse County or State of Michigan requirements. It is recognized that joining water and sewer ventures with contiguous or nearby land owners may prove to be expedient.
 - (4) **Density.** The proposed density of the planned unit development shall be no greater than if the project were developed with the lot area requirements of the particular zone district or districts in which it is located subject to the provisions of [Section 14.103](#) except as provided by [Section 5.101\(G\)\(1\)](#). (REVISED BY AMENDMENT 168)
 - (5) **Open Space.** Open space shall be provided according to [Section 5.101\(H\)](#).
 - (6) **Exceptions to Open Space.** For purposes of this [Section 5.101](#), Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).

Article 5: Supplemental Zoning District Standards
Section 5.101: Planned Unit Developments

- (7) **General Standards and Conditions.** The proposed planned unit development shall meet all of the standards and requirements outlined in this [Section 5.101](#) and also [Section 14.103](#) and all applicable requirements of this Ordinance.
- (E) **Uses That May Be Permitted (currently Section 8.3.4).** The following uses of land and structures may be permitted within planned unit developments:
- (1) Single family dwellings.
 - (2) Two-family dwellings.
 - (3) Attached single-family residential housing, such as group housing, row houses, garden apartments, or other similar housing types which can be defined as single-family dwelling with no side yards between adjacent dwelling units, subject to [Section 6.108](#).
 - (4) Open space according to [Section 5.101\(H\)](#). In addition to the uses permitted in [Section 5.101\(H\)](#), the following land uses may be set aside within the open space as common land for open space or recreation use under the provisions of this Section:
 - (a) Private recreational facilities (but not golf courses) such as pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
 - (b) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
 - (c) Commonly owned agricultural lands.
 - (5) Deed restricted Agricultural lands.
 - (6) Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.
- (F) **Uses Permitted by Special Use Permit (currently Section 6.5A.2).** Planned unit developments are subject to all requirements of uses and standards established for the corresponding conventional district described respectively Article 3,
- (G) **Lot Size Variation Procedure (currently Section 8.3.5).** The lot area for Planned Unit Developments within Residential and Agricultural Districts may be reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:
- (1) Parallel Plan. The number of dwelling units permitted in a PUD shall be based on a parallel plan prepared by the applicant. The parallel plan shall be consistent with State, County, and Township requirements for a tentative preliminary plat, shall meet the requirements of the underlying zoning district for lot area, lot width, setbacks, public

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Article 5: Supplemental Zoning District Standards
Section 5.101: Planned Unit Developments

roads, and shall provide an area that conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope area to permit the construction of a conforming house without impacting the area of any regulated wetland. The parallel plan must demonstrate a realistic and reasonable development plan based on regulated environmental constraints, availability of utility and other necessary public infrastructure such as roads.

During preliminary site plan review of the PUD, the Planning Commission shall review the parallel plan and determine the number of units that could feasibly be constructed on the site following conventional design standards. This number shall be the number of dwelling units permitted in the PUD.

(2) Maximum Number of Lots and Dwelling Units. After the parallel plan has been accepted by the above procedure and the maximum number of lots and/or dwelling units that may be approved within a planned unit development have been computed, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed under the parallel plan. Units may be distributed without regard to district boundaries.

(3) Permissible Building Envelope. Building Envelope shall be as shown on the Site Plan and not included as open space. The Township may approve front, side, and rear yard setbacks that are less than the required setbacks the underlying zoning district.

(4) Permissible Minimum Lot Area. Minimum Lot Area shall be as determined by the Township Board and shown on the Site Plan.

(5) Maximum Permissible Building Height. 2.5 stories but not exceeding 35 feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.108(B).

(H) Open Space and Periphery Setbacks (currently Section 8.3.6 and Section 7.2.6)

(1) Open Space. The Township Board shall utilize one of the following four **(4)** options for dedication of the provided open space:

(a) Open Space Dedicated for Private Use. A residential planned unit development with a minimum of 65% of the net acreage kept as open space and owned by the Home Owners Association or Condominium Association. That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development and may be used for passive recreation and wildlife corridors.

(i) Such open space shall be conveyed by proper legal procedures from the project owner or owners to a home owners association or other similar non-profit organization. (REVISED BY AMENDMENT 170)

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¶
Lands below the Ordinary High Water Mark shall not be considered as part of the net acreage.¶
¶
Street rights-of-way shall be included in net acreage provided the property legal description includes the right-of-way. (REVISED BY AMENDMENT 158)¶

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<#>The fixed percentages for street right-of-way purposes to be subtracted from the net acreage shall be fifteen (15) percent for the R-1A and R-1B residential districts, twenty (20) percent for the R-1C district and thirty (30) percent for multiple family development in the R-1D district. These percentages shall apply regardless of the amount of land actually required for street right-of-way.¶
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Article 5: Supplemental Zoning District Standards
Section 5.101: Planned Unit Developments

- (ii) Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval. Formatted: Heading 7

- (iii) The access and characteristics of the open space land are such that it will be readily available and desirable for the use intended. Formatted: Heading 7

- (b) Open Space Dedicated for Public Use.** A Residential Planned Unit Development with a minimum of 10% of the net acreage dedicated to the Township. That open space land shall be dedicated to the Township for park or recreational purposes by the project owner or owners provided that the Township Board makes the following determinations: Formatted: Heading 6
 - (i) The location and extent of said land is not in conflict with the Master Plan of Peninsula Township. Formatted: Heading 7

 - (ii) The access to and the characteristics of the open space land is such that it will be readily available to and desirable for the use intended. Formatted: Heading 7

- (c) Open Space Dedicated for Deed Restricted Agricultural Land.** A Planned Unit Development with a minimum of 65% of the net acreage as deed restricted agricultural land. That open space shall be retained in agricultural use as specified on the site plan with the following conditions: Formatted: Heading 6
 - (i) The Land shall be used exclusively for farming purposes. Formatted: Heading 7

 - (ii) A conservation easement shall be granted to Peninsula Township that restricts uses to those that are allowed on deed restricted agricultural land subject to conservation easements purchased by Peninsula Township pursuant to the Purchase of Development Rights Ordinance No. 23. Formatted: Heading 7

 - (iii) A farmstead parcel consisting of a residence for the owner or operator of the farm along with any or all of the following outbuildings may be shown on the site plan if approved by the Township Board: Formatted: Heading 7
 - a. Barns existing or proposed for uses necessary for agricultural production. Formatted: Font color: Auto
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 - b. Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production. Formatted: Font color: Auto
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If a farmstead is shown on the site plan it shall be counted as one of the allowed dwelling units in the planned unit development.

 - (iv) The deed restricted agricultural land may be sold separately from the dwelling parcels. Formatted: Heading 7

Article 5: Supplemental Zoning District Standards
Section 5.101: Planned Unit Developments

(v) The Township may permit the deed restricted agricultural land to be located off-site in Peninsula Township, provided the deed restricted agricultural land is of high quality, a parallel plan is approved for the deed restricted agricultural land per Section 5.101(G)(1), and that the density on the buildable site is acceptable to the Peninsula Township Planning Commission and Township Board.

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Commented [PS24]: This is an introduction to a Transfer of Development Rights (TDR) Program. Please note that this is optional for the Township and that TDR, as it is currently proposed, will not increase the overall density within the Township. TDR is simply another tool for preserving non-contiguous agricultural land.

(d) **Open Space Apportioned Between Private Use and Deed Restricted Agricultural Land.** The Township Board may approve open space apportioned between Private Use and Deed Restricted Agricultural Land described in (1) and (3) above provided, that in addition to the provisions of (1) and (3) above, the Deed Restricted Agricultural Land portion:

- (i) Shall be a minimum of five acres.
- (ii) Shall be viable farmland as determined by the Township Board.
- (iii) Irrespective of (3) above; no buildings shall be allowed.

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(2) **Periphery Setbacks.**

(a) **Intent.** It is the intent of this Ordinance that residential developments other than conventional subdivisions be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the township in which they are located, and that such a use will not change the essential character of the area in which it is proposed. In as much as planned unit developments and attached single-family housing developments may involve higher densities of land use, abut agricultural land, or have building types that distinctly differ from the single-family, conventionally-built dwellings which predominate the Township, periphery setbacks for such developments are established.

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(b) **General Periphery Setbacks.** All buildings including single-family dwellings and mobile homes within a planned unit development, attached single-family residential housing development, or a mobile home park development shall be placed at least fifty (50) feet from any public right-of-way line for existing roadways bordering a site, and at least thirty (30) feet from any development boundary line which is not a public road right-of-way. Periphery setback spaces shall be occupied by plant materials and appropriately landscaped. The Township may require that attached single-family residences be setback farther from the public road right-of-way of an existing roadway where a larger setback is desired to buffer the use from the road.

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(c) **Setback from Agricultural Areas.** Planned unit developments abutting agricultural areas shall meet the setback requirements of Section 7.109.

(I) **Maximum Percentage of Lot Area Covered by All Structures (currently Section 8.3.7)**

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(1) The maximum percent of lot area covered by all structures shall not exceed fifteen (15) percent of net acreage.

Article 5: Supplemental Zoning District Standards
Section 5.101: Planned Unit Developments

- (2) A Building Envelope within which structures may be located shall be shown on the site plan for all existing or future structures.
- (3) The maximum number of square feet to be covered by all structures for each building envelope shall be shown on the site plan or attached to it.
- (J) ~~PUD Agreement (currently Section 8.3.8)~~. The applicant shall record ~~a PUD Agreement~~ with the ~~Register of Deeds~~ containing the legal description of the entire project, specifying the date of approval of the special use permit, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved special use permit unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferee and/or assigns. ~~The PUD Agreement shall be in accordance with Section 7.102(B).~~

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Section 5.102 Site Condominiums (Currently Section 6.9)

(A) **Intent (currently Section 6.9.1).** It is recognized that Michigan statutes provide for the implementation of developments consisting of one-family detached residential dwelling units and sites through procedures other than those enabled by the Subdivision Control Act (Act 288 of 1967, as amended). The intent of this section is to provide procedures and standards for the review and approval or denial of one-family residential subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional one-family platted subdivisions and promote the orderly development of the adjacent areas. It is not intended that commercial or industrial condominium projects will be reviewed or approved.

(B) **General Provisions (currently Section 6.9.2).** For the purpose of this section, a Site Condominium Subdivision shall include any residential development in a residential or agricultural district proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended) consisting of two (2) or more single family detached residential structures on a single parcel, with the exception that the provisions of this section limiting condominium subdivisions to single family detached structures shall not apply to condominium developments which are reviewed and approved through the Special Use Permit - Planned Unit Development option.

(C) **Initial Information (NEW SECTION).** Concurrently with notice required to be given to Peninsula Township pursuant to Section 71 (notice of proposed action) of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to development shall provide the following information:

(1) The name, address and telephone number of:

(a) All persons, firms or corporation with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).

(b) All engineers, attorneys, architects, or registered land surveyors associated with the project.

(c) The developer or proprietor of the condominium development.

(2) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.

(3) The acreage content of the land on which the condominium development will be developed.

(4) The purpose of the development (for example, residential, commercial, industrial, etc.).

(5) Appropriate number of condominium units to be developed on the subject parcel.

(6) A description of the community water system to be provided.

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Article 5: Supplemental Zoning District Standards
Section 5.102: Site Condominiums

(7) A description of the community septic system to be provided.

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(8) A topographic survey of the land on which the condominium project will be developed.

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(9) Any other information deemed necessary by the Planning Director.

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(D) Required Plans, Conditions, and Improvements for New Projects (currently part of Section 6.9.3)

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(E) Condominium Lots. The Site Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provision herein, these parcels shall be referred to as condominium lots. The description, size, location and arrangement of the condominium lots shall conform to the requirements of a conventional platted subdivision and the Land Division Ordinance. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units.

(1) Area and Bulk Requirements. Each condominium dwelling unit shall be located within a condominium lot.

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(a) The minimum size condominium lot per dwelling unit, maximum dwelling unit height, minimum yard setbacks, minimum elevational width of principal structure, and maximum percentage of condominium lot area covered by all structures shall conform with the requirements of the zoning district in which located, and to Article 4.

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<#>The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.¶

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<#>Side condominium lot lines shall be essentially at right angles to straight roads and radial to curved roads.¶

¶

<#>Narrow deep condominium lots shall be avoided. The depth of a condominium lot generally shall not exceed two and one-half (2-1/2) times the width as measured at the building line.¶

¶

<#>Corner condominium lots shall have extra width to permit appropriate building setback from each road, or orientation to both roads.¶

(b) Condominium lots shall back into such features as primary roads, except where there is a marginal access road, unless a secondary access is provided. Such condominium lots shall contain a landscaped easement along the rear at least twenty (20) feet wide to restrict access to the primary road, to minimize noise, and to protect outdoor living areas.

(c) Double frontage condominium lots shall be prohibited except where the rear yard abuts a major road and does not take access from the major road.

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(d) Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads and condominium lots along M-37, Center Road, Peninsula Drive, Bluff Road, Montague Road and East Shore Drive shall be back up lots.

(e) All condominium lots shall front upon a public road or private road. Variances may be permitted in an approved planned unit development.

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(2) Streets. If a condominium subdivision is proposed to have private streets, they shall be designed to at least the minimum design, construction, inspection, approval and

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Article 5: Supplemental Zoning District Standards
Section 5.102: Site Condominiums

maintenance requirements of this Ordinance. All public streets within a condominium subdivision shall be constructed as required by the Grand Traverse County Road Commission.

(3) **Water Supply and Sewage Disposal Systems.** Water Supply and Sewage Disposal Systems shall comply with the requirements of Section 5.4 REQUIRED IMPROVEMENTS: Section 5.4.4 WATER SUPPLY, and Section 5.4.5 SANITATION SEWER SYSTEM: of the Peninsula Township Subdivision Control Ordinance No. 8.

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(4) **Street Trees.** There shall be a minimum of one (1) tree per condominium lot with a frontage of seventy (70) feet or less, or a minimum of two (2) trees per condominium lot with a frontage of more than seventy (70) feet. At least three (3) trees shall be provided for a corner condominium lot. The species and location of street trees shall comply with the requirements of Section 5.4.7 STREET TREES: of the Peninsula Township Subdivision Control Ordinance No. 8.

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(5) **Accessory Structures (ADDED BY AMENDMENT 163).** Accessory structures to serve all unit owners in a condominium shall be allowed within the general common elements provided the accessory structure is shown on the site plan, and provided further:

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(a) Each structure is no more than two hundred (200) square feet in area provided the total percent of the condominium parcel covered by all structures does not exceed the maximum amount allowed in the zoning district;

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(b) The site plan includes the maximum area to be covered by all structures for each condominium unit and for the general and the limited common elements.

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(c) The structure height is no greater than 15 feet;

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(d) The structure meets the underlying zoning district setbacks from the property lines of the condominium project.

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(e) The structure is located within the General Common Elements of the Condominium;

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(f) The structure and its proposed use(s) is shown on the site plan approved or amended by the Township and receives a Land Use Permit from the Zoning Administrator prior to construction.

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(g) The use of the structure shall be for one or more of the following uses.

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(i) **Recreational.** Deck, gazebo, bus shelter or picnic shelter.

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(ii) **Utility.** Storage of maintenance or recreation equipment or trash enclosures.

(6) **Wetland and Floodplain Restrictions.** There shall be no development or modification of any kind within a wetland or floodplain area without there first having been issued a wetlands permit by the Department of Environmental Quality and/or an Earth Change Permit from Grand Traverse County as appropriate. Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be

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Article 5: Supplemental Zoning District Standards
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uninhabitable shall not be used for residential purposes, or for uses that may, in the judgment of the applicable Federal, State, County, Local, or Township agency, increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium subdivision shall be set aside for other uses, such as parks or other open space.

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(7) Removal of Fruit Trees. When an area having existing fruit producing trees, vines or shrubs, is approved for a condominium subdivision, the owner of the property shall remove and destroy all such trees, shrubs and vines before final approval of the condominium subdivision plan.

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(8) Plans required for the Control of Erosion and Sedimentation. In the event that any developer shall intend to make changes in the contour of any land proposed to be developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Planning Commission for approval a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained in Section 5.4.12 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION: of the Peninsula Township Subdivision Control Ordinance No. 8.

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(9) Setback from Agricultural Areas. Site condominiums abutting agricultural areas shall meet the setback requirements of Section 7.109.

(F) Required Plans for Expandable or Convertible Projects (NEW SECTION). Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 14.102 of this Ordinance. The conversion of any development to condominium form of ownership shall require all standards and requirements of this Ordinance regarding condominiums to be met.

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(G) Plan Application and Information required (currently Section 6.9.4). The proprietor shall submit a written application to the Township Zoning Administrator for approval of the Condominium Subdivision Plan and also the fee established by the Township Board for review of such plans.

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(H) Master Deed, Restrictive Covenants, "As Built" Survey, and Association Bylaws to be furnished (currently part of Section 6.9.4.1). The condominium subdivision developer shall submit to the Township Zoning Administrator eleven (11) copies of the condominium subdivision plan and proposed protective covenants and deed restrictions which would meet the requirements of Section 112(1) and 113 to 119 of the Subdivision Control Act. The name of the proposed project shall be subject to the approval of the Township to eliminate duplicate names or names that are similar to existing developments.

Article 5: Supplemental Zoning District Standards
Section 5.102: Site Condominiums

- (1) **Size and Sale.** The condominium subdivision plan may be on paper and shall be not less than 24 inches by 36 inches, at a scale of at least 1 inch to 100 feet showing the date and north arrow.
- (2) **Information Required.** The following shall be shown on the condominium subdivision plan or submitted with it.
 - (a) The name of the proposed condominium subdivision.
 - (b) Names, addresses and telephone numbers of the proprietor and the surveyor preparing the plan.
 - (c) Location of the condominium subdivision, giving the name of the township and county.
 - (d) Legal description of the property.
 - (e) The names of property owners, zoning, and use of abutting lands.
 - (f) Statement of intended use of the proposed condominium, such as, residential single family, two-family and multiple housing. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
 - (g) A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.
 - (h) A location map showing the relationship of the proposed plan to the surrounding area.
 - (i) The land use and existing zoning of the proposed condominium subdivision.
 - (j) Location, type, dimensions, and proposed use of all existing structures.
 - (k) Condominium lot lines and the total number of condominium lots by block.
 - (l) Contours shall be shown on the condominium subdivision plan at 5-foot intervals where slope is greater than 10%, and 2-foot intervals where slope is 10% or less.
 - (m) A site report as described in the rules of the State of Michigan. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.
 - (n) Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
 - (o) Right-of-way easements, showing location, width, and purpose.

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Article 5: Supplemental Zoning District Standards
Section 5.102: Site Condominiums

- (p) The location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, and soil types.
- (q) In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by Michigan Department of Environmental Quality as to the existence of any wetlands on the property.
- (r) A statement of deed restrictions and by-laws as applicable.

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(I) Review Procedures (currently Section 6.9.5)

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(1) Distribution to Authorities. The Zoning Administrator shall deliver the proposed condominium subdivision plan to the Planning Commission and Township Board for review. The Zoning Administrator shall retain one copy, send one copy each to the Peninsula Township Fire Chief; the Township Planner; and to Grand Traverse County Planning Commission for plan review.

(2) Staff Review. The Township Planner shall send recommendations to the Planning Commission at least ten (10) days prior to Planning Commission review as provided for in Section 5.102(I)(3).

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(3) Planning Commission.

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(a) The Planning Commission shall review the condominium subdivision plan and the reports of the County Road Commission, the County Drain Commissioner/Soil Erosion Officer, County Health Department, and County Planning Commission, and Township Planner.

(b) The Planning Commission shall hold a public hearing on the proposed condominium subdivision plan.

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(c) If following the review and public hearing prescribed above, the Planning Commission determines that the proposed plan meets all requirements of this Ordinance, the Planning Commission shall send notice of action taken with comments to the Township Board.

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(d) If the condominium subdivision plan does not meet all requirements, the Planning Commission shall recommend disapproval of the plan by the Township Board, it shall state its reason in its official minutes and forward same to the Township Board, and recommend that the Township Board disapprove the condominium subdivision plan until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.

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(4) Township Board.

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Article 5: Supplemental Zoning District Standards
Section 5.102: Site Condominiums

- (a) The Township Board shall not review, approve or reject a condominium subdivision plan until it has received from the Planning Commission its report and recommendations.
- (b) The Township Board shall consider the condominium subdivision plan at its next meeting after receipt of the recommendations from the Planning Commission.
- (c) The Township Board shall either approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Board.

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(J) Conditions and Duration of Approval (currently Section 6.9.6.1 and 6.9.6.2)

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(1) **Conditions.** The approval of the Township Board will indicate that the proposed condominium subdivision plan meets the provisions of section 141. (1) of the Condominium Act relating to the ordinances and regulations of Peninsula Township, but does not cover additional permits that may be required after the Master Deed has been recorded.

(2) **Duration.** Approval of the condominium subdivision plan of phase thereof by the Township Board shall be for a period of one (1) year from the date of its approval by the Township Board pursuant to Section 14.102(D). The Township Board may extend the one (1) year period if applied for and granted in writing but only concerning its own requirements.

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(K) Monuments Required (NEW SECTION). All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites or recreational sites shall be marked with monuments as provided in this subsection.

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(1) All monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

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(2) Monuments shall be located in the ground: at all angles in the boundaries of the condominium development; at the intersection lines of streets; at the intersection of the lines of streets with the boundaries of the condominium development; at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

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(3) If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

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Article 5: Supplemental Zoning District Standards
Section 5.102: Site Condominiums

- (4) If a point required to be monumented is on a bedrock outcropping a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- (5) All required monuments shall be placed flush with the ground where practicable.
- (6) All unit corners and the intersection of all limited common elements and all common elements shall be identified in the field by iron or steel bars or iron pipe at least eighteen (18) inches long and one half (½) inch in diameter or other approved markers.
- (7) The Township Planning Director may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year on the condition that the proprietor deposits with the Township cash, a certified check, or irrevocable bank letter of credit to Peninsula Township, whichever the proprietor selects in an amount to be established by the Board, by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- (L) Compliance with Federal, State, and Local Law (NEW SECTION).** All condominium development shall comply with Federal and State statues and local Ordinances.
- (M) Subdivision of Condominium Lots (NEW SECTION).** All subdivisions of individual condominium units shall conform to the requirements of this ordinance for minimum lot width, lot area, and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
- (N) Encroachment Prohibited (NEW SECTION).** Encroachment of one condominium unit upon another, as described in section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
- (O) Relocation of Boundaries (NEW SECTION).** The relocation of boundaries, as described in section 48 of the Condominium Act, shall conform to all setback requirements of this ordinance for the district in which the project is located, shall be approved by the zoning administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.
- (P) Performance Guarantee (NEW SECTION).** The Township Director of Planning may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township. The expiration date of a temporary occupancy permit shall be as determined by the Planning Director upon issuance of the permit.

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Article 5: Supplemental Zoning District Standards
Section 5.102: Site Condominiums

(Q) Final Documents to be provided (NEW SECTION). After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the Township a copy of the site plan on 24 inch by 36 inch sheets and in a digital format acceptable to the Township.

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Article 6 Standards Applicable to Specific Uses

Section 6.101 Adult Foster Care, ~~Small Group Home~~ (currently Section 8.7.3(9))

Adult Foster Care ~~Small Group Homes~~ shall meet the following requirements:

- (A) Such uses shall be duly licensed by the State ~~of Michigan~~.
- (B) A maximum of ~~twelve~~ (12) adults may receive foster care at any one time.
- (C) The minimum lot size shall be five (5) acres.
- (D) Such facilities shall be allowed only in areas which are and will remain free from concentrations of objectionable airborne chemical sprays and similar materials utilized by agricultural operations within close proximity.
- (E) Such facilities shall be located where adult foster residents will be safe from traffic and other hazards.

Section 6.102 Barn Storage (currently Section 6.7.2(18))

- (A) The intent of this use is to help make it economical for farmers to keep and maintain barns that might otherwise may be allowed to decay because they are obsolete. ~~Barn Storage shall not be a Self Service Storage Facility use (see Section 6.133) where there is regular access to the rental space by owners of the stored materials.~~
- (B) It is ~~prohibited for~~ a property owner to build a barn just for rental storage, or to rent storage in a barn and then build a similar structure for farm use.
- (C) The zoning administrator may issue a land use permit for rental of storage space in barns for boats, campers, farm equipment or similar items in barns in the Agricultural A-1 District, provided:
 - (1) The barn has been previously used for the storage of agricultural crops or for housing of livestock;
 - (2) The barn has been in existence in its present form for not less than twenty (20) years prior to the application for a land use permit for this use;
 - (3) The zoning administrator has determined that the barn is no longer used for farm purposes because of farm consolidation or changes in operations; and

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Article 6: Standards Applicable to Specific Uses

- (4) The barn is not increased in size or the exterior modified for the use, however, doors or the interior may be modified if necessary to make the barn suitable for storage.
- (5) The rental of storage space in a barn shall be discontinued if a new barn is constructed for a use that can be accommodated in the old barn.
- (6) The Zoning Board of Appeals may grant a variance from the minimum twenty (20) year requirement, provided the Zoning Board of Appeals determines that the request is consistent with the intent of this section to not allow a property owner to build a barn just for rental storage, or to rent storage in a barn and then build a similar structure for farm use.

Section 6.103 Bed and Breakfast Establishments (currently Section 8.7.3(6))

(A) **Statement of Intent.** It is the intent of this subsection to establish reasonable standards for Bed and Breakfast Establishments to assure that:

- (1) The property is suitable for transient lodging facilities.
- (2) The impact of the establishment is no greater than that of a private home with overnight house guests.
- (3) The use and adaptive re-use of structures for Bed and Breakfast Establishments is encouraged to strengthen and preserve the rural character of the township.

(B) **Development Standards.** The following requirements for Bed and Breakfast establishments together with any other applicable requirements of this Ordinance shall be complied with:

- (1) Minimum Lot Area. The minimum lot size shall be three (3) acres.
- (2) Parking. Off-street parking shall be provided in accordance with Section 9.102 and Section 9.103 of this Ordinance.
- (3) Owner-Occupied and –Managed. The Bed and Breakfast Establishment shall be the principal dwelling unit on the property and shall be owner-occupied and have on-site owner-management when open for business.
- (4) Minimum Setbacks. All structures shall adhere to the following setbacks:
 - (a) Front Yard Setback: 35 feet.
 - (b) Side Yard Setback: 50 feet.
 - (c) Rear Yard Setback: 50 feet.
 - (d) Ordinary High Water Mark Setback: 60 feet.

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<#>Residential and agricultural lands shall not be subject to increased trespass.¶
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Article 6: Standards Applicable to Specific Uses

- (e) Existing legally nonconforming structures which do not meet the required setbacks may apply for a Bed and Breakfast Establishment special use permit, provided that all other standards have been met and Township Board approval is granted.
- (5) **Building Exits.** The residence shall have at least two (2) exits to the outdoors.
- (6) **Maximum Number of Sleeping Rooms.** The maximum number of sleeping rooms in the residence to be used for rental purposes shall be determined by the acreage of the principal site as follows:
- (a) Three (3) or more but less than ten (10) acres shall have a maximum of three (3) guest rooms.
- (b) Ten (10) or more but less than fifteen (15) acres shall have a maximum of four (4) guest rooms.
- (c) Fifteen (15) or more acres shall have a maximum of five (5) guest rooms.
- (7) **Maximum Number of Overnight Guests.** Not more than twelve (12) overnight guests may be accommodated at any time.
- (8) **Sleeping Rooms Part of the Dwelling.** The rooms utilized for sleeping shall be a part of a dwelling that has received an occupancy permit prior to the application for a Bed and Breakfast Special Use Permit.
- (9) **Minimum Area of Sleeping Rooms.** The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- (10) **Required Permits and Approvals.** The Bed and Breakfast Establishment owner shall furnish necessary permits or approvals required from the Grand Traverse County Health Department, Soil Erosion and Sedimentation Control Department, Road Commission, and all other applicable local, state, and federal regulating agencies.
- (11) **Floor Plan.** The Township Board shall require that a floor plan drawn to an architectural scale of not less than 1/8" = 1 foot is on file with the Fire Department.
- (12) **Guest Registry.** Each owner/operator of a Bed and Breakfast Establishment shall keep a guest registry which shall be available for inspecting by the Zoning Administrator, and police and fire officials at any time.
- (13) **Maximum Length of Stay.** The length of stay for each registered guest shall not exceed seven (7) days within any thirty (30) day period.
- (14) **Rental of Recreational Vehicles and Similar Equipment.** Rental of recreational vehicles, such as snowmobiles, ATVs, or similar vehicles, boats, and other marine equipment, by registered guests shall be prohibited.

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Article 6: Standards Applicable to Specific Uses

(15) Food and/or Beverages Served. Food and/or beverages served shall be for registered guests only.

(16) Events. All events shall be for registered guests only.

(17) Outdoor Events. Outdoor events are subject to the following conditions:

(a) No more than twenty (20) outdoor events are allowed per calendar year.

(b) No more than two (2) outdoor events are allowed per calendar week.

(c) All outdoor events shall end by 9:30 p.m.

(d) No amplified music is allowed.

(e) Monthly notification to Peninsula Township staff is required indicating the schedule of future planned events.

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<#>A special use permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the bed and breakfast use.↑

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Section 6.104 Child Care Center (NEW SECTION)

(A) Licensing. In accordance with applicable State laws, all child care centers shall be licensed by the State of Michigan and shall comply with the minimum standards outlined for such facilities.

(B) Emergency care. Each child care center employ a staff person with current CPR and first aid training and shall meet other State emergency care requirements.

(C) Hours of Operation/Care. Hours of operation may be up to twenty-four (24) hours a day, with not more than twelve (12) hours of continuous care at any time for any child.

(D) Separate building/parcel. Each child care center shall be located in its own distinct building and on its own separate parcel, except where proposed as accessory to an Institutional Use (Section 6.118), in which case it must be located entirely within the principal building exclusive of outdoor recreation areas as otherwise required.

(E) Outdoor recreation area. A minimum of one hundred fifty (150) square feet of outdoor recreation area shall be provided and maintained per child, provide that the overall size of the recreation area shall not be less than five thousand (5,000) square feet. The outdoor recreation area shall be contiguous to and directly accessible from the building containing the child day care centers and shall not be separate from the building by parking, fire lane, or other vehicular circulation. The outdoor recreation area shall further be completely fenced and enclosed and shall be suitable screened from any adjoining residentially-zoned or -used land by a greenbelt as required in Section 10.103.

(F) Frontage. Child care centers shall have frontage onto a paved thoroughfare or collector road and shall have ingress and egress through the same.

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Article 6: Standards Applicable to Specific Uses

(G) Setbacks. In addition to all other setback requirements of the district, child care centers shall have a minimum side yard setback of at least twenty-five (25) feet.

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Section 6.105 Child Care, Group Home (currently Section 6.2.2(7))

(A) Such uses shall be duly licensed by the State of Michigan.

(B) Location. In accordance with Public Act 110 of 2006, as amended, all facilities must not be located closer than 1,500 feet to any of the following:

(1) Another licensed group day care home,

(2) An adult foster care small group home or large group home as licensed under the Adult Foster Care Licensing Act, P.A. 281 of 1979, as amended.

(3) A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people licensed under article 6 of the public health code, P.A. 368 of 1978, as amended.

(4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

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(C) Character. In accordance with Public Act 110 of 2006, as amended, all facilities must maintain the property consistent with the visible characteristics of the neighborhood.

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(D) Hours of Operation. In accordance with Public Act 110 of 2006, as amended, a facility may not exceed 16 hours of operation during a 24-hour period.

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(E) Signs. In accordance with Public Act 110 of 2006, as amended, a facility's sign to identify itself must meet the applicable sign regulations of this Ordinance.

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(F) Off-Street Parking. In accordance with Public Act 110 of 2006, as amended, a facility must meet applicable off-street parking regulations of this Ordinance.

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(G) Fencing. A four (4) foot high fence around the perimeter of all outdoor play areas shall be required in accordance with Section 7.114.

(H) Hours of Operation. The Township Board may, at any time, limit the operation of a group child care home during the hours of 10:00 p.m. and 6:00 a.m. without prohibiting the use during those hours should the Township receive any written complaints regarding operating hours.

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Section 6.106 Drive-Through Uses (NEW SECTION)

Drive-Through uses shall meet the following requirements:

Article 6: Standards Applicable to Specific Uses

- (A) Drive-through uses shall be accessory to the principal use of the site.
- (B) The entrance to or exit from any such use shall be located at least one hundred (100) feet from the intersection of any two (2) streets.
- (C) All such uses shall have direct ingress and egress through a paved major thoroughfare.
- (D) All lighting or illuminated display shall not reflect onto any adjacent residential zoning district and shall meet the requirements of Section 8.107.
- (E) The approving authority shall consider the proximity of the on-site use to existing places of congregation of children (e.g. schools) regarding traffic safety and sanitation.

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Section 6.107 Dwelling, Single-Family Residential Detached (NEW SECTION)

- (A) All single-family dwellings shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- (B) All single-family dwellings shall have a minimum width across front, side and rear elevations of twenty-four (24) feet and comply in all respects with the building code. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the building code, then and in that event such Federal or State standards or regulations shall apply.
- (C) All single-family dwellings shall be firmly attached to permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions as the dwelling and construct of such materials and type as required in the applicable building code for single-family dwellings.
- (D) The single-family dwelling shall be connected to public sewer and water supply. Where public sewer and water is not available, the dwelling shall be connected to such private facilities approved by the local health department.
- (E) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law, or otherwise specifically required in the Township Zoning Ordinance pertaining to such parks.

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Section 6.108 Dwelling, Single-Family Residential Attached (NEW SECTION)

- (A) Access. All site plans shall have two (2) means of ingress and egress throughout the project to permit adequate circulation for safety equipment.
- (B) Public Parking.

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Article 6: Standards Applicable to Specific Uses

- (1) In all multiple projects of over one hundred (100) dwelling units, parking shall not be allowed along the main circulation drive.
- (2) All parking lots must be a minimum of sixty-two (62) feet in width and if through traffic is permitted through the lot, the width must be increased to sixty-four (64) feet.
- (C) Attached Garage Required.** All units shall have an attached garage with an area no less than four hundred eighty (480) square feet and so designed to enclose two (2) standard private passenger cars. Such garage units shall have direct interior access from the living area. Each garage area shall be exclusively for the use of one (1) dwelling unit. The garage space shall remain as a garage and shall not be converted to living space.
- (D) Maximum Attached Units per Building and Building Length.** The maximum number of dwelling units which may be attached in a single building is eight (8). Additionally, no building elevation shall have a dimension greater than two hundred (200) feet.
- (E) Building Lines.** There shall be no more than two (2) continuous, attached dwelling units with the same building line. No building lines in any continuous attached row shall, when extended, be closer than two (2) feet, measured perpendicularly, to any other such building line.
- (F) Minimum Building Spacing.** Minimum spacing between buildings shall be twenty (20) feet when the two (2) buildings are end to end or the closest wall are garage walls or dwelling unit sidewalls. In all other situations minimum separation shall be forty (40) feet.
- (G) Minimum Setbacks from Roads and Pedestrian Ways.** No building shall be closer than thirty (30) feet to a public right-of-way or internal roadway, and no building shall be located closer than twenty (20) feet to a pedestrian way.
- (H) Outdoor Patio Areas.** All dwelling units must be constructed to permit the development of an individual outdoor patio area not less than one hundred (100) square feet in area, either when the units are first developed or at some later date.
- (I) Direct Outdoor and Common Area Access.** All dwelling units shall have their main ingress/egress directly to the outdoors and a common area. Open porches, landings and stairs may be shared by more than one (1) dwelling unit.
- (J) Sidewalks.** Sidewalks shall be provided parallel to all roadways whether public or private and shall further be provided to the satisfaction of the Planning Commission to allow for convenient and safe pedestrian traffic throughout the complex.
- (K) Lighting.** Lighting shall be provided to allow for a safe use of sidewalks during non-daylight hours and shall meet the requirements of Section 8.107.
- (L) Common Areas.** Common open areas shall be provided for the use and enjoyment of the residents within the development. This area shall be provided as set forth in this Ordinance. In the case of condominium development a limited common area may be created for each dwelling unit.

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Article 6: Standards Applicable to Specific Uses

(M) Density and Dwelling Unit Size. The maximum density and minimum dwelling unit size shall meet the requirements of underlying zoning district.

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(N) Attachment. No part of an attached single-family dwelling unit shall be located above or below another attached single-family dwelling unit. Attachment of the single-family dwelling units, one to another, may be through a common party wall or similar architectural barrier.

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Section 6.109 Farming and Horticultural Use (currently Section 6.2.2(6))

Farming and horticultural use includes 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 in residential districts excepting as permitted in Section 6.121.

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Section 6.110 Food Processing Plants (currently 8.5)

(A) Authorization. The Township Board may authorize the construction, maintenance and operation in the Agricultural District of food processing plants related to local agricultural production, by the issuance of a special use permit, subject to the procedures and requirements of Section 14.103 and provided that it has been demonstrated that the operation will not create any nuisance which will be detrimental to the health, safety and welfare of Township residents or adversely affect adjoining property owners.

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(B) Statement of Intent. The intent of this section is to provide agricultural land owners within the Township an opportunity to produce, process, and wholesale their value-added products upon new or existing farm operations. This type of operation's intent is not to include the retail sales of said product onsite, but does provide a land use where wine, beer, or other spirit related processing may take place.

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(C) Eligibility Criteria. In order to establish a Food Processing Plant, the applicant shall demonstrate that the following site development standards have been met:

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(1) Lot Area. The host parcel shall meet the minimum size requirements for an agricultural zoned parcel unless it is recognized as a legal non-conforming parcel of record.

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(2) Setbacks. Structures utilized for any part of the production facility shall maintain the following minimum setbacks:

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(a) Front. 50 feet.

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(b) Side and Rear. 100 feet

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(c) Minimum of two hundred (200) feet from a pre-existing residential structure on an adjacent property. Pre-existing agricultural structures may be utilized for a Food Processing Plan if the following regulations are met:

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Article 6: Standards Applicable to Specific Uses

- (i) The applicant can demonstrate that the proposed structure is in compliance with the standards of the Grand Traverse County Construction Code office, Health Department, Road Commission, and any other applicable permitting agencies.
- (ii) The structure's location is in compliance with the underlying district's zoning setbacks.
- (3) Parking, Lighting, Signage, and Landscaping.** Parking, lighting, signage, and landscaping must comply with this Ordinance.
- (4) Access.** Access shall utilize road cuts and/or driveways which have been approved by an applicable transportation authority and must be located on a public road.
- (5) Area of Use Not Counted as Required Open Space.** The acreage dedicated for this Special Use shall not be used to satisfy acreage density or open space requirements for any other land use in the Township.
- (D) Source of Produce.** A majority of the produce processed shall be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Food Processing Plant. Products shall be processed and packaged in the specific Food Processing Plant and in compliance with all applicable Federal and State laws.
- (E) Data and Records.** The owner of the specific Food Processing Plant shall annually provide data and records to the Peninsula Township Planning & Zoning Department showing compliance with the above regulations related to the source of produce. This documentation shall be supplied to the Township on a form provided by the Planning & Zoning Department.
- (F) Natural Disaster Provisions.** If crop conditions or natural disaster result in a shortage of locally-grown crop for a particular year, the Township Board may approve a larger proportion of produce grown off the land owned and leased for a specific farm operation by the same party owning and operating the farm operation for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five (5) years.
- (G) Required Information.** In addition to the site plan information requirements of Section 14.102(B), the following information shall be submitted as a basis for judging the suitability of the proposed operation:

 - (1)** A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
 - (2)** Engineering and Architectural Plans for:

 - (a)** The treatment and disposal of sewage and industrial waste or unusable by-products.

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Deleted: <#>A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other construction features which shall be proposed.¶

Article 6: Standards Applicable to Specific Uses

- (b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter or radiation.
- (3) The proposed number of shifts to be worked and the maximum number of employees on each shift.

Section 6.111 Gasoline Stations and Automobile Service Stations (currently Section 8.8)

(A) **Statement of Intent.** Facilities to serve motor vehicles are of considerable importance within areas such as Peninsula Township where the basic mode of transportation is the automobile. It is the intent of this Section to exercise a measure of control over service station buildings and their sites, and to establish a basic set of standards which will minimize traffic congestion noise, glare, and safety hazards which are inherent in service station activity. This ordinance requires conformation to these standards before a building permit may be issued for a gasoline station and/or service station within the Commercial District; and, in addition, requires the issuance of a special use permit within C-I Districts which complies with the requirements of this Section.

(B) **Uses that May be Permitted.** Gasoline Stations and Automobile Service Stations, as defined in Article 2, PROVIDED such accessory uses and services are conducted within a completely enclosed building.

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(C) **Site Development Requirements.** The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:

(1) **Minimum Site Size.** Twenty-five thousand (25,000) square feet with a minimum width of one hundred fifty (150) feet.

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(2) **Site Location.** The proposed site shall have at least one (1) property line on a major thoroughfare as defined herein or classified on the Master Plan for Peninsula Township.

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(3) **Building Setback.** The service station building, or buildings, shall be set back forty (40) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district.

(4) **Access Drives.** No more than one (1) driveway approaches shall be permitted directly from any major thoroughfare nor more than one (1) driveway approach from any other public street.

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(a) Driveway approach widths shall not exceed thirty-five (35) feet measured at the property line.

(b) Driveways shall be located as far from street intersections as practicable, but no less than fifty (50) feet.

Article 6: Standards Applicable to Specific Uses

- (c) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line.
- (d) Any driveway giving access to a single street shall be separated ~~from any other driveway~~ by a landscaped island ~~per Section 10.103~~, with a minimum dimension of twenty (20) feet.
- (5) **Lighting.** All lighting shall conform to the requirements of [Section 8.107](#). (REVISED BY AMENDMENT 175B)
- (6) **Signs.** Signs as allowed by [Article 11](#).
- (7) **Off-Street Parking.** As provided in [Article 9](#).

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Section 6.112 Golf Courses and Country Clubs (currently Section 8.7.3(4))

- (A) Golf Courses and Country Clubs, other than golf driving ranges and miniature golf courses, ~~are~~ subject to the following conditions:
 - (1) **Site Area and Access.** The site area shall be seventy-five (75) acres. ~~For golf courses with more than nine (9) holes, the site shall be an additional seventy-five (75) acres, per each additional nine (9) holes. The site~~ shall be so designed as to provide all ingress and egress directly onto or from a county primary roadway or state trunk line.
 - (2) **Site Plan.** A site plan of the proposed development shall be submitted ~~and reviewed in accordance with Section 14.102~~. Such site plan shall indicate the location of service roads, entrances, driveways, and parking areas and shall be so designed in relationship to the major arterial that pedestrian and vehicular traffic safety is encouraged.
 - (3) **Development Standards.** Development features shall be shown on said site plans, including the principal and accessory buildings, structures, and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property; all principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line of abutting residentially-zoned lands.
 - (4) **Swimming Pool.** Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially-zoned property lines and shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

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Section 6.113 Greenhouses and Nurseries (Retail Sales) (NEW SECTION)

Article 6: Standards Applicable to Specific Uses

- (A) Site Area.** There shall be no maximum size limitation for a greenhouse structure. Lot coverage for all structures, including greenhouse structures, associated with such a use; however, shall not exceed forty (40) percent.
- (B) Structures.** All greenhouse structures shall conform in construction and design to the current accepted national industry standards for such structures, and shall be cleaned and maintained on a regular basis, including but not limited to a routine and spot replacement program for damaged, torn or faded materials and parts.
- (C) Wholesale Sales.** Wholesale sales of annual and perennial plants shall be permitted, provided that retail sales shall also be a principal component of the use of the site.
- (D) Fertilizer Applications and Other Similar Applications.** In addition to all environmental and performance requirements in this Ordinance, fertilizing and other similar application processes shall conform to all applicable Federal, State or other environmental guidelines.
- (E) Hours of Operation.** Operating hours of such uses shall be limited to normal business hours and may be permitted to vary dependent upon location, season and amount of daylight. All such limits shall be noted on the site plan.
- (F) Equipment Operation and Storage.** All mechanical or motorized equipment operated in conjunction with such uses shall be stored in an enclosed buildings or adequately screened from rights-of-way and adjacent residentially zoned or used properties. Unless part of a commercial agriculture operation, equipment shall be operated outdoors only between the hours of 7:00 a.m. and 9:00 p.m.
- (G) Merchandise and Material Storage.** Merchandise or materials shall be stored in an enclosed building or sufficiently screened from rights-of-ways and adjacent residentially-zoned or -used properties to minimize noise, odor, smoke, dust, visual, storm water runoff and other impacts. The Planning Commission may require screening by additional setbacks or buffering pursuant to [Section 10.103](#). The only exceptions to this requirement shall be for planted or seasonal, ground- or bench-level, displays, subject to such terms as shall be designated and noted on and approved with the site plan and subject to such other requirements of this Ordinance as may be applicable. Temporary sales and seasonal sales of holiday trees and similar items shall be subject to such other requirements of this Ordinance as may be applicable.
- (H) Outdoor Stacks and Piles of Bulk Materials.** Outdoor stacks and piles of bulk materials, including but not limited to soil, sand, mulch, peat moss and stones, as well as bagged and/or boxed items, shall not be located in front of principal building(s), shall not be located where visible from any right-of-way or residential district or use, shall not be located within any required rear or side yard setbacks, shall be enclosed on at least three (3) sides by retaining walls or other permanent containment structures with concrete bases, shall be not greater than six (6) feet in height and shall be covered at all times with material capable of minimizing smoke, dust, storm water runoff and other impacts. All outdoor stacks and piles shall be not greater than six (6) feet in height, except materials may be stacked to a height of fourteen (14) feet provided the materials above six (6) feet in height are packaged or wrapped, neatly stacked, not accessible to customers, and are on a rack designed to safely store the materials.

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Article 6: Standards Applicable to Specific Uses

(I) Pedestrian and Vehicle Access. Sidewalks and off-street parking and loading areas, whenever located, shall at all times be kept clear and free of all merchandise, materials and use-related vehicles and equipment.

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Section 6.114 Guest Houses (currently Section 6.2.2(2)(b))

A guest house detached from the dwelling shall not be permitted on the same lot with a single-family dwelling unless the lot has a width twice the normal width, and the guest house is so located as to be qualified as a single-family dwelling in its own right on one-half the width of the lot of the principal dwelling.

Section 6.115 Home Occupation (currently Section 6.2.3(2))

(A) The intent of this Section is to preserve the existing residential characteristics in individual neighborhoods while encouraging some home occupations. Peninsula Township's Master Plan calls for residential neighborhoods that provide for low impact, environmentally sensitive housing that preserves the quality of life currently enjoyed by its residents; consequently, home occupations allowed in these zones should not change the existing characteristics of a given neighborhood. In this regard, home occupations that emit noise, dust, odor or vibrations, discernable at property boundaries, are excluded. Other physical changes such as, retail sales made to the general public, increased light or glare or noticeably increased volume of traffic brought about by a home occupation that would exert a visible, physical impact on a given neighborhood shall not be allowed.

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(1) Permit. A "Home Occupation Permit" shall be obtained from the Zoning Administrator prior to beginning a home occupation and shall be issued to the person conducting the home occupation and shall not run with the land. Such permit shall be revoked should the home occupation at any time not meet the provisions of this Ordinance. Any permit shall become null and void one (1) year after issuing the permit unless the home occupation has been established and is operating.

(2) Allowable Uses Not Requiring a Permit. The following incidental uses are allowed and do not need a permit:

- (a) Garage Sales provided they occur not more than twice in any calendar year.
- (b) Party Sales for the purpose of selling merchandise or taking orders are allowed.
- (c) An Office in the residence is allowed provided there are no employees except family members living at the residence, and further provided that no customers or clients arrive at the residence.

(3) Operator and Employees. Home Occupations are permitted in residential structures when carried on by the residents of the dwelling along with up to two (2) full time equivalent employees within either the dwelling or an accessory building.

Article 6: Standards Applicable to Specific Uses

- (4) **Floor Area.** The area utilized for the Home Occupation shall not exceed one-fourth (1/4) of the floor area of one (1) story of the dwelling including attached garages and excluding porches and decks whether or not the dwelling or an accessory building is so utilized.
- (5) **Outdoor Activities and Storage.** No outdoor activities nor outdoor storage in excess of those normally found in the immediate residential neighborhood shall be allowed in connection with a home occupation. The Zoning Administrator shall make such a determination prior to issuing a land use permit.
- (6) **Environmental Impacts.** Home Occupation activities shall not discharge any odor or dust, nor shall any vibration, noise, glare be discernable at property boundaries and all lighting shall conform to the requirements of Section 8.107, (REVISED BY AMENDMENT 175B)
- (7) **Large Deliveries Prohibited.** Home Occupations shall not be permitted if the occupation would normally have deliveries or pick-ups by semi-trailer.
- (8) **Hazardous or Controlled Substances.** No hazardous or controlled substances or materials shall be used or stored on the premises unless prior approval is obtained from proper authorities.
- (9) **Limited Sales.** No retail sales shall be permitted on the premises; however, incidental sales previously made off-premises or by phone or internet may be picked up at the premises. Direct sales of products off display shelves or racks is not allowed.
- (10) **Parking.** No more than four (4) vehicles shall be parked in the driveway at any given time except for personal or private activities. Parking spaces shall be provided so that no cars are parked on the lawn or on the shoulders of the road.
- (11) **Instruction in a Craft or Fine Art Permitted.** The occupants of a residence may give instruction in a craft or fine art within the residence, provided that the other requirements of this section are met and a Home Occupation Permit is issued. Sales of incidental items related to the instruction are allowed.
- (12) **Residential Character Preserved.** In no event shall the use of a building for a home occupation alter the residential character of the building nor shall it require external alterations, construction or repair of any kind such as, converting a garage door into a store front with display windows, which is not customary to residential use.
- (13) **Garages.** Existing garages shall be retained for inside parking of vehicles. (REVISED BY AMENDMENT 135)

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Section 6.116 Hotels, Motels, and Tourist Courts (currently 8.10)

- (A) **Statement of Intent.** It is the purpose of this section to establish reasonable requirements for transient lodging facilities (excluding of bed and breakfast establishments) in the C-1, Commercial District. It is intended that those regulations will provide for such facilities in the Township that are appropriate in scale and location so as to not create undue traffic

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Article 6: Standards Applicable to Specific Uses

congestion, noise of other interference with the predominantly rural and residential character of the Township.

(B) Qualifying Conditions.

- (1) **Minimum Floor Area.** Each guest room shall contain not less than two hundred fifty (250) square feet of floor area.
- (2) **Maximum Guests Per Unit.** The maximum number of guests per unit shall not exceed five (5) persons.
- (3) **Minimum Lot Area.** The minimum lot size shall be five (5) acres with a minimum width of three hundred (300) feet.
- (4) **Maximum Lot Coverage.** All buildings, including accessory buildings, shall not occupy more than ten percent (10%) of the net area within property lines.
- (5) **Minimum Yard Dimensions.** All buildings shall set back no less than one hundred fifty (150) feet from any street line, and no less than sixty (60) feet from any side or rear property line.
- (6) **Maximum Building Height.** The maximum building height shall be two ~~and one-half (2.5)~~ stories, ~~and shall not exceed thirty-five (35)~~ feet.
- (7) **Site Screening.** The site may be closed by open structure wood or wire fences along any yard line, but shall not exceed six (6) feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line, except for headlight screening which shall not be closer than thirty (30) feet.
- (8) **Lighting.** All lighting shall conform to the requirements of ~~Section 8.107~~, (REVISED BY AMENDMENT 175B)
- (9) **Accessory Uses.** Uses such as swimming pools and other outdoor recreational uses, meeting rooms, restaurants, taverns or bars, and a caretaker's or proprietor's residence shall be permitted provided that these uses are located on the same site as the principal use to which they are accessory. Appropriate permits shall have been obtained from regulating County or State agencies.
- (10) **Well and Septic System.** Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by owner.
- (11) **Fire Safety.**

Commented [PS29]: The current height limit of 28 feet will encourage flat roof hotels, which will not meet the character of the township. We recommend requiring the height to be the same as the C-1 district. Therefore, the proposed height would be 2.5 stories and 35 feet. By allowing a height the same as the C-1 district, better architectural quality can be achieved without the need for the applicant to seek a variance.

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Article 6: Standards Applicable to Specific Uses

- (a) All transient lodging facilities shall conform to the Michigan State Construction Code sections regarding fire safety.
 - (b) An on-site water supply shall be available and meet the requirements of the Peninsula Township Fire Department.
 - (c) A floor plan drawn to an architectural scale of not less than 1/8" = 1 foot shall be on file with the Fire Department.
 - (d) Each operator of a transient lodging facility shall keep a quest registry which shall be available for inspection by the Zoning Administrator and police and fire officials at any time.
 - (e) Master keys for all rooms shall be available at all times.
- (12) Fencing or Planting Buffer.** In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained in addition to the requirements of Article 10.
- (13) Rental of Recreational Equipment.** Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
- (14) Activities and Outdoor Gatherings.** Activities made available to guests shall be on the lot used for the facility. Outdoor gatherings of guests or other individuals shall be limited to two hundred (200) guests, and carried on in such a manner and at such hours as to not be disruptive to neighboring properties.
- (15) Density of Development.** The maximum number of rental units which may be developed at any single location shall be twenty (20). Accessory uses shall be as approved as a part of the special use permit approval process.
- (16) Parking.** Parking shall meet the requirements of Article 9.
- (17) Additional Requirements.** Such developments shall meet the requirements of [Section 7.109\(A\)](#) and [Section 7.109\(D\)](#). (REVISED BY AMENDMENT 137B)

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Section 6.117 Incinerators and Sanitary Landfills (currently Section 8.7.3(1))

Where permitted by Federal or State law, incinerators and sanitary landfills located in Peninsula Township shall meet the following requirements:

- (A)** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes and requirements of the Health Department.

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Article 6: Standards Applicable to Specific Uses

- (B) All uses shall have a site rehabilitation plan approved by the Township. The rehabilitation plan shall include a plan for planting trees in a manner that will create a woodland over the long term, which will assist in slope stabilization and ground absorption rates.
- (C) All uses shall be enclosed by a chain link fence six (6) feet or more in height for the entire periphery of the property, with a staggered double row of eight (8) foot high evergreens spaced not more than fifteen (15) feet apart and planted outside of the fence.
- (D) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form.
- (E) The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize the wear on public roads, to minimize traffic hazards, and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise), upon adjacent properties.
- (F) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.

Section 6.118 Institutional Structures and Uses (currently Section 8.6)

(A) **Authorization.** The Township Board may authorize the construction, maintenance and operation in any Residential or Agricultural district of certain institutional uses specified in this Section by the issuance of a special use permit, PROVIDED compliance is had with procedures and requirements in [Section 14.103](#). Such institutional uses are limited to the following, viz:

- (1) **Religious Institutions.** Churches or similar places of worship, including associated child care centers or day care centers (see Section 6.104), convents, parsonages and parish houses, and other housing for clergy.
- (2) **Educational and Social Institutions.** Public schools (unless preempted by State law) and private schools, including associated child care centers or day care centers, auditoriums and other places of assembly, and centers for social activities. Provided private schools, child and day care centers (see Section 6.104) within the residential and agricultural zone district meet the following requirements:
 - (a) Such uses shall be duly licensed by the State of Michigan.
 - (b) Fencing of outdoor play areas may be required should it be determined that conditions exist in the immediate vicinity which could be hazardous to the user children, or if the public hearing on the application for a special use permit indicates objectionable trespass could occur onto neighboring properties by the user children.
 - (c) The minimum lot size shall be one (1) acre.

(3) **Public Buildings and Service Installations.** Publicly owned and operated buildings (except recreation buildings in conjunction with the uses permitted in Section 6.128) and public

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<#>A special use permit for this purpose shall be good for the period of one (1) year. The Zoning Administrator may renew the permit annually unless in receipt of written complaints regarding the land use, in which event the applicant must repeat the original procedure for approval.¶

Article 6: Standards Applicable to Specific Uses

utility buildings and structures, transformer stations and substations, radio, television and micro-wave towers, and gas regulator stations. ~~Wireless Communications towers and facilities shall not be considered Public Buildings or Service Installations for purposes of this Ordinance. (REVISED BY AMENDMENT 118C)~~

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- (4) Mission Point Lighthouse and Lighthouse Park.** (ADDED BY AMENDMENT 180) Retail sales shall be allowed in a gift shop located within the existing Mission Point Lighthouse, provided:
 - (a)** Items sold shall be limited to merchandise relating to the Mission Point Lighthouse, Michigan lighthouses, and local history.
 - (b)** The Township Board may authorize the sale of other items related to the lighthouse park.
 - (c)** Net proceeds from the gift shop shall be placed in a designated fund to be used for operation and maintenance of the Mission Point Lighthouse and Lighthouse Park.
 - (d)** No general funds may be used for the operation of the gift shop.

Commented [PS31]: Having examples of permitted items could be considered exclusive and difficult for the Township to administer. Because these regulations apply to only 1 site, its effect is very limited.

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Section 6.119 Indoor Recreation (NEW SECTION)

Indoor recreation facilities, such as, but not limited to, bowling establishments, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, arcades, and similar indoor recreation uses shall comply with the following regulations:

- (A) Setbacks.** Indoor recreation uses shall be set back a minimum of two hundred (200) feet from any property line which abuts a residential district.
- (B) Adverse Impacts.** The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.
- (C) Access.** Indoor recreation uses shall have direct access onto a major thoroughfare.

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Section 6.120 Junk Yard (NEW SECTION)

Junk yards are subject to compliance with Ordinance No. 41, Peninsula Township Junk Ordinance, the provisions of all Township codes and Ordinances and safety standards of the State and County, and the following requirements which are intended to protect the environment, ensure pure air and clean groundwater and otherwise protect nearby residential, business, office, industrial and institutional uses from hazards and from noise, dust or other radiated disturbances:

- (A)** All junk yards shall have solid masonry obscuring wall of at least eight (8) feet in height, of one (1) uniform color and meeting the Building Code standards, constructed at least fifty (50) feet from the side and rear lot line. A greenbelt shall also be planted and maintained outside of said wall pursuant to Section 10.103.

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Article 6: Standards Applicable to Specific Uses

(B) Where a junk yard has frontage on a road or highway, the a solid masonry obscuring wall of at least eight (8) feet, or one (1) uniform color and meeting the Building Code standards, shall be setback not less than one hundred fifty (150) feet from said road or highway right-of-way or easement line. A greenbelt shall also be planted and maintained outside of said wall pursuant to [Section 10.103](#) and a twenty (20) foot greenbelt planting strip, composed of evergreen or deciduous trees and shrubs as described in [Article 10](#), shall be planted and maintained outside of said wall, except where entrance and exit driveways are located, in order to screen the junk yard activities from the road or highway. A sales and or office building for keeping business records of the junk yard operation is permitted in the setback area noted above provided that front and side setback requirements of the district are met. Said twenty (20) foot setback shall be landscaped and bermed pursuant to requirements of [Section 10.103](#). Such greenbelt may eliminate all or part of the aforementioned greenbelt planting strip requirements adjacent to the solid masonry wall if in the opinion of the Planning Commission, at time of site plan review, sufficient screening is provided.

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(C) Junk material shall be stored a minimum distance of twenty (20) feet from any industrial or airport zoned property line. Storage of such materials on any site shall not be piled higher than the height of the eight (8) foot masonry wall or fence feet. A roadway shall be provided, paved, graded and maintained from the street to the rear of the property to permit free access of fire trucks at any time.

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(D) There shall be no burning of tires, vehicle bodies, wiring, oil or waste products on the site, and all industrial processes, including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

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(E) All trucks and other vehicles shall be stored or parked within the required walled or fenced enclosure.

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(F) All truck loading and unloading shall be performed within the required walled or fenced enclosure.

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(G) The operator of the junk yard shall be responsible to clean up all debris and junk accidentally deposited on any public right-of-way within one (1) mile of the junk yard site.

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(H) There shall be compliance with all site plan review requirements under [Section 14.102](#).

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Section 6.121 Keeping of Domestic Pets (currently Section 6.2.2(5))

The keeping of domestic pets is permitted in all agricultural and residential districts, 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.

Section 6.122 Kennels (NEW SECTION)

The following regulations shall apply to Kennels:

Article 6: Standards Applicable to Specific Uses

(A) Lot Size. The lot on which any such kennel is located shall be a minimum of five (5) acres in size.

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(B) Breeding. Breeding of animals shall be restricted to no more than two (2) litters per year.

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(C) Setbacks. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least one hundred (100) feet from any dwellings or buildings used by the public on adjacent property.

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(D) Kennels Prohibited in Subdivisions and Site Condominiums. Regardless of lot size, private kennels shall not be permitted in platted subdivisions and site condominiums.

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(E) Operation. Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.

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(F) Lot Size. The lot on which any such kennel is located shall be a minimum of two (2) acres in size. If more than four (4) animals are housed in the kennel, an additional one (1) acre shall be required for every additional ten (10) animals (or fraction thereof).

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(G) Sound Control. All animals shall be contained in a building which is fully soundproofed, using insulation, soundboards, and acoustic tile.

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(H) Odor Control. Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.

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Section 6.123 Local Food Production Facility (NEW USE)

(A) Statement of Intent. The intent of this section is to provide agricultural land owners the ability to create and/or expand an agricultural related business for the production, processing and sales of farm products grown by local farmers. It is intended to have economic practices consistent with the Township's rural character while protecting the general public's health, safety, and welfare.

Deleted: It is the intent of this subsection to promote a thriving local agricultural production industry and preservation of rural character by allowing construction and use of a Farm Processing Facility. The Farm Processing Facility use includes retail and wholesale sales of fresh and processed agricultural produce but is not intended to allow a bar or restaurant on agricultural properties and the Township shall not approve such a license. The majority of the produce sold fresh or processed has to be grown on the specific farm operation (land owned or leased for the specific farm operation) of the party owning and operating the Specific Farm Processing Facility. Eighty-five (85) percent of the produce sold fresh or processed has to be grown on Old Mission Peninsula. Activities such as weddings, receptions and other social functions for hire are not allowed, however, participation in approved township wide events is allowed. It is not the intent to grant any vested interest in non-agricultural uses of any structure built for a Farm Processing Facility. This amendment is not intended to supersede any Conservation Easement. (REVISED BY AMENDMENT 181)

(B) Development and Use Standards. To preserve the health, safety, and welfare of the community, the following regulations shall limit the physical location and design characteristics of a Local Food Production Facility:

(1) Building Size Limit. The footprint of the Local Food Production Facility structure shall be limited to six thousand (6,000) square feet. Pre-existing structures may be utilized for a Local Food Production Facility if the structure's location is in compliance with the requirements of Section 6.123(B)(6) and the applicant can demonstrate that the proposed structure is in compliance with the standards of the Grand Traverse Construction Code Office.

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(2) Impervious Surface Coverage Limit. The maximum surface area of the Local Food Production Facility's impervious surface coverage shall not exceed five percent (5%) of the subject parcel.

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Article 6: Standards Applicable to Specific Uses

(3) Retail Area Limits. The retail space of the Local Food Production Facility shall not exceed fifteen hundred (1,500) square feet and shall include the following restrictions:

(a) No less than fifty percent (50%) of the overall retail space shall be used to display products produced on and by the on-site Local Food Production Facility.

(b) No less than eighty-five percent (85%) of the overall retail space shall be used to display products produced within and by an Old Mission Peninsula farm operation.

(c) The sale of non-agricultural items and products which require a permit from the Michigan Liquor Control Commission are prohibited.

(4) Limitations on Sources of Produce. A majority of the produce processed and sold shall be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Local Food Production Facility. The sale of non-agricultural items and products which require a permit from the Michigan Liquor Control Commission are prohibited.

(5) Parcel Requirements. The host parcel must meet the minimum lot area requirements for an agricultural zoned parcel unless said parcel is recognized as a legal nonconforming parcel of record.

(6) Setbacks. Structures utilized for any part of the production or retail portion of the facility shall maintain the following minimum setbacks:

(a) Front Yard Setback. 100 feet.

(b) Side and Rear Yard Setback: 50 feet.

(c) Minimum of 200 feet from any pre-existing residential structure on an adjoining property.

(7) Parking. Parking shall comply with [Article 9](#) of the Zoning Ordinance.

(8) Lighting. All lighting shall conform to the requirements of [Section 8.107](#).

(9) Signs. All signage shall meet the standards of [Article 11](#).

(10) Access. Access to the site shall be directly from a public road. A driveway permit from the County Road Commission or MDOT shall be required before a land use permit can be issued.

(11) Data and Records. The owner of the specific Local Food Production Facility shall annually provide data and records to the Planning & Zoning Department showing compliance with the requirements of this section related to the source of produce. This documentation shall be supplied to the Township on a form provided by the Planning & Zoning Department.

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<#>¶
<#>**Retail and Wholesale Sales.** Retail and Wholesale Sales (including tasting) of fresh or processed agricultural produce is allowed subject to the requirements of subsection (b) 2 and further provided:¶
<#>¶
<#>The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance;¶
<#>¶
<#>Grape wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to "Old Mission Peninsula" appellation wine meaning 85% of the juice will be from fruit grown on Old Mission Peninsula;¶
<#>¶
<#>Fruit wine, other than grape wine, that is processed, tasted and sold in a Farm Processing Facility under this section is limited to wine bearing a label identifying that 85% of the juice is from fruit grown on Old Mission Peninsula;¶
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<#>Approval Process.¶

Article 6: Standards Applicable to Specific Uses

~~(12) Residence within a Local Food Production Facility. One (1) single-family dwelling may be allowed on the parcel utilized for the Local Food Production Facility. The single-family dwelling may be allowed as part of the Production Facility provided no other dwelling units exist upon the subject property.~~

~~(13) Federal, State, and Local Compliance. Property owners shall demonstrate compliance with all applicable standards of the Grand Traverse County Construction Code Department, Health Department, Road Commission, Soil Erosion Office, and any other applicable Local, State, or Federal agency requirements.~~

~~(14) Retail Hours of Operation. Hours of operation of the retail area shall be no later than 9:30 p.m.~~

Section 6.124 Marinas (currently Section 8.7.3(5))

(A) Marinas in C-1 District.

- (1) All sites shall be located on a major thoroughfare, as defined herein or classified on the Master Plan of Peninsula Township, and all ingress and egress to the site shall be from said thoroughfare.
- (2) All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- (3) Whenever any use permitted herein abuts property within any Residential District, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential property. Plant materials, grass, and structural screens or fences of a type approved by the Township Board shall be placed within said transition strip.
- (4) A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Township Board.

Section 6.125 Mobile Homes (On Individual Lots: currently Section 6.7.2(3); In Residential Districts; currently 8.9)

- (A) Provided the mobile home shall meet the requirements of the Nation Manufactured Housing Construction and Safety Standards Act (24 CFR part 3280) and bear a HUD label so indicating.
- (B) Statement of Intent. It is the purpose of this section to establish reasonable requirements for mobile homes located outside of licensed mobile home parks and the A-1 District to assure that the mobile home, when located upon the particular site, would compare favorably to other housing in such things as aesthetics, insulation, adequacy of plumbing, size of living space, protection from wind storm damage, quality of manufacture, a solid foundation under the same, obscurity of the wheels and chassis and a community standard size lot.

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¶ <#>The dwelling and Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above.¶
¶ <#>The dwelling shall be the only dwelling on the 20 acre parcel containing the farm processing facility.¶
¶ The maximum height of the structure shall be 35 feet or 2 ½ stories whichever is less.

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Article 6: Standards Applicable to Specific Uses

(C) Zones in Which Mobile Homes are permitted. Mobile homes as defined in [Article 2](#) shall be permitted subject to the provisions and requirements hereafter set forth in the following zones, viz: R-1A; R-1A, PUD; R-1B; R-1B, PUD; R-1C, PUD; R-1D, PUD.

(D) Qualifying Conditions.

- (1) Each mobile home shall bear a label required by Section 3282.362(c) (2) of the Federal Manufactured Home Procedural and Enforcement Regulation. Mobile homes shall meet the requirements of the National Manufactured Housing Construction and Safety Standards Act (24 CFR part 3280) and bear a HUD label so indicating.
- (2) Each mobile home shall be installed pursuant to the manufacturer's setup instruction and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- (3) Within ten (10) days following installation, all towing mechanism shall be removed from each mobile home. No mobile home shall have any exposed undercarriage or chassis.
- (4) Each mobile home shall have a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
- (5) Each mobile home shall have within the perimeter wall a full or partial basement; any space not occupied by a basement shall have a full concrete slab which may be used as a crawl space for storage purposes.
- (6) All construction and all plumbing, electrical apparatus and insulation within and connected to each mobile home shall be of a type and quality conforming to the "Manufactured Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (7) **Exterior Finish, Light Reflection.** Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance; provided, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.
- (8) **Minimum Width.** The minimum elevational width shall be twenty-four (24) feet.
- (9) Each mobile dwelling shall be aesthetically compatible in design and appearance with other residences in the adjacent area as defined in [Article 2](#), particularly with regard to foundation treatment, siding and roofing materials and perimeter walls. Compatible materials such as siding, screen walls, etc. may be added to assure aesthetic compatibility with other structures.

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Article 6: Standards Applicable to Specific Uses

(10) The compatibility of design and appearance shall be determined by the Peninsula Township Planning Commission and Township Board. The Planning Commission and Township Board shall base their decision on the character, design and appearance of residential dwellings in adjacent areas of the Township.

(11) **Aesthetic Compatibility Checklist.** The Peninsula Township Planning Commission and Township Board shall use a checklist to determine the compatibility of a proposed mobile home with conventional structures in coterminous areas. The township Clerk shall furnish copy of the blank form of checklist without charge upon request.

Section 6.126 Mobile Home Parks (currently Section 8.2 and Section 7.2.6)

(A) **Statement of Intent.** Mobile home park developments have special characteristics which require full consideration of their locational needs, their site layout and design, their demand upon community services, and their relationship to and effect upon surrounding uses of land. Compliance shall be had with all of the procedures and applicable requirements stated in Section 14.103 and the additional requirements of this Section.

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(B) **Uses That May Be Permitted.** Any mobile home development may include any or all of the following uses, PROVIDED that a plan of the proposed development is approved by the State of Michigan in accordance with Act No. 96, Public Acts of 1987, as amended, and PROVIDED FURTHER that said development plan can meet the standards of this Section.

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(1) **Mobile Homes.** "Mobile Homes" means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. "Mobile home" does not include a pick-up camper, travel trailer, motor home, modular homes, recreational vehicle, converted bus, tent trailer, or other transportable structure designed for temporary use.

(2) One permanent building for conducting the operation and maintenance of the mobile home park development and such other accessory buildings including a caretaker's residence as may be necessary for the normal operation of the mobile home development.

(3) **Parking requirements.**

(a) Parking shall be prohibited on any street or access lane.

(b) No visitor vehicles shall be parked or stored within any required open space between mobile homes or any drive or street within the mobile home park.

(c) Space between mobile home units may be used for parking of motor vehicles provided that such space is paved and meets the requirements of Article 9 of this Ordinance.

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Article 6: Standards Applicable to Specific Uses

(d) Off-street group parking facilities shall be within three hundred (300) feet of all mobile home lots intended to be served.

(C) **Site Development Requirements:** All mobile home park developments shall comply with the following site development and maintenance requirements, viz:

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(1) **State Law.** The development shall comply with all requirements of Act ~~96~~, Public Acts of ~~1987~~, as amended. In cases where higher standards have been adopted by the Township and approved by the Mobile Home Commission, the higher standards shall prevail.

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(2) **Plans.** A preliminary plan filed in conformance with the requirements of Section 11 of the "Mobile Home Commission Act" shall be filed with the Zoning Administrator at the time of the filing of application for a special use permit.

(3) **License.** Every mobile home park shall be licensed by the ~~State of Michigan~~ as required by Rule 802 of the General Rules of the Michigan Mobile Home Commission.

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(4) **Site Size.** Any mobile home park development shall have a site of at least fifteen (15) acres.

(5) **Site Location.** Access to the mobile home park development site location shall be from a public thoroughfare only. Said Access shall be designed with a capacity to safely and effectively handle any increased traffic which may be generated by the mobile home park development.

(6) **Park Yard Dimension.** Mobile home developments shall also meet the zoning requirements of ~~Section 6.126~~ and ~~Section 7.109~~ of this Ordinance.

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(7) **Site Access.**

(a) Each mobile home park development shall be provided with a paved entrance or exit drive off a public thoroughfare.

(b) Said entrance or exit drives shall be located no closer than one hundred twenty-five (125) feet from the intersection of any two (2) public thoroughfares.

(8) **Space Requirements.**

(a) The mobile home park shall be developed with sites having an average of 5,500 square feet per mobile home site being served.

(b) Said 5,500 square foot average may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet.

(c) For each square foot of land gained through the reduction of the site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in

Article 6: Standards Applicable to Specific Uses

no case shall the open space requirement be less than that required under R 125.1946, Rule 946, of the Michigan Administrative Code.

(9) Yard Requirements. No mobile home unit shall be located closer than twenty-three (23) feet from any private street or roadway, ten (10) feet from a side site line, or ten (10) feet from a rear site line.

(10) Wood Burning Heating Systems. The installation of wood burning heating stoves or furnaces shall require a permit issued by the Grand Traverse County Construction Code Office.

(11) Park Roads.

(a) Each mobile home lot or premises shall have access to a park driveway, roadway or street which shall be paved to a minimum width of twenty-four (24) feet; however, no parking shall be permitted on said roadway or street.

(b) If a one-way street pattern is proposed and adopted, then the street width may be paved to a minimum of sixteen (16) feet.

(12) Mobile Home Unit Lot Improvement. Each mobile home unit shall occupy at least a single lot size and shall comply with the following, viz:

(a) All parking areas within the mobile home park shall be clearly defined.

(b) Each mobile home unit shall have skirting or equal treatment which shall be fire resistant, vented, and have access panels.

(13) Building Height. No mobile home unit or other building or structure shall exceed twenty-five (25) feet in height; excepting that, one permanent building in the mobile home park development used for conducting the business operation may contain two (2) stories with a maximum height of thirty-five (35) feet.

(14) Lighting. All lighting shall conform to the requirements of Section 8.107, (REVISED BY AMENDMENT 175B)

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(15) Heating. All above-ground fuel tanks shall be suitably screened.

(16) Mobile Home Unit Sales.

(a) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited.

(b) New or used mobile homes located on lots within the mobile home park may be sold by a licensed dealer and/or broker.

(c) This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development provided the development permits the sale.

Article 6: Standards Applicable to Specific Uses

(17) Occupancy. No completed mobile home unit shall be occupied until a park license covering the occupied site has been issued by the State of Michigan.

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(18) Periphery Setbacks (Section 7.2.6).

(a) Intent. It is the intent of this Ordinance that residential developments other than conventional subdivisions be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the township in which they are located, and that such a use will not change the essential character of the area in which it is proposed. In as much as mobile home parks may involve higher densities of land use, abut agricultural land, or have building types that distinctly differ from the single-family, conventionally-built dwellings which predominate the Township, periphery setbacks for such developments are established.

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(b) General Setbacks. All buildings including mobile home park development shall be placed at least fifty (50) feet from any public right-of-way line for existing roadways bordering a site, and at least thirty (30) feet from any development boundary line which is not a public road right-of-way. Setback spaces shall be occupied by plant materials and appropriately landscaped.

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(c) Setback from Agricultural Areas. Planned unit developments abutting agricultural areas shall meet the setback requirements of Section 7.109.

Section 6.127 Public and Private Conservation Areas (NEW SECTION)

Uses and structures are limited to the conservation of water, soils, open space, forest, and wildlife resources.

Section 6.128 Public Areas, Public Parks, and Public Recreation (currently Section 6.7.2(13))

Public areas, public parks, and public recreation areas shall include forest preserves, game refuges, and similar public uses of low-intensity character.

Section 6.129 Recreational Unit Parks and Campgrounds (currently Section 8.4)

(A) Intent and Purpose. To provide for the rental of spaces for Recreational Units in a Recreational Unit Park. Recreational Unit Parks are normally operated on a seasonal basis, however limited winter operations are also customary. The Recreational Unit Park shall be subject to the procedures and requirements in [Section 14.103](#). This type of park is a "Destination Type" of park where lots can be rented for more than a few days and renters are there to enjoy the natural character of the Township. Buffers are required to protect permanent residents of the area from the nuisance aspects associated with the transient use of Recreational Unit Parks, such as increased traffic and noise. Recreational Unit Parks are for temporary use and are not intended for permanent occupancy.

Article 6: Standards Applicable to Specific Uses

(B) **Site Development Requirements.** Site developments shall comply with the provisions of Act ~~368~~ of the Public Acts of ~~1978~~, as amended (an Act to license and regulate campgrounds), and also with the following, viz:

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(1) **Frontage.** A Recreational Unit Park shall have a minimum of three hundred thirty (330) feet of frontage on a county road or state highway.

(2) **Perimeter Setbacks and Buffering.** The Recreational Unit Park shall provide a two hundred (200) foot setback from all property lines for structures and Recreational Unit sites. Not less than ~~two (2)~~ staggered rows of evergreen trees ~~planted not more than fifteen (15) feet apart~~ shall be planted and maintained within fifty (50) feet of the property lines, and ~~such evergreen trees shall be at least eight (8) feet in height at the time of planting.~~

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(3) **Entrance Road and Interior Roads.** The entrance road and interior roads shall meet either Peninsula Township Private Roads Standards or County Road standards, and shall meet the Commercial Driveway Entrance requirements of the County Road Commission or State Department of Transportation.

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(4) **Entrance and Exit Through Subdivision or Condominium Prohibited.** Recreational Unit Park entrances and exits shall not be through a subdivision or condominium.

(5) **Entrance Requirements.** There shall be either:

- (a) Two separate road entrances connecting a continuous interior road; or
- (b) One entrance and a loop road beginning within one hundred (100) feet of the public road serving the park.

(6) **Minimum Lot Area.** The minimum parcel size for a Recreational Unit Park shall be twenty (20) acres.

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(7) **Maximum Number of Recreational Unit Sites.** The maximum number of sites shall be two hundred (200).

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(8) **Time Limit on Rental of Unit Sites.** Spaces in a Recreational Unit Park shall be rented by the day or week only and no recreational unit or occupant of such space shall remain in the same park for a period of more than thirty (30) days in a six-month period.

(9) **Prohibited Rentals.** No motorized off-road vehicles ~~(e.g., snowmobiles, 4-wheelers, etc.)~~, water craft, or snowmobiles shall be rented or used on the property.

(10) **Winter Rentals.** Winter operations are permitted provided that all utilities, including central toilet and shower facilities, are provided during winter operations.

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(11) **Flammable Liquid Sales Prohibited.** ~~Sales of bottled gas and other flammable liquids are prohibited on the premises. However, the sale of firewood and charcoal is permitted.~~

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Article 6: Standards Applicable to Specific Uses

(12) **Emergency and Fire Protection Plan Required.** A plan for emergencies and fire protection shall be submitted with the application. The emergency and fire protection plan shall be reviewed by the Township Fire Chief and the Chief's comments submitted during Township review. The plan shall include the following information, at a minimum:

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- (a) Fire/Emergency Equipment access to each recreational unit site.
- (b) Emergency access to the Management facility.
- (c) Water storage tank on site or alternate water source to supply water for firefighting.
- (d) Fire rings provided on all recreational unit sites where campfires are to be allowed.
- (e) Emergency telephone service is provided in a visible, convenient location.
- (f) Fire extinguishers at the headquarters building and at each public station facility building.

(13) **Passive Outdoor Activities Only.** All outdoor activities shall be limited to passive uses such as hiking, cross-country skiing, volleyball, basketball, tennis, and horse shoes.

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(14) **Shared Access.** If shared access is provided, each site having shared access privileges shall be considered as a separate family under the shared access provisions of this Ordinance.

(15) **Perimeter Fence Required.** The Recreational Unit Park shall be fenced with a minimum six (6) foot high chain link fence, or as determined by the Township Board. The fence does not have to be on the perimeter of the Park, but does have to enclose areas that area used by sites or for recreational use, such as trails.

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(16) **Underground Utilities Required.** All utilities shall be placed underground.

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(17) **Sewage Dumping Station.** A sewage dumping station shall be provided and shall be subject to the review and approval of the Grand Traverse County Health Department, however it shall not be located closer than (50) feet from the management building.

(18) **Ejectricity and Drinking Water.** Electricity and drinking water shall be provided to each recreational unit site designed for a travel trailer, motor home, or similar recreational vehicle.

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(19) **Minimum Recreational Unit Site Dimensions.** Each recreational unit site shall contain a minimum of one thousand five hundred (1,500) square feet, except that the minimum size for sites specifically designed for tents shall be three thousand (3,000) square feet. The minimum space dimensions per unit are:

- (a) Width – thirty (30) feet
- (b) Depth – sixty (60) feet
- (c) These dimensions shall be increased as necessary to accommodate larger vehicles so that there is no less than eight (8) feet between a tent or recreational vehicle and the perimeter of the rental space. This eight (8) foot area (16 feet between recreational units) shall be planted with a row of shrubs and a minimum of two (2) trees per recreational unit site line.

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Article 6: Standards Applicable to Specific Uses

(20) **Parking Surface.** Parking spaces for recreational units other than tents shall either be paved or covered with a minimum of 4" of packed stone.

(21) **Parking Spaces.** Each site shall have a parking space for at least one (1) vehicle other than the recreational unit.

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(22) **Recreational Unit Site Identification.** Each recreational unit site shall be numbered, with numbers shown on the site so as to be readily available to emergency personnel.

(23) **Lighting.** All lighting shall conform to the requirements of [Section 8.107](#). (REVISED BY AMENDMENT 175B)

(24) **Entrance Way Sign.** An sign located at the entrance is allowed and shall comply with [Article 11](#).

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(25) **Headquarters Building Parking.** Parking for the headquarters building shall comply with [Article 9](#).

(C) Support Uses.

(1) **Headquarters Building.** One (1) headquarters building may be allowed on the premises, and may contain the following uses:

- (a) Management headquarters, (including a Manager's Residence provided it meets the existing residential size requirements of the Zoning Ordinance).
- (b) Laundry facilities.
- (c) Vending machines are allowed, but not a Convenience store.
- (d) Indoor recreation area.
- (e) Swimming pool.

(2) **Public Station Facilities.** Public station facilities, housed in all-weather structures, shall be provided for the use of recreational unit park registered guests only and shall contain adequate water outlet, toilet, waste container, and shower facilities. Public station facilities shall be provided uniformly throughout the site at a ratio of not less than one (1) such station for each one hundred (100) sites. A public station facility may be included in the headquarters building or in a separate structure(s).

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(3) **Limitations on Support Uses and Support Use Buildings:**

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- (a) Support use buildings and the parking area primarily related to their operations shall not occupy more than one-tenth of one (0.1) percent of the area of the park.
- (b) Uses shall be restricted to occupants of the recreational unit sites.

Article 6: Standards Applicable to Specific Uses

- (c) Support use buildings shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
- (d) Support use buildings shall be screened from view of a public road or any adjacent residential district.

(D) Accessory Uses.

- (1) Uses and structures customarily incidental to the operation of a Recreational Unit Park may be allowed at the discretion of the Township Board as accessory uses.
- (2) An indoor or outdoor swimming pool may be allowed for registered guests of the Recreational Unit Park.

(E) Development and Site Plan Requirements. The site plan shall include the information required in Section 14.102(B).

(F) Phased Development. Where a Recreational Unit Park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as concepts for any subsequent stages.

Section 6.130 Remote Winery Tasting Rooms (currently Section 8.7.3(12))

- (A) **Statement of Intent.** It is the intent of this subsection to allow wine tasting in a tasting room that is not on the same property as the winery with which is associated and to establish reasonable standards for the use.
- (B) **Minimum Lot Size.** There shall be a minimum parcel size of five (5) acres for a Remote Winery Tasting Room.
- (C) **Residential and Other Uses Prohibited.** The five acre parcel shall not have another use such as housing, but may have grapes or other farm crops.
- (D) **Building Compatibility with Surrounding Area.** The building used for the wine tasting, shall be in keeping with the neighborhood character. Preliminary building elevations shall be submitted to the Planning Commission. The Planning Commission shall base its decision on structures within one-half mile of the proposed structure and shall consider roof type, pitch, color, and also siding type and color.
- (E) **Minimum Associated Land and Agricultural Area.** The tasting room and the parcel shall be under the same single ownership, and in addition, there shall also be a minimum of 150 acres in Peninsula Township under that ownership and a minimum of 50% of the 150 acres shall be in active agricultural use.

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- ->Name, address and telephone number of applicant.¶
- ->Interest of the applicant in the proposed Recreational Unit Park.¶
- ->Location, address and legal description of the entire proposed Recreational Unit Park.¶
- ->Existing zoning of subject property and all adjacent properties.¶
- ->Complete engineering plans and specifications of the proposed Recreational Unit Park showing:¶
- ->The area and dimensions of the entire tract of land;¶
- ->The land uses occupying the adjacent properties;¶
- ->The number, size and location of the proposed vehicle sites and other parking areas;¶
- ->The location, right-of-way, surfaced roadway width, and the surfacing material of roadways and walkways;¶
- ->The proposed interior vehicular and pedestrian circulation patterns;¶
- ->The location of buildings, sanitary stations, and any other existing or proposed structures;¶
- ->The location of water and sewer lines and riser pipes;¶
- ->Plans and specifications of the water supply, sewage disposal and refuse facilities;¶
- ->Plans and specifications of all buildings constructed or to be constructed within the Recreational Unit Park;¶
- ->The locations and details of lighting, electric, and gas systems;¶
- ->The location of all drainage easements to comply with County Drain Commission requirements; and¶
- ->Solid waste disposal plan.¶

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Article 6: Standards Applicable to Specific Uses

- (F) **Township Winery Management Required.** The Wine Tasting Room must be managed by a Peninsula Township Winery.
- (G) **Tasting Location.** Tasting of wine produced at the winery shall be the only wine tasted in the Tasting Room.
- (H) **Wine Sales.** Sales of wine by the bottle produced at the winery are allowed for off-premises consumption. Sales of wine by the glass is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture and Rural Development permits regarding the sales of limited food items for on-premises consumption. The Liquor Control Commission and the Michigan Department of Agriculture and Rural Development shall control licenses and compliance. (REVISED BY AMENDMENT 181)
- (I) **Non-Food Sales.** Retail sale of non-food items which promote the winery or Peninsula agriculture is permitted, provided each item has the logo of the winery permanently affixed to the item by silk screening, embroidery, monogramming, decals, or other means of permanence. Such logo shall be as large as any other advertising on the item. No generic or non-logo items may be sold. Promotional items allowed may include corkscrews, wine glasses, gift boxes, t-shirts, bumper stickers, etc.
- (J) **Food Sales.** Retail sale of packaged food items allowed in addition to bottled wine are those which contain wine or fruit produced in Peninsula Township. Such food items shall be produced in a licensed food establishment and properly labeled including the winery logo as the dominant logo. Such food items shall be intended for off premise consumption. Such allowed packaged food items may include mustard, vinegar, non-carbonated beverages, etc.
- (K) **Signs.** Signs and other advertising shall comply with Article 11. (REVISED BY AMENDMENT 120B) (REVISED BY AMENDMENT 121)

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Section 6.131 Rental of Non-Owner Occupied Dwellings (currently Section 6.2.2(2) (e))

- (A) **Intent.** This is a clarifying provision 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 an owner occupied dwelling.
- (B) A property owner may rent a non-owner occupied dwelling, provided that the minimum length of time that the dwelling may be rented is thirty (30) consecutive days.

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Section 6.132 Roadside Stands (currently Section 6.7.2(8))

- (A) Roadside stands selling regionally grown fresh and/or processed farm produce, raw forest products, cut flowers, potted plants, agricultural and forest products, but excluding items of a kind that are not grown regionally, and also excluding non-agricultural items and products the

Article 6: Standards Applicable to Specific Uses

sale of which requires a permit from the Michigan Liquor Control Commission. Roadside stands are subject to the following terms and conditions: (REVISED BY AMENDMENT 95)

- (1) The stand is not over 150 square feet in area. The 150 square foot area may be within a larger existing structure, so long as the larger structure meets all the setback requirements of the Agricultural District.
- (2) Awnings up to 4 feet projection from the stand structure may be used on three sides of the structure. In the event that the 150 square feet is part of a larger structure the awning is allowed only on the portion making up the 150 square feet.
- (3) There shall be a ratio of 1 parking space per 25 square feet of structure to the maximum 150 square feet. There shall be a minimum of five (5) parking spaces available and clearly marked with adequate turn around, so that all vehicles are furnished parking off the public right-of-way.
- (4) No land use permit is required for a roadside stand if the structure is less than 25 square feet in area.
- (5) If the roadside stand is less than twenty five (25) square feet in area or is larger than twenty five (25) square feet but is only left in place seasonally, the roadside stand may be located adjacent to the front lot line rather than meeting the front setback required by [Article 4](#).
- (6) It is the intent of this section to provide only for the limited seasonal sale of agricultural and related products, but not to encourage the size of investment in equipment that would require a commercial zone. (REVISED BY AMENDMENT 86)

Section 6.133 Self Service Storage Facility (currently Section 6.6.5)

- (A) **Intent.** The Self-Service Storage Facility provides space for the dead storage of personal goods left for a period of time. A number of people desire storage in addition to that normally provided with their residence such as: Excess furniture after moving from a larger to a smaller dwelling; Storage of automobiles, boats, recreational vehicles, and all kinds of miscellaneous bulky possessions. There are commercial businesses that need places to store old records and files. A Self-Service Storage Facility is to be located in one of the existing commercial areas in Bowers Harbor, Mapleton, and Old Mission, or in an area adjacent to these areas that is rezoned for commercial expansion. This is consistent with the Township Master Plan Commercial Policies.
- (B) **Uses.** Rental Space for dead storage of personal property only and no business activity other than rental of storage units shall be conducted on site.
- (C) **Standards.**
- (1) **Prohibited Uses.** Rental storage units shall not be used for the servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment; or for office, retail, manufacturing or other similar uses.

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Article 6: Standards Applicable to Specific Uses

- (2) **Prohibited Activities.** No activities such as miscellaneous or garage sales shall be conducted on the premises.
- (3) **Indoor Storage Required.** All storage uses shall be inside an enclosed building.
- (4) **On-Site Residence for Resident Manager.** An on-site residence for a resident manager may be approved by the Township Board as part of the business.
- (5) **Required Lease Provisions.** The lease shall include a statement of allowed uses and uses that are not allowed by this Section.
- (6) **Manager Required.** There shall be a designated manager to provide a security function; to insure that the conditions of the lease are met, and that the Self-Service Storage Facility is used for its designated purpose.
- (7) **Resident Manager Required.** For Self-Service Storage Facilities with storage area of 20,000 square feet or more, a residence for a resident manager shall be required on the site as shown on an approved site plan.
- (8) **Minimum Lot Size.** Minimum Lot Size shall be 45,000 square feet with a minimum width of 150 feet. (e.g., 80 10' by 20' units = 16,000 square feet, with a 35% lot coverage by structures requires a minimum lot area of 45,715 square feet.)
- (9) **Setbacks.** Existing C-1 Zone Setbacks Front - 35'; Side 10'; Rear 30'. 35% lot coverage by structures.
- (10) **Fencing.** Security fencing shall not include electrically charged, barbed wire or razor wire, and shall not be placed in a required front yard setback area.
- (11) **Separation Distance.** Spacing between structures shall be a minimum of 20 feet and emergency access shall be provided to at least three sides of all structures.
- (12) **Lighting.** All lighting shall conform to the requirements of Section 8.107, (REVISED BY AMENDMENT 175B)
- (13) **Signs.** Signs shall comply with Article 11.
- (14) **Vehicle Access.** Access drives shall be designed to handle automobiles, vans, light trucks, and other two-axle vehicles. Access to all structures shall be as determined by the Township Board in consultation with the Peninsula Township Fire Chief.
- (15) **Water and Sewer/Septic Prohibited for Storage Units.** Self Service Storage Facility shall not have water or sewer/septic facilities connected to any of the storage units.

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Article 6: Standards Applicable to Specific Uses

Section 6.134 Sewage Treatment and Disposal Installations (currently Section 8.7.3(2))

- (A) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes.
- (B) All operations shall be completely enclosed by a chain link fence not less than six (6) feet high, with a staggered double row of eight (8) foot high evergreens spaced not more than fifteen (15) feet apart and planted on the outside of the fence.
- (C) All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials and structural screens shall be placed on to minimize the appearance and odors of the installation. The Township Board shall approve all treatment of transition strips.

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Section 6.135 Special Open Space Uses (currently Section 8.7.3(3))

- (A) The proposed site shall be at least two (2) acres in area.
- (B) The proposed site shall have at least one (1) property line abutting a major or secondary thoroughfare. All ingress and egress to the site shall be directly from said thoroughfares.
- (C) All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass, and structural screens of a type approved by the Township Board to effectively screen the installation from surrounding residential properties.
- (D) No more than twenty-five (25%) percent of the gross site shall be covered by buildings.

Section 6.136 Tenant Houses (currently Section 6.7.2(12))

Tenant house shall be part of farm property for full-time farm employees associated with principal use and subject to the same height and setback requirements as the principal dwelling.

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Section 6.137 Warehousing and Light Industrial (currently Section 8.7.3(7))

- (A) **Uses allowed.** (REVISED BY AMD 131)
 - (1) Printing and publishing establishments.
 - (2) Small contractors' establishment having no outdoor storage of materials or equipment.
 - (3) Wholesale and limited retail activities related to on-site warehousing. High volume retail sales normally accommodated in the other retail districts would not be allowed.

Article 6: Standards Applicable to Specific Uses

- (4) Research facilities, provided there is no use of radioactive, toxic, or explosive materials.
- (5) Computer operations.
- (6) Small warehousing structures such as controlled atmosphere apple storage or storage for food products processed in a food processing plant located on the farm, provided that the storage structures shall only be used for agricultural products grown on Old Mission Peninsula. (REVISED BY AMENDMENT 131)
- (7) Light manufacturing operations employing twenty-five (25) or less.
- (B) Enclosed Buildings.** Activities in this District shall be carried on in completely enclosed buildings.
- (C)** Noise emanating from a use in this District shall not exceed sixty (60) decibels at any property line.
- (D)** Uses in this District shall conform to the following standards:
 - (1) Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions.
 - (2) Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
 - (3) Produce no heat or glare humanly perceptible at or beyond the lot boundaries.
 - (4) Produce no physical vibrations humanly perceptible beyond the lot boundaries.
 - (5) Shall be compatible with and in the best interest of farming uses either in general or on specific contiguous lands.
- (E) Supporting Evidence Required.** In all instances in which the Planning Commission or the Town Board considers the ability of a proposed use to meet all the requirements of this Section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his application. If such evidence is not presented, the land use permit shall not be issued.

Section 6.138 Winery, Use by Right (currently Section 8.7.3(10) and Section 6.7.2(19) – currently a “Farm Processing Facility”)

(A) Statement of Intent: The purpose of this section is to provide agricultural land owners within the Township an opportunity to produce, market, wholesale and retail their alcohol related value-added products upon new or existing farm operations. The intent of this section is to increase the usage of agricultural lands within Peninsula Township for the creation of farm products and the promotion of the Township’s agricultural economy by requiring that the majority of the produce sold fresh or processed has to be grown on the specific farm operation

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Article 6: Standards Applicable to Specific Uses

(land owned or leased for the specific farm operation) of the party owning and operating the Use by Right Winery. This section also intends to afford a Use by Right Winery accessory land uses. This section is not intended to supersede any Conservation Easement.

(B) Site Development Standards: In order to establish a Use by Right Winery and preserve the health, safety, and welfare of the community, the following regulations and development standards must be met:

(1) Owner-Operated. A Use by Right Winery shall be owner-operated.

(2) Minimum Lot Area. A total of forty (40) acres of agriculturally-zoned land (which may include the public road rights-of-way) in Peninsula Township are required to be devoted to the operation of a Use by Right Winery. The required forty (40) acres shall be owned or leased by the same party owning the associated Use by Right Winery and may consist of one (1) or two (2) parcels. The Use by Right Winery host parcel must be at least twenty (20) acres. If there are two (2) parcels supporting the Use by Right Winery, the non-host parcel need not be contiguous to the host parcel, but shall be agriculturally-zoned and located in Peninsula Township. None of the minimum forty (40) acres shall be used to satisfy acreage density or open space requirement of any other use in the Township while the Use by Right Winery use is in effect.

(3) Lot Width. The host parcel containing a Use by Right Winery shall have a minimum lot width of 330 feet of frontage on a public road.

(4) Minimum Arable Land. Not less than seventy-five percent (75%) of the Use by Right Winery site shall be arable land, and not less than sixty-five percent (65%) of the arable land of the site shall be used for the active production of perennial crops that can be used for wine production.

(5) Dwelling Permitted. There shall be not more than one (1) house on the host parcel containing the Use by Right Winery and no more than one (1) house on a non-host parcel associated with the Use by Right Winery.

(6) Lease Requirements. If any land dedicated to the Use by Right Winery is leased, the lease shall grant exclusive control and use to the operator of the Use by Right Winery. The lease shall be for a minimum of one (1) year. The lease shall be recorded with the Grand Traverse County Register of Deeds and a copy submitted to the Planning & Zoning Department.

(7) Setbacks. Structures and parking areas supporting the Use by Right Winery shall maintain the following minimum setbacks:

(a) Front Yard Setback: Fifty (50) feet.

(b) Side and Rear Yard Setback: One hundred (100) feet.

(c) Minimum of two hundred (200) feet from a preexisting residential structure on neighboring property.

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Article 6: Standards Applicable to Specific Uses

(8) Building Areas. The total floor area above finished grade (including all stories) of the Use by Right Winery shall be limited to a maximum of twelve thousand (12,000) square feet, which may be comprised of a single building or multiple buildings. Underground buildings are not limited to, and may be in addition to, the total square footage limitations of the Use by Right Winery provided that said buildings are below pre-existing ground level and has no more than one (1) loading dock exposed. If the Use by Right Winery is established within a preexisting structure that is greater than the twelve thousand (12,000) square feet, then the operation may utilize up to twelve thousand (12,000) square feet of said structure for the Use by Right Winery if the following regulations can be met:

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(a) The applicant can demonstrate that the proposed structure is in compliance with the standards of the Grand Traverse Construction Code Office, Health Department, Road Commission and any other applicable permitting agencies; and

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(b) The structure's location is in compliance with the underlying district's zoning setbacks.

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(9) Parking and Access. Parking and access drives shall be a paved and striped with the appropriate size and bulk requirements of *Article 9*.

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(10) Lighting. Onsite lighting shall be in compliance with *Section 8.107* of this Ordinance.

(11) Signs. Signage shall be in compliance with *Article 11*.

(12) Source of Produce:

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(a) Not less than eight-five percent (85%) of the grapes utilized to make the wine produced, tasted, and sold at a Use by Right Winery shall have originated from Peninsula Township. A majority of the produce processed and sold shall be grown on the land owned or leased for the associated farm operation by the same party owning and operating the specific Use by Right Winery.

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(b) Any fruit beverage shall meet the same source requirements as grape wine included in this section.

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(c) Alcoholic beverages shall be produced and bottled at the Use by Right Winery and in compliance with all applicable Federal and State laws.

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(d) Sparkling wine or sparkling juices may be "finished" and bottled off site.

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(e) Dried fruit, a minimum of eighty-five percent (85%) by weight which is grown on Old Mission Peninsula and a minimum of fifty percent (50%) by weight which is grown on the associated farm, may be dried off premises and sold in the Use by Right Winery retail room, provided no more than the amount of fruit sent out for this processing is returned for retail sale.

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Article 6: Standards Applicable to Specific Uses

(13) **Data & Records.** The owner of the specific Use by Right Winery shall annually provide data and records to the Zoning Administrator showing compliance with the above regulations related to source of produce. This documentation shall be supplied to the Township on a form approved by the Planning & Zoning Department.

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(14) **Natural Disaster Provisions.** If crop conditions or natural disaster result in a shortage of locally-grown crop for a particular year, the Township Board may approve a larger proportion of produce grown off the land owned or leased for a specific farm operation by the same party owning and operating the a farm operation for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five (5) years.

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(15) **Accessory Uses.** Accessory uses of a Use by Right Winery are intended to help in the promotion of Peninsula Township agriculture by identifying farm products produced within the Township, providing an educational experience describing Peninsula agriculture, and allowing consumption of Peninsula farm products by visitors to the facility.

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(a) **Tasting Room.** A Use by Right Winery shall have not more than one (1) tasting room onsite, which shall be subject to the following:

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(i) The tasting room shall utilize a maximum of two thousand (2,000) square feet. A tasting room can be separate or attached to the Use by Right Winery.

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(ii) An outdoor service area is permitted in addition to the square footage of the Use by Right Winery and its size shall not exceed the indoor tasting room's floor area.

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(iii) Sales of wine by the glass in a tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture and Rural Development permits regarding the sales of limited food items for on-premises consumption.

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(iv) The tasting room shall have the ability to include wine tours of the Use by Right Winery and/or other Peninsula agricultural locations to further promote their farm products.

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(b) **Retail Sales.** Retail Sales shall be allowed outside of the tasting room in a separate room and may be the lesser of five hundred (500) square feet or twenty-five percent (25%) of the tasting room, and are subject to the following:

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(i) Fifty percent (50%) of the retail space shall be used to display products produced on and by the specific farm operation.

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(ii) Additional merchandise sold shall be directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail.

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Article 6: Standards Applicable to Specific Uses

- (iii) Logo merchandise shall be allowed in an area no greater than twenty (20) percent of the retail space and provided that the logo is prominently displayed and permanently affixed to the merchandise. ← Formatted: Heading 7
- (c) Dwellings. A maximum of one (1) single-family dwelling shall be allowed on a parcel dedicated to the Use by Right Winery, with a limit of two (2) single-family dwellings on the total forty (40) acre site dedicated to the Use by Right Winery. A single-family dwelling may be allowed as part of a structure containing a Use by Right Winery provided the following requirements are met: ← Formatted: Heading 6

 - (i) The dwelling and Use by Right Winery combined shall comply with the setback and building area requirements established above. ← Formatted: Heading 7
 - (ii) The dwelling shall be the only dwelling on the host parcel. ← Formatted: Heading 7
 - (iii) The maximum height of the structure shall be 35 feet or 2 ½ stories whichever is less. ← Formatted: Heading 7
- (d) Accessory Buildings. In addition to the Use by Right Winery's building size limitation noted above, agricultural accessory structures may be built to protect equipment and materials associated with the farm operation provided these structures are not accessible to the public. ← Formatted: Heading 6
- (e) Township Wide Events. Participation in "Township Wide Events" such as "Blossom Days" as specifically approved by the Township Board shall be allowed. ← Formatted: Font: Not Bold
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- (f) Guest Activity Uses. The Township Board may approve Guest Activity Uses (activities by persons who are not registered guests) as an additional accessory use, provided that all guest activity uses shall include agricultural production promotion as part of the activity and shall be subject to the following: ← Formatted: Font: Bold
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 - (i) Agricultural production promotion shall identify "Peninsula Produced" food or beverage that is consumed by the attendees, provide "Peninsula Agriculture" promotional materials, and include tours through the winery and/or other peninsula agricultural location. ← Formatted: Heading 7
 - (ii) Kitchen facilities shall be used for on-site food service related to guest activity uses but shall not be used as an off-site catering service. ← Formatted: Heading 7
 - (iii) No alcoholic beverages, except those produced on the site, are allowed with guest activity uses. If alcohol is served, it shall only be served with food. ← Formatted: Heading 7
 - (iv) Food served during a Guest Activity Use shall require the host operation to comply with all local health department and/or State permits and regulations. ← Formatted: Heading 7
 - (v) The sale of wine by the bottle during a social gathering shall not be consumed on premises. ← Formatted: Heading 7

Article 6: Standards Applicable to Specific Uses

(vi) Guest Activity Uses shall take place during normal operating hours of the Use by Right Winery and shall conclude by 9:30 p.m.

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(vii) Guest Activity Uses at any single event shall be limited to the lesser of fifty (50) people or the fire safety maximum as determined by the Fire Marshall.

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(viii) Guest Activity Uses shall take place within a on the same forty (40) acre site as the Use by Right Winery in a designated indoor and/or outdoor area, but shall not take place within any identified tasting room area as specified on an approved site plan.

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(ix) Schedules for Guest Activity Uses shall be provided to Planning & Zoning Department on a monthly basis and prior to taking place.

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(x) The Use by Right Winery shall host no more than twenty (20) Guest Activity Uses annually and there shall not be more than two (2) gatherings scheduled per calendar week.

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(xi) No amplified music shall be allowed to take place at a guest activity use. Additionally, any sound generated from a guest activity use must be in compliance with Peninsula Township's Noise Ordinance No. 40.

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(xii) Parking to support guest activity uses shall be in compliance with Article 9.

(g) Temporary Structures. No temporary structures including tents or canopies are permitted on-site unless the Township Board approves the usage of such measures during the hosting of a Township wide event open to the general public such as the Blessing of the Blossoms, Harvest Days, etc.

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(h) Prohibited Rentals. Rental of snowmobiles, ATVs, vehicles, boats and other marine equipment, and similar recreational vehicles in conjunction with the operation of the establishment shall be prohibited.

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(i) Hours of Operation. All accessory uses shall take place during normal operating hours of the Use by Right Winery and shall conclude by 9:30 p.m.

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(j) Outdoor Display Prohibited. Outdoor displays of merchandise or equipment are prohibited.

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(C) Vested Interest. There shall be no vested interest in non-agricultural uses of the structures. Structures shall only be used for allowed uses in the A-1 Agriculture District in the event that the Use by Right Winery use is abandoned.

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(D) Approval Process. An application in conformance with Section 14.101 shall be submitted to and reviewed by the Zoning Administrator.

Article 6: Standards Applicable to Specific Uses

(1) A preliminary Use by Right Winery Land Use Permit shall be issued upon a showing that the minimum requirements of Section 14.101 and this section have been met.

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(2) No processing or sales of products shall take place until a final Use by Right Winery Land Use Permit has been issued by the Zoning Administrator. Such final Use by Right Winery Land Use Permit shall not be issued until copies of all permits required by State, Federal and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an on-site inspection to verify compliance with all the requirements of the Zoning Ordinance.

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(E) **Violations and Penalties.** Any violation of the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 14.107, serve as grounds for closing the retail operation, including tasting, portions of the use by the Township Board. In the event of any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within thirty (30) days from the date of the notice, then the Township Board shall require the owner to close all retail sales operations on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate.

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Section 6.139 Winery-Chateau (currently Section 8.7.3(10)/NEW)

(A) **Statement of Intent.** The purpose of this section is to provide agricultural land owners within the Township an opportunity to process and sell their alcohol related value-added products upon new or existing farm operations. This type of operation is intended to promote the local agricultural production industry while preserving the rural character of the Township. It is also the intent of this section to provide Winery-Chateaus the ability to host Guest Activity Uses and overnight guests when appropriate measures are taken to manage said guest services. All land uses supported by the Winery-Chateau shall be demonstrated in a manner which blends harmoniously with the surrounding agricultural character and its land uses.

Deleted: It is the intent of this section to permit construction and use of a winery, guest rooms, and single family residences as a part of a single site subject to the provisions of this ordinance. The developed site must maintain the agricultural environment, be harmonious with the character of the surrounding land and uses, and shall not create undue traffic congestion, noise, or other conflict with the surrounding properties.

(B) **Site Development Standards:** In order to establish a Winery-Chateau and preserve the health, safety, and welfare of the community, the following regulations and development standards must be met:

Deleted: The use shall be subject to all requirements of Article VIII, Section 8.5, Food Processing Plants in A-1 Districts and the contents of this subsection. Data specified in Section 8.5.2, Required Information, shall be submitted as a basis for judging the suitability of the proposed plan. Each of the principal uses shall be subject to the terms and conditions of this ordinance except as specifically set forth herein.

(1) **Owner-Operated.** A Winery-Chateau shall be owner-operated.

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(2) **Minimum Lot Area.** The minimum site shall be fifty (50) acres of contiguous agriculturally-zoned land in the township, which shall be planned and developed as an integrated whole. None of the minimum fifty (50) acres shall be used to satisfy acreage density or open space requirement of any other use in the Township while the Winery-Chateau use is in effect.

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(3) **Lot Width.** The Winery-Chateau facility shall have at least three hundred thirty (330) feet of frontage on a state or county road.

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Article 6: Standards Applicable to Specific Uses

(4) Minimum Arable Land. Not less than seventy-five (75%) percent of the site shall be arable land, and not less than sixty-five percent (65%) or arable land of the site shall be used for the active production of perennial crops that can be used for wine production, such as fruit growing on vines or trees.

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(5) Principal and Residential Support Uses.

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(a) Principal Winery-Chateau Use. The Winery-Chateau shall be the principal use and building on the site and shall have an on-site resident manager.

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(b) Residential Support Uses. Guest rooms, manager's residence, and single-family residences shall be allowed as support uses on the same property as the Winery-Chateau. In addition to the principal and support uses, accessory uses for each such use shall be permitted as stated herein, provided that all such accessory uses shall be no greater in extent than those reasonably necessary to serve the principal use.

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(c) For purposes of computation, the principal and each residential support use identified above shall be assigned an "area equivalent" as set forth herein. The total "area equivalent" assigned to the principal uses shall not exceed the actual area of the site. "Area equivalents" shall be calculated as follows:

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(i) Winery. Five (5) acres or the actual area to be occupied by the winery including parking, whichever is greater

(ii) Manager's Residence. Five (5) acres. The manager's residence shall not contain or be used for rental guest rooms.

(iii) Single-Family Residences: Five (5) acres. The number of single family residences shall not exceed six (6).

(iv) Guest Rooms. Five (5) acres for each 3 rooms, not to exceed a total of twelve (12) guest rooms. All guest rooms shall have floor areas greater than two hundred fifty (250) square feet. Maximum occupancy shall be limited to five (5) persons per unit. No time sharing shall be permitted.

(6) Setbacks. Structures and parking areas supporting the Winery-Chateau shall maintain the following minimum setbacks:

(a) Front Yard Setback: Fifty (50) feet.

(b) Side and Rear Yard Setback: One hundred (100) feet.

(c) Minimum of two hundred (200) feet from a preexisting residential structure on neighboring property.

(7) Building Areas. The building area utilized to support the Winery-Chateau may be comprised of a single building or multiple buildings on the same site. If the Winery-

Article 6: Standards Applicable to Specific Uses

Chateau is established within a preexisting structure, then the operation may utilize the entirety of said structure if the following regulations can be met:

(a) The applicant can demonstrate that the proposed structure is in compliance with the standards of the Grand Traverse Construction Code Office, Health Department, Road Commission and any other applicable permitting agencies; and

(b) The structure's location is in compliance with the underlying district's zoning setbacks.

(8) Parking and Access. Parking and access drives shall be a paved and striped with the appropriate size and bulk requirements of Article 9. Site access shall be limited to two (2) access points off of a public road and subject to approval by Grand Traverse County Road Commission, MDOT, or any other applicable government agency.

(9) Lighting. All lighting shall conform to the requirements of Section 8.107.

(10) Signs. Signs as allowed by Article 11.

(11) Fencing and Planting Buffer. In addition to the requirements of Article 10, in the event that the Township Board determines that noise generation may be disturbing to neighbors or that the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that additional fencing and/or plant buffering be constructed and maintained.

(12) Well and Septic System. Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by the owner.

(13) Setback Between Guest Accommodations and Agricultural Crops. A two hundred (200) foot setback shall be maintained between guest accommodations and facilities and agricultural crops, unless it is demonstrated that a lesser setback can be maintained which will provide for an equal level of protection from agricultural activities to residents, visitors, and guests of the Winery-Chateau. Upon such demonstration, the Township Board may permit a lesser setback.

(14) Source of Produce:

(a) A majority of the produce processed and sold shall be grown on the land owned or leased for the associated farm operation by the same party owning and operating the specific Winery-Chateau.

(b) Alcoholic beverages shall be produced and bottled at the Winery-Chateau and in compliance with all applicable Federal and State laws.

(c) Sparkling wine or sparkling juices may be "finished" and bottled off site.

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Article 6: Standards Applicable to Specific Uses

(d) Dried fruit, a minimum of eighty-five percent (85%) by weight which is grown on Old Mission Peninsula and a minimum of fifty percent (50%) by weight which is grown on the associated farm, may be dried off premises and sold in the Winery-Chateau retail room, provided no more than the amount of fruit sent out for this processing is returned for retail sale.

(15) Data & Records. The owner of the Winery-Chateau shall annually provide data and records on to the Zoning Administrator showing compliance with the above regulations related to source of produce. This documentation shall be supplied to the Township on a form approved by the Planning & Zoning Department.

(16) Natural Disaster Provisions. If crop conditions or natural disaster result in a shortage of locally-grown crop for a particular year, the Township Board may approve a larger portion of produced grown off the land owned or leased for a specific farm operation by the same party owning and operating the farm operation for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five (5) years.

(17) Accessory Uses. Accessory uses of a Winery-Chateau are intended to help in the promotion of Peninsula Township agriculture by identifying farm products produced within the Township, providing an educational experience describing Peninsula agriculture, and allowing consumption of Peninsula farm products by visitors to the facility.

(a) Tasting Room.

- (i) A tasting room can be separate or attached to the Winery-Chateau.
- (ii) An outdoor tasting area is permitted as part of the Winery-Chateau and can be no larger than four thousand (4,000) square feet.
- (iii) Sales of wine by the glass in the tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture and Rural Development permits regarding the sales of limited food for on-premises consumption.
- (iv) The tasting room shall have the ability to include wine tours of the Winery-Chateau and/or other Peninsula agricultural locations to further promote their farm products.

(b) Retail Sales. Retail Sales shall be allowed outside of the tasting room in a separate room and may be the lesser of one thousand (1,000) square feet or twenty-five percent (25%) of the tasting room, and are subject to the following:

- (i) Fifty percent (50%) of the retail space shall be used to display products produced on and by the specific farm operation.

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<#>In addition to the agricultural production on the minimum acreage required for the Winery-Chateau, the winery has grown grapes in Peninsula Township or purchased grapes grown in Peninsula Township equal to 1.25 tons of grapes for each person allowed to participate in Guest Activity Uses.¶
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<#>That all the grapes from (a) above plus the production on the minimum acreage required for the Winery-Chateau have been processed in the winery.¶

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Deleted: such as facilities, meeting rooms, and food and beverage services shall be for registered guests only. These uses shall be located on the same site as the principal use to which they are accessory and are included on the approved Site Plan. Facilities for accessory uses shall not be greater in size or number than those reasonably required for the use of registered guests.

Deleted: The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance. (REVISED BY AMENDMENT 181)

Article 6: Standards Applicable to Specific Uses

- (ii) Additional merchandise sold shall be directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail.
- (iii) Logo merchandise shall be allowed in an area no greater than twenty (20) percent of the retail space and provided that the logo is prominently displayed and permanently affixed to the merchandise.
- (c) Bed and Breakfasts. The operation of a Bed and Breakfast may take place upon the fifty (50) acre site hosting the Winery-Chateau.

 - (i) If the Winery-Chateau incorporates a Bed and Breakfast operation as a component of the business, then the resident onsite manager's dwelling shall be located in the same building as the Bed and Breakfast. The resident on-site manager's dwelling shall not count as one (1) of the possible guest rooms available to the general public.
 - (ii) A Bed and Breakfast operation shall be allocated one (1) guest room per available development right(s) assessed when application for Winery-Chateau is made, with a maximum of twelve (12) rooms. Each guest room shall be a minimum of two hundred fifty (250) square feet in size and support no more than five (5) people per guest room.
 - (iii) In addition to the processing facility's parking requirements, one (1) parking space shall be required for each guestroom.
 - (iv) Food service shall be in compliance with local health department and/or State licensing requirements as they relate to Bed and Breakfasts and shall be exclusive to guests staying within the Bed and Breakfast.
 - (v) All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety as well as the following regulations:

 - a. An on-site water supply shall be available and meet the uniform published standards of the Peninsula Township Fire Department.
 - b. A floor plan drawn to an architectural scale of not less than 1/8" = 1 foot shall be on file with the Fire Department.
 - c. Each operator of a transient lodging facility shall keep a guest registry which shall be available for inspection by the Zoning Administrator and police and fire officials at any time.
 - d. Master keys for all rooms shall be available at all times.
- (d) Accessory Buildings. In addition to the Winery-Chateau's building size limitation noted above, agricultural accessory structures may be built to protect equipment

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Article 6: Standards Applicable to Specific Uses

and materials associated with the farm operation provided these structures are not accessible to the public.

(e) Township Wide Events. Participation in "Township Wide Events" such as "Blossom Days" as specifically approved by the Township Board shall be allowed.

(f) Guest Activity Uses. The Township Board may approve Guest Activity Uses (Activities by persons who may or may not be registered guests) as an additional Support Use, subject to the following:

(i) Guest Activity Uses are intended to help in the promotion of Peninsula agriculture by identifying "Peninsula Produced" food or beverage for consumption by the attendees, providing "Peninsula Agriculture" promotional brochures, maps and awards, and including tours through the winery and/or other Peninsula agriculture locations.

(ii) The number of persons allowed to participate in Guest Activity Uses shall be determined as follows:

a. The Township Board as part of the Special Use Permit approval process shall determine the room(s) provided and a maximum number of attendees for Guest Activity Uses.

b. The maximum number of attendees shall not exceed one attendee for each fifteen (15) square feet of the room or rooms provided for Guest Activity Uses. These rooms shall exclude guest rooms, rest rooms, hallways, stairways, entries, spaces used in the normal operation of wine making and storage, out of doors areas, and any other spaces not usual for guest assembly. In no case will the number exceed one hundred ~~fifteen (15)~~ or the Fire Marshall maximum occupancy, whichever is less.

c. The maximum number of attendees may be less than, but not more than, the maximum number described in (b) above at the discretion of the Township Board based on possible adverse impacts on adjacent properties, lack of parking spaces, or other site specific conditions.

d. A building floor plan showing spaces for all approved uses including the maximum capacity of each shall be attached to the site plan.

(iii) Kitchen facilities may be used for on-site food service related to Guest Activity Uses but ~~shall not be used as an~~ off-site catering service.

(iv) No alcoholic beverages, except those produced on the site, are allowed with Guest Activity Uses. If alcohol is served, it shall only be served with food.

(v) Food served during a Guest Activity Use shall require the host operation to comply with all local health department and/or State permits and regulations.

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Article 6: Standards Applicable to Specific Uses

(vi) Sales of wine by the bottle during a social gathering shall not be consumed on premises.

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(vii) Guest Activity Uses shall take place within a designated indoor and/or outdoor area as specified on the Special Use Permit site plan and located on the same fifty (50) acre site as the Winery-Chateau.

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(viii) The Township Board may consider seasonal weighting of the frequency and/or a maximum number of Guest Activity Uses during the year.

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(ix) Schedules for Guest Activity Uses shall be provided to the Planning & Zoning Department on a monthly basis and prior to taking place.

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(x) No amplified music shall be allowed to take place at a Guest Activity Use. Additionally, any sound generated from a Guest Activity Use must be in compliance with Peninsula Township's Noise Ordinance No. 40.

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(xi) Parking to support Guest Activity Uses shall be in compliance with Article 9.

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(xii) Guest Activity Uses do not include wine tasting and such related promotional activities as political rallies, winery tours, and free entertainment (Example - "Jazz at Sunset") which are limited to the tasting room and for which no fee or donation of any kind is received.

(xiii) Guest Activity Uses are in addition to accessory uses for registered guests that are otherwise allowed.

(xiv) Overnight stays at the Winery-Chateau are not required for these Guest Activity Uses.

(xv) Guest Activity Uses do not include entertainment, weddings, wedding receptions, family reunions, or sale of wine by the glass.

(g) Limited Food Service. No food service other than as allowed above or as allowed for wine tasting may be provided by the Winery-Chateau.

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Deleted: If wine is served, it shall only be served with food and shall be limited to Old Mission Peninsula appellation wine produced at the Winery, except as allowed by Section 6 below.

(h) Temporary Structures. No temporary structures including tents or canopies are allowed on-site unless the Township Board approves the usage of such measures during the hosting of a Township wide event open to the general public such as the Blessing of the Blossoms, Harvest Days, etc.

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(i) Rental of Recreation Equipment: Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, or other recreational vehicles in conjunction with the operation of the establishment shall be prohibited.

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(j) Hours of Operation. All accessory uses, with the exception of overnight guest accommodations, shall take place during normal operating hours of the Winery-Chateau and shall conclude at 9:30 p.m.

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Deleted: Hours of operation for Guest Activity Uses shall be as determined by the Town Board, but no later than 9:30 PM daily.

Article 6: Standards Applicable to Specific Uses

(k) **Outdoor Display.** No outdoor displays of merchandise, equipment or signs are allowed.

(C) **Additional Conditions.** Special Use Permits approved under this section may list any number of restrictions or requirements approved by the Township Board such as additional setback requirements, days of the week restrictions, number of guest activity days per year, or other requirements deemed beneficial to the township or its residents.

(D) **Violations.** Any violation of the Special Use Permit issued for a Winery-Chateau shall, in addition to the provisions of Section 14.107(A), Violations and Penalties, serve as grounds for closing the Guest Activity Uses use by the Township Board. In the event any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, the Township Board shall require the Owner to close all Guest Activity Uses on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board shall deem appropriate.

Section 6.140 Wind Energy Conversion Systems (currently Section 8.7.3(8))

- (A) WECS shall be allowed in all zoning districts.
- (B) In addition to the requirements of Section 14.103, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied dwelling units within 300 feet of the WECS.
- (C) Each special use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - (1) A standard foundation and anchor design or specifications for normal soil conditions; and
 - (2) A detailed parts list; and
 - (3) Clearly written detailed instructions for the assembly, installation, check out, operation and maintenance of the WECS on site; and
 - (4) The list of warning documents required by Section 6.140(H), herein; and

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<#>Activities and Outdoor Gatherings: Activities made available to registered guests shall be on the site used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor activities shall be permitted if conducted at such hours and in such manner as to not be disruptive to neighboring properties.¶

¶

<#>Intent.¶

¶

<#>The current Winery-Chateau section of the ordinance requires 75% of the site to be used for the active production of crops that can be used for wine production such as fruit growing on vines or trees, but does not require that any of the wine produced on the site be made from wine fruit grown on Old Mission Peninsula. To assure that, in addition to the minimum parcel size required for a Winery-Chateau, there is additional farm land in wine fruit production in Peninsula Township if Guest Activity Uses are allowed to take place at a Winery-Chateau facility.¶

¶

<#>Guest Activity Uses are limited to (2) below.¶

¶

<#>Fees may be charged for these Guest Activity Uses.¶

¶

<#>Uses Allowed. Notwithstanding Section 8.7.3 (10) (m); the following Guest Activity Uses may be approved with a Special Use Permit by the Township Board:¶

¶

<#>Wine and food seminars and cooking classes that are scheduled at least thirty days in advance with notice provided to the Zoning Administrator. Attendees may consume food prepared in the class.¶

¶

<#>Meetings of 501- (C)(3) non-profit groups within Grand Traverse County. These activities are not intended to be or resemble a bar or restaurant use and therefore full course meals are not allowed, however light lunch or buffet may be served.¶

¶

<#>Meetings of Agricultural Related Groups that have a direct relationship to agricultural production, provided that:¶

¶

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Article 6: Standards Applicable to Specific Uses

- (5) Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and
 - (6) Underwriters label, where appropriate; and
 - (7) Proof of insurance.
- (D) Electromagnetic Interference.** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub-parts A, D and H).
- (E) Noise.** The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS.
- (F) Setbacks.** No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines and/or property lines than the total distance of the height of the tower and rotor combined.
- (G) Height.** The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be one hundred (100) feet, unless otherwise prohibited by State of Federal statutes or regulations or granted a variance by the Board of Appeals.
- (H) Labeling.**
- (1) The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
 - (a) Equipment weight of the tower subsystem;
 - (b) Manufacturer's name and address;
 - (c) Model number;
 - (d) Serial number;
 - (e) The following tower warning label or equivalent warning: Installation and Maintenance of This Product near Power Lines is a Danger. For Your Safety Follow the Installation and Maintenance Instructions.
 - (f) The survival wind speed in miles per hour and meters per second.
 - (g) Name of installer.
 - (h) Name of person responsible for maintenance.
 - (i) Emergency telephone number in force for G and H above.
 - (2) The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily accessible location:
 - (a) Maximum power input (KW); rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.
 - (b) Manufacturer's name and address;
 - (c) Model number;

Article 6: Standards Applicable to Specific Uses

- (d) Serial number;
 - (e) Emergency and normal shutdown procedures;
 - (f) Underwriters label where appropriate.
- (I) **Ground Clearance.** For both horizontal and vertical axis turbines, and WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.
- (J) **Accessibility.** Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
- (K) **Interconnected WECS.** In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
- (L) **Vibration.** Under no circumstances shall a WECS produce vibrations humanly perceptible beyond the lot boundaries.

Section 6.141 Wireless Communications Facilities (currently Sections 7.12 and 8.7.3(11))

(A) Intent. The Telecommunications Act of 1996, Federal Communications Commission (FCC), and Michigan Zoning Enabling Act set forth provisions concerning placement, location and construction of towers and related facilities for wireless communications services.

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In order that such towers not cause visual pollution or create a safety hazard or reduce property values on adjacent properties, reasonable regulations for the location, use of existing structures (e.g., water towers, school and church steeples, tall buildings), design of structures and towers, is appropriate. Wireless communications service are specifically determined to NOT be essential services nor to be public utilities as such terms are used in this Ordinance.

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Peninsula Township has adopted policies and the voters have approved increased property taxes to purchase development rights on certain farmlands to preserve the agricultural industry, retain the rural character of the township and preserve the unique scenic views of farms and shoreline. A considerable amount of property value in Peninsula Township is directly related to these efforts to retain the scenic qualities, agricultural land and management of growth in the township. It is consistent with these policies and programs to allow towers to be constructed in locations and to such heights that they do not interfere with these efforts to preserve the scenic views and township character.

It is the intent of these regulations to allow antennae to be located on monopoles as short as possible so as to maintain property values on surrounding properties, not impair scenic views, and provide reasonable service to Peninsula Township residents. It is not the intent to create "antennae farms" with a number of monopoles and antennae in a small area.

Article 6: Standards Applicable to Specific Uses

Taller towers may be allowed if it is proven to the satisfaction of the Township Board that reasonable service to Peninsula Township residents cannot be provided by lower monopoles.

It is not the intent to regulate amateur radio antennae under this section.

(B) General Requirements.

(1) Option A. Wireless communications facilities are a permitted use of property and are not subject to special land use approval or any other approval if all of the following requirements are met:

(a) Colocation. The wireless communications facilities may be collocated on an existing wireless communications support structure or in an existing equipment compound, provided the proposed collocation complies with the terms and conditions of any previous final zoning approval by the Township and that the collocation will not do any of the following:

(i) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.

(ii) Increase the width of wireless communications support structure by more than the minimum necessary to permit collocation.

(iii) Increase the area of the existing equipment compound to greater than 2,500 sq. ft.

(b) Existing Facilities. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Township.

(2) Option B. Wireless communications equipment is subject to special land use approval, in accordance with Section 14.103 of the Zoning Ordinance, if the equipment does not meet requirements of Section 6.141(B)(1)(a)(i), (ii), and (iii), but the equipment meets all of the following requirements:

(a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

(b) The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township.

(3) Option C. Wireless communication equipment is subject to special land use approval, in accordance with Section 14.103 of the Zoning Ordinance if the proposal does not involve collocation (e.g., a new facility).

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Article 6: Standards Applicable to Specific Uses

(C) Approval Procedures. The following procedures have been established to achieve approval of a proposed wireless communications facility:

(1) Option A. Option A wireless communication equipment plans require approval by the Zoning Administrator.

(2) Option B. Option B wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures in *Section 14.103* and the following special procedures:

Steps	Action
Step 1	Applicant submits plan and \$1,000 fee.
Step 2	Within 14 days Township administration determines if application is complete.
Step 3	If application is incomplete, administration notifies applicant.
Step 4	If application is complete, administration initiates Special Land Use review by scheduling special land use public hearing. Special land use review must be complete (60) days after the application is considered complete.
Step 5	Township Zoning Administrator and/or Planning Director reviews plan, transmits letter to Planning Commission.
Step 6	Planning Commission reviews plan, makes recommendation to Township Board.
Step 7	Township Board approves or denies application.

(3) Option C. Option C wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures outlined for Option B, except that in Step 4 the special land use review must be complete not more than ninety (90) days after the application is considered complete.

(D) Standards and Conditions. All applications for wireless communication facilities shall be reviewed in accordance with the standards in this Ordinance that apply generally to site plan review and special land use review, and subject to the following standards and conditions. If approved, such facilities shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed by the Planning Commission and Township Board.

(1) Right-of-Way and Access Easement Location Prohibited. Wireless communication towers and equipment shelter buildings shall not be placed in any road right-of-way or in any easement for road purposes.

(2) Zoning Districts. Wireless communication towers and facilities may be located only in the Agricultural A-1 Zone or the Commercial C-1 Zone.

(3) Public Health and Safety. Facilities and/or support structures shall not be detrimental to the public health, safety and welfare.

(4) Harmony with Surroundings and Prohibited Location in Scenic Areas. The entire facility must be aesthetically and architecturally compatible with its environment. No tower shall

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Article 6: Standards Applicable to Specific Uses

be placed in a scenic view area as shown on the Scenic View Map adopted or subsequently amended as part of the Peninsula Township Master Plan. However, if the tower does not exceed forty (40) feet in height, it may only be located in a prime scenic view if its location is adjacent to existing structures, is backed by trees or other vegetation, or is otherwise located so that in the sole discretion of the Planning Commission and Township Board it does not impair the scenic view.

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(5) Compliance with Federal, State and Local Standards. Wireless communication facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics Commission. Wireless communication support structures shall comply with all applicable building codes. All tower proposals of more than thirty-five (35) feet shall be submitted to the Cherry Capital Airport Commission and FAA for review and approval prior to approval by Peninsula Township.

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(6) Maximum Height. The maximum height of a new or modified support structure and antenna shall be no more than required for reasonable communication by the applicant (and by other entities to collocate on the structure) according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. The Township may engage the services of an independent technical and engineering evaluation of the need for a tower. Where the independent evaluation shows that service can be provided by a lower tower or collocation on an existing tower, the tower shall be lowered accordingly or the equipment must be collocated on an existing tower. In no case shall the maximum height of a new or modified support structure and antenna exceed one hundred twenty (120) feet. Higher towers may be permitted, however, only if necessary to achieve collocation. The buildings, cabinets, and other accessory structures shall not exceed a height of twelve (12) feet.

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(7) Minimum Setbacks. All setbacks for the zoning district shall be met and in addition, no new or modified tower shall be placed closer than the total height of the tower from any lot line abutting a residentially-zoned district and 50% of the tower's height from any other lot line.

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Buildings and facilities accessory to the wireless communication facility (other than the support structure) shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

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(8) Access. Unobstructed permanent access to the support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The permitted type of surfacing, dimensions and location of such access route shall be subject to approval by the Planning Commission and Township Board, based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.

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Article 6: Standards Applicable to Specific Uses

(9) Minimum Lot Area. ~~Wireless communication towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner), that have an area no less than the minimum parcel size for the district. The division of property for the purpose of locating a wireless communication facility shall be permitted only if all zoning requirements, including lot size and lot width requirements, are met.~~

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(10) Equipment Enclosure. ~~If an equipment enclosure is proposed as a building or ground-mounted structure, it shall comply the required setbacks and other requirements specified for principal buildings in the Schedule of Regulations for the zoning district in which the facility is located. The use of compatible materials such as wood, brick, or stucco is required for associated support buildings, which shall be designed to architecturally match the exterior of residential structures within the neighborhood. In no case will metal exteriors be allowed for accessory buildings. If an equipment enclosure is proposed as a roof appliance on a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The service building shall be no larger than necessary to house the equipment,~~

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(11) Design Requirements. ~~The support structure and all accessory buildings shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. Accordingly, support structures shall be painted with a rust preventative paint of an appropriate color to harmonize with the surroundings and shall not have lights unless required otherwise by the Federal Aviation Administration (FAA). Equipment buildings shall have a brick exterior. No signs or logos visible from off-site shall be permitted on a support structure. The Township Board may, at its sole discretion, require that the tower be camouflaged to be less obtrusive.~~

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(12) Fencing. ~~The tower and its accessory buildings shall be enclosed by a vinyl-coated chain link fence having a maximum height of six (6) feet with a locked gate.~~

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(13) Structural Integrity. ~~Wireless communication facilities and support structures shall be constructed and maintained in structurally sound condition, using the best available technology, to minimize any threat to public safety.~~

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(14) Maintenance. ~~A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.~~

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(15) Screening. ~~The fenced site shall be completely screened on all sides by evergreen screening consisting of upright arborvitae ("Nigra," "Techny," or "Emerald") planted no farther than three and one-half (3.5) feet apart. The plants shall be at least six (6) feet in height at the time of planting. Other evergreen trees or shrubs may be permitted, provided that the Planning Commission and Township Board finds that the substitute plant material will provide a complete screen around the facility. The Township Board may require additional landscape screening of the service building and fencing.~~

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(16) Underground Wires. ~~With the exception of connecting wires between the equipment enclosure building and the tower via one (1) ice bridge not higher than twelve (12) feet in~~

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Article 6: Standards Applicable to Specific Uses

~~height, all other~~ connecting wires from towers to accessory buildings shall be underground. All electrical and other service wires to the facility shall be underground.

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(17) Monopole Tower Only. The tower itself must be of monopole design, and there shall be no guyed or lattice towers.

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(18) Lighting. Lighting shall be limited to that which is absolutely necessary and required by appropriate agency and shall conform to the requirements of Section 8.107. Strobe lights are prohibited.

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(E) Collocation Provisions. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on Peninsula Township, co-location, or the provision of more than one antenna on a single tower may be allowed and/or required by the Township Board.

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(1) The Applicant shall be required to provide information regarding the feasibility of co-location at proposed sites. Factors to be considered in determining feasibility of co-sharing include available space on existing towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, and any FCC limitations on tower sharing.

(2) The applicant shall be required to send a certified mail announcement to all other tower users in the area, stating their citing needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied or deny space on a tower unless mechanical, structural, or regulatory factors prevent them from sharing.

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(3) Further the applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:

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(a) Respond to any requests for information from another potential shared use applicant;

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(b) Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and;

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(c) Make no more than a reasonable charge for a shared use lease.

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(F) Removal. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

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(1) The maximum time which an unused tower may stand is twelve (12) months. The applicant or owner is responsible for the removal of an unused tower. Failure to do so shall be sufficient for the Township to remove the structure according to the provisions under the Dangerous Buildings Ordinance adopted by the Township. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of

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Article 6: Standards Applicable to Specific Uses

operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

(2) Twelve (12) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.

(a) The situations in which removal of a facility is required, as set forth in Section 6.141(F)(1) above, may be applied and limited to portions of a facility.

(b) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition, removal, and site restoration.

(c) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(G) Application Requirements. Applications shall include the following in addition to any other specific requirements under Section 14.102:

(1) Evidence of Ownership or Lease. Evidence of ownership or lease of the property on which the facility is to be placed.

(2) Name and Address. Name and address of the proposed owner and/or operator of the site.

(3) Service Requirements. Engineering requirements for the service to be provided at the site.

(4) Contact Person. Name, address, and phone number of the person to contact for engineering, maintenance, feasibility of co-location as provided in this section, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

(5) Site Plan. Site plan showing location of all proposed and existing structures on the property, including the location, size, and screening of all buildings, outdoor equipment, and structures.

(6) Landscaping Plan. A detailed landscaping plan illustrating the number, species, location, and size at the time of planting of all proposed trees and shrubs. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

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Article 6: Standards Applicable to Specific Uses

- (7) Design of Structures. Preliminary design of all proposed structures.
- (8) Surrounding Property Owner Information. Name and address of all adjacent property owners within 300 feet of the property.
- (9) Structural Specifications. Structural specifications for the support structure and foundation shall be submitted for review, including a registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 100 miles per hour. The structural specifications shall state the number of various types of antennae capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer.
- (10) Security. The application shall include a description of security to be posted immediately upon issuance of a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as previously noted. The amount of security shall be determined by the Township Engineer. In this regard, the security shall, at the election of the applicant, be in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
- (11) Service Area Documentation. The application shall include a map showing existing and known proposed wireless communication facilities in the Township and in areas surrounding communities, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If such information is on file with the community, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy {MCL 15.243(l)(g)}. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

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↑ <#>The tower is not located in a prime scenic view as shown on the Scenic View Map adopted or subsequently amended as part of the Peninsula Township Master Plan, or; the tower is located in a prime scenic view but its location is adjacent to existing structures, is backed by trees or other vegetation, or is otherwise located so that in the sole discretion of the Planning Commission it does not impair the scenic view.↑

↑ <#>Antennae and/or repeaters may be mounted on existing towers or, if approved by the Planning Commission, on other existing structures.↑

↑ <#>Any application for use of a new or existing tower shall be accompanied by a Registered Engineer's certification of the design and safety of the tower to withstand winds of 100 miles per hour.↑

↑ <#>The tower and/or antenna may be required to be painted or screened if located on a building or structure.↑

↑ <#>The service building is aesthetically and architecturally compatible with its environment.↑

↑ <#>The service building shall be constructed of compatible materials such as wood, brick, or stucco, and shall be designed to architecturally match the exterior of residential structures within three hundred feet of the property on which it is located.↑

↑ <#>In no case will metal exteriors be allowed for service buildings.↑

↑ <#>All connecting wires from towers to accessory buildings shall be underground.↑

↑ <#>All electrical and other service wires to the facility shall be underground.↑

↑ <#>The service building shall be no larger than necessary to house the equipment and meets all setback requirements of this Ordinance.↑

Wireless Telecommunication Antenna Towers over 40 feet in height shall be subject to the Provisions of Section 8.1 in addition to the following standards:↑

↑ <#>All tower, structure locations and design approvals for towers in excess of forty (40) feet shall require a Special Use Permit subject to the provisions of Section 8.1 of this Ordinance and this section.↑

↑ <#>Standards for approval shall include the following in addition to the standards of Section 8.1.↑

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Article 7 General Provisions

Section 7.101 Essential Services (currently Section 5.8)

The Planning Commission shall have the power to permit the erection and use of a building or an addition to an existing building, for a public service corporation or for public utility purposes, in any permitted district and permit the location in any use district of a public utility building, structure or use if the Planning Commission shall find such use, height, area, building or structure in compliance with this Ordinance and reasonably necessary for the public convenience and service. The Zoning Board of Appeals may permit a greater height or a larger area than the district requirement herein established, subject to the requirements of Section 14.104. Wireless Communications towers and facilities, wind energy conversion systems, and solar energy systems shall not be considered Essential Services.

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Section 7.102 Performance Guarantees (currently Sections 5.9, 6.9.6.3, and 7.10.12)

(A) **Performance Guarantee Authorized.** In authorizing any permit, site plan, special use permit, or variance, the Township may require that a performance guarantee be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of approval and to ensure the discontinuance of a temporary use by a stipulated time.

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(B) **Development Agreement for Subdivision, Condominium, PUD, or Other Plan Approval,**

(1) If the Township Board approves a condominium, subdivision, PUD plan, or other plan deemed necessary by the Township to have a development agreement, the Township Board shall instruct the township attorney to prepare a development agreement setting forth the conditions upon which such approval is based; such development agreement, after approval by the Township Board, shall be entered into between the township and petitioner prior to the issuance of a land use permit for any construction in accordance with the approved plan. All reasonable costs, as established by the Township Board, related to the preparation of said development agreement shall be paid by the petitioner to the Township Treasurer prior to issuance of any land use permits.

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(2) As a condition of the approval of the plan by the Township, the petitioner shall furnish a cash bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in the amount of the cost plus an additional 10% of the cost of the proposed improvements to common land, as estimated by the Township, guaranteeing the completion of such improvement within a time to be set by the Township Board.

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(C) **Guarantee of Completion of Required Improvements.** The Township Board shall require all improvements and facilities to be completed before it approves the final plat or accept the project or phase as complete.

In lieu of the actual installation of required public improvements, or soil erosion measures not covered by Part 91 of Public Act 451 of 1994, as amended, the Township Board shall require the applicant to provide a financial guarantee of performance in one or a combination of the

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following arrangements for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner, and of any other agency responsible for the administration, operation, or maintenance of the applicable public improvement. The Township Board may waive financial guarantees of performance under this Ordinance for road lights, or street trees. Unless these improvements are otherwise specified, completion shall be required prior to the issuance of occupancy permits by the Zoning Ordinance.

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(1) Performance or Surety Bond.

(a) **Accrual.** The bond shall accrue to the Township, covering construction, operation, and maintenance of the specific improvements.

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(b) **Amount.** The bond shall be in an amount equal to the total estimated cost for completing construction of the specific improvements, including contingencies, as estimated by the Township Board.

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(c) **Term Length.** The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific improvements.

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(d) **Bonding or Surety Company.** The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.

(e) **Escrow Agreement.** The escrow agreement shall be drafted at the expense of the developer and approved by the Township Attorney.

(2) Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

(a) **Treasurer, Escrow Agent or Trust Company.** A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Township Board, shall accrue to the Township. These deposits shall be made with the Township Treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board

(b) **Dollar Value.** The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific improvements including contingencies, as estimated by the Township Engineer and accepted by the Township Board.

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(c) **Escrow Time.** The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.

(d) **Progressive Payment.** In the case of cash deposits or certified checks, an agreement between the Township and the developer may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion(s) of the improvement, in accordance with a previously entered into agreement and

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acceptance of the completed portion(s) of the improvements by the Township Engineer.

- (3) **Condition of Township Approval of Final Road Project, Financial Guarantees.** With respect to financial guarantees, the approval of all final road projects shall be conditioned on the accomplishment of one of the following:
- (a) The construction of improvements required by this Ordinance shall have been completed by the applicant and approved by the Township Board.
 - (b) Surety acceptable to the Township Board shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
- (4) **Inspection of Improvements under Construction.** Before approving a final project, an agreement between the applicant and the Township Board shall be made to provide for the Township Engineer to check and/or inspect the construction of improvements and conformity to plans.
- (5) **Penalty In Case Of Failure to Complete the Construction of an Improvement.** In the event the applicant shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the applicant may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the Township Board and the applicant.

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Section 7.103 Storage of Recreational Vehicles (currently Section 6.2.2(4))

The outdoor storage of recreational vehicles is permitted in agricultural and residential districts provided such storage does not occur within any required yard setback area (except watercraft stored in a waterfront setback), and the vehicle is registered to a person residing on, or having an ownership interest in, the lot or parcel.

Deleted: Storage of Trailer Units.

Section 7.104 Temporary Buildings (currently Section 6.2.3(1))

For uses incidental to construction work; such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period. Such structures shall not be used for dwelling purposes unless they meet the requirements of Section 7.105.

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Section 7.105 Use of Structure for Temporary Dwelling (currently Section 7.2.1)

No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance. No partial structure or other temporary structure whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time.

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Section 7.106 Outdoor Storage (currently Sections 6.6.3(1) and 7.2.4)

- (A) **Yard Storage.** Unless otherwise provided for in this Ordinance, whenever a business establishment engages in storage of supplies, merchandise, containers or any other materials outside the confines of an enclosed building structure, it shall provide an enclosure of solid fence not less than six (6) feet in height around such yard storage area. The fence shall be constructed and maintained in a manner approved by the Zoning Administrator. The Zoning Administrator may permit substitution of a barrier or screen other than a fence when the same will serve the purpose of screening from vision, noise and odor.
- (B) **Prohibited Storage.** No land in any of the foregoing Districts shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, boats, salvage, waste and junk outside of properly authorized buildings within said Districts, except as required for the storage of usable farm machinery necessary for permitted agricultural uses and except as permitted as a Junk Yard (Section 6.120) or in connection with a use otherwise authorized by the Commercial District.

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Section 7.107 Sanitation Requirements (currently Section 7.1.2)

- (A) No structure shall be erected, altered or moved upon a lot or premise and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it meets the following requirements:
 - (1) Compliance with all provisions of the Environmental Health Regulations for Grand Traverse County, which may be amended from time to time, and violation of any provision of that Ordinance shall constitute a violation of this Ordinance.

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Section 7.108 Supplementary Height Regulations (currently Sections 7.3.1 and 7.3.2)

- (A) **Permitted Exceptions.** When a given use is permitted in any District, the following kinds of structural appurtenances shall be permitted to exceed the otherwise required height limitations for authorized uses, provided that they shall not be used for human occupancy:
 - (1) Ornamental church steeples and cupolas, provided that no ornamental structure that exceeds the maximum height of the district by more than fifty percent (50%) shall be approved unless a special land use permit for such exception is granted under the procedures and requirements of Section 14.103 of this Ordinance.

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(2) Functional chimneys, ventilators, television aerials and ham radio antenna, provided they are no higher than necessary to achieve the intended performance of the structure.

(B) **Permitted Exceptions, Agricultural Districts.** In the agricultural district, traditional agriculture related buildings, such as barns and silos, may be constructed to heights in excess of that specified for the district, provided they are first granted a special use permit for such exception under the procedures and requirements of Section 14.103 of this Ordinance.

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Section 7.109 Developments Abutting Agricultural Land (currently Section 7.3.3 and Section 7.7)

(A) **Agricultural Setback.** The following setbacks shall be required when a planned unit development, subdivision, condominium, mobile home park, or attached single-family residential housing is developed; and on those metes and bounds parcels created after the effective date of this amendment, as provided below.

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(1) A setback of one hundred (100) feet from the property line of the adjacent property shall be required for accessory uses, buildings, or structures as follows:

(a) When a planned unit development, subdivision, condominium, mobile home park, or attached single-family residential housing is developed adjacent to land that is zoned A-1 Agriculture, and;

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(b) When a planned unit development, subdivision, condominium, Mobile Home Park, or attached single-family residential housing is developed adjacent to land that is zoned Residential but is shown on the Agricultural Preserve Map of the Peninsula Township Master Plan as adopted and amended from time to time by the Planning Commission.

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(2) A setback of one hundred (100) feet from the property line of the adjacent property shall be required for those portions of metes and bounds parcels created after the adoption of this amendment that have a common line with land that is zoned A-1 Agriculture unless that A-1 Agriculture zoned land is being used for residential purposes.

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(3) The setback areas required by (1) and (2) above shall not be used for accessory uses, buildings or structures.

(4) A setback of one hundred (100) feet shall be required when a planned unit development, subdivision, condominium, mobile home park, or attached single-family residential housing is developed adjacent to land that is zoned Residential but is currently being used for agricultural production that includes the carrying on of usual soil practices of cultivation, spraying and fertilization.

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(B) **Lot Designation.** Subdivision Lots or Condominium Limited Common Elements adjacent to such agricultural lands shall have designated building sites shown on the preliminary and final plans. Residential and accessory uses shall be located within the designated areas. Plans accompanying applications for land use permits shall show such designated sites.

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(C) Exceptions to Required Setbacks.

(1) ~~In approving a planned unit development, subdivision, condominium, mobile home park, or attached single-family residential housing development,~~ the Township Board may, upon recommendation of the Planning Commission, decrease the required setback on any or all lots or limited common elements when the Township Board determines that one or more of the following conditions exist:

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(a) The existence of topographic conditions i.e. steep slopes, changes in grade, wetlands etc. or other site conditions which make it:

(i) Unlikely that any of the uses allowed in the agricultural district would be located on the adjacent agriculturally zoned land; or

(ii) So that the properties are sufficiently separated to mitigate incompatibilities of use;

(b) There exists an easement such as a conservation easement on the land adjacent to the proposed plat that restricts agricultural uses in such a manner that protection to future homeowners is equal or better than that provided by the 100 foot setback; or.

(c) There are existing residential uses along the lot line of the agriculturally zoned property.

(D) **Fencing Certain Agricultural Lands.** When lands used for a planned unit development, mobile home park or ~~attached single-family residential housing~~ development abut agricultural lands as described in ~~Section 7.109~~, the developer shall, prior to construction of residential units, install a control fence along the boundary between the development and the agricultural lands unless the Township Board determines that trespass problems are not likely and in that case the Board may determine that the fence is not required. The fence is intended to limit trespass onto the agricultural lands. If, at a later date, the Township Board determines that trespass is a problem, the Township Board after holding a public hearing on the issue may then require the owner or owners of the property adjacent to agricultural land to install a fence.

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(1) Suggested minimum fencing specifications.

(a) **Mesh.** No. 11 gauge woven wire farm fence shall be 46-1/2" in height with 6-1/2" square mesh pattern (uniformly spaced).

(b) **Line Posts.** Wood line posts shall be 4-1/2" minimum diameter and 7' in length, spaced not more than 16'6" (center to center) and set 2'6" into the ground. All posts shall be wolmanized or treated in an equivalent manner. Wood shall be cedar, oak or approved equal.

(c) **Corner, End, Gate and Intermediate Braces Posts.** These shall be 8' minimum length and 8" minimum diameter, set 3'6" into the ground, spaced 10' from adjacent line posts, and located as shown on Plans. Intermediate braced posts shall be located a

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maximum of 660' apart on straight runs. Corner post shall be located at all changes in direction.

(2) Fencing required by this Section shall be built as approved by the Township Board.

(E) **Subdivision Lot Areas.** Individual lot areas in plats abutting certain agricultural lands described in Section 4.7.10 of the Township Subdivision Control Ordinance recorded subsequent to the date of this amendment may be less than the required minimum PROVIDED the average lot size in the recorded plat is not less than the required minimum and PROVIDED FURTHER that any reduced lot size is not less than Seventy (70) percent of the required lot area. Provision for reduced lots shall be stated on the recorded plat so that minimum average lot sizes will be maintained in the event of any subsequent amendments to the plat. No more than twenty (20) percent of the total lots in the plat shall contain less than the required minimum lot area.

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Section 7.110 Lots Existing and of Record on the Effective Date of this Ordinance (currently part of Section 7.3.4)

Any lot existing and of record on the effective date of this original Ordinance may be used for any permitted use specified for the District in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance, PROVIDED that all other requirements of this Ordinance are complied with.

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Section 7.111 One Dwelling Unit per Lot (currently part of Section 7.3.4)

Unless explicitly permitted elsewhere in this Ordinance, not more than one (1) dwelling unit shall occupy any lot except in conformance with the required lot area for each dwelling unit.

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Any lot existing and of record on the effective date of this original Ordinance may be used for any permitted use specified for the District in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance, PROVIDED that all other requirements of this Ordinance are complied with, and PROVIDED FURTHER that n

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Section 7.112 Clear Vision Area (NEW SECTION)

No structure, wall, fence, sign, tree, or shrubbery shall be erected, maintained or planted on any lot or front yard thereof which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way. Fences, walls, structures, signs, trees, shrubs, and other plantings located in the clear vision triangle area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above the road level.

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(A) Clear Vision Triangle Area. The clear vision triangle area is described as follows (see Figure 5):

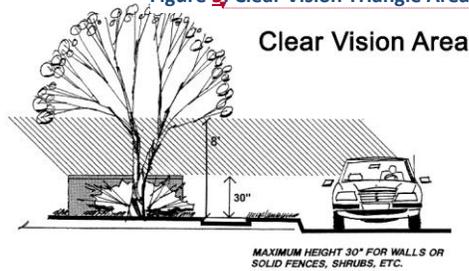
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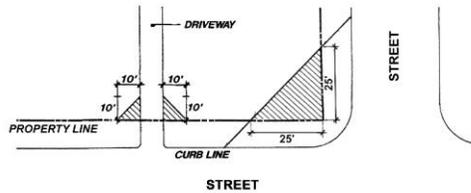
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(1) Road Intersection. The area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.

Figure 5: Clear Vision Triangle Area



(2) Driveway Intersection: The area formed at the corner intersection of a right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.



(B) Trees. Trees may be permitted in the clear vision triangle area provided that limbs and foliage are trimmed so that they are not less than eight (8) feet above the road level.

(C) Shrubs. Shrubs may be permitted in the clear vision triangle area provided that they are trimmed so that they are not more than thirty (30) inches above the road level.

(D) Landscaping. All landscaping, except turf grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road within a clear vision triangle area.

(E) Right-of-Way Line. Where there is a difference between the existing road right-of-way line and the proposed road right-of-way line, the clear vision triangle shall be measured from the proposed road right-of-way line.

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Section 7.113 Accessory Buildings and Structures (currently Section 6.2.2(2)(a))

A land use permit must be issued prior to the erection of an accessory building or structure. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan or site plan, depending upon the nature of the principal use of the lot. Accessory uses, buildings and structures shall be subject to the following regulations except as otherwise permitted in this Ordinance.

(A) Attached Accessory Buildings and Structures. An attached accessory building or structure, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Unless an accessory building is attached directly to the principal building or connected to it via habitable floor area or shared wall construction, the accessory building shall be classified as a detached structure.

(B) Detached Accessory Buildings. Detached accessory buildings shall comply with the following requirements:

(1) Located on Same Lot as Principal Building. A detached accessory building shall be located on the same lot as the principal or main building, except for agricultural buildings located on a farm. In a case where an owner owns a shoreline lot and an upland lot across the road, the detached accessory building shall be located on the same lot as the principal building. In a case where an owner owns two (2) or more contiguous lots, the owner may combine the lots into one (1) undivided lot so that the detached accessory building is be located on the same lot as the principal building.

(2) Separation Distance of Detached Accessory Buildings. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to the principal building or any other building on the lot.

(3) Placement. Except as provided elsewhere in this Ordinance, detached accessory buildings shall not be located in any front yard and are subject to all yard setback requirements of the district in which it is located. Shoreline lots may have a detached accessory building in the front yard, provided the building meets all other requirements of this Ordinance.

(4) Lot Coverage. Provided that the total lot coverage of the lot adheres to the requirements of the respective zoning district, the maximum allowable lot coverage of all combined detached accessory buildings (excluding agricultural buildings located on a farm) shall be the lesser of the following:

(a) Eight hundred (800) square feet; or

(b) The ground floor area of the principal building, excluding the attached accessory buildings (e.g., excluding attached garage area).

(5) Height. Except for agricultural buildings located on a farm, which shall be subject to the height standards of the underlying zoning district, the height of all other detached accessory buildings shall not exceed the following maximum heights:

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Chapter 2: Accessory Structures and Uses

- (a) Side Wall Height. 10 feet.
- (b) Building Height. Eighteen (18) feet.
- (c) Peak Height. Twenty-Six (26) feet.
- (d) Number of Stories. Two (2) stories; however, if there is a second story, is shall be unfinished and used for storage only.
- (C) Not Permitted Prior to a Principal Structure. Accessory buildings shall not be erected on a lot or parcel in any district prior to the establishment of a principal structure, except for agricultural buildings on a farm.
- (D) Used by Site Occupant. Accessory buildings and accessory portions of the principal building shall be used solely for the use of the occupant of the principal building to which it is accessory.

Section 7.114 Fences and Walls (currently Section 7.13)

- (A) **Intent.** The intent of this section is to allow fences and walls that: (a) are not erected which would block views; (b) do not obstruct access by emergency personnel; (c) are not within the road right-of-way; (d) are not below the flood elevation line; and (e) are not closer than three (3) feet of adjacent property without the agreement of the neighboring owner.
- (B) **Excluded Fences.** The following fences shall not be regulated by this section:
 - (1) Agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock.
 - (2) Temporary fence such as snow fences placed during the winter to control drifting snow or safety fences during construction.
 - (3) A Decorative Fence no greater than eighteen (18) inches in height and/or four (4) inches in width and is not a barrier.
- (C) Retaining Walls. The Zoning Administrator may issue a land use permit for a retaining wall that meets all of the wall requirements of this section, provided the retaining wall is necessary to protect or prevent structures on the premises from erosion damage. The Township Engineer may be consulted to determine whether a retaining wall is necessary and whether it is structurally sufficient.
- (D) Clear Vision Triangle Area. No fence or wall shall be erected, established or maintained within the clear vision triangle area of any lot except in compliance with 0.
- (E) **Front Yard and Waterfront Location.** Unless otherwise provided in this Ordinance, no fence shall be constructed within a front yard or between the waterfront and the building unless that fence is four (4) feet in height or less measured from final grade below the fence, is at

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least fifty percent (50%) open when viewed from the perpendicular, and is no wider than two (2) feet at any point. If located within a front yard setback or waterfront setback, the fence shall be decorative in nature (e.g., wrought iron, picket, and split rail). Decorative fencing does not include chain link fencing. This sub-section shall not apply to seawalls, which are regulated under Section 3.113(G)(5), or retaining walls, which are regulated under Section 7.114(C).

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(F) Maximum Height. Unless otherwise provided in this Ordinance, no fence or wall constructed outside of a front yard or waterfront yard shall exceed six (6) feet in height measured from the final grade below the fence or wall.

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(G) Obstructions. No fence or wall shall obstruct access by emergency personnel. A gate at least three (3) feet in width shall be provided for access by emergency personnel to all parts of the property and as such shall not be considered an obstruction.

(H) Required Setbacks.

(1) No fence or wall shall be constructed closer to the shoreline of Grand Traverse Bay than the flood elevation line, unless it is a seawall is approved under Section 3.113(G)(5).

(2) No fence or wall shall be placed within a road right-of-way.

(3) No fence or wall shall be placed closer than twenty (20) feet from the driving lane of a road, street or alley.

(4) No fence or wall shall be placed closer than three (3) feet to an adjacent property line without both owners providing approval in writing to the Zoning Administrator and such approval shall include a statement that the fence shall be maintained in good condition and such maintenance shall be the responsibility of the property owner.

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(I) Construction. Fences shall be designed so as not to impede the natural or established water drainage along lot lines.

(J) Maintenance. Walls and fences shall be maintained in good condition and shall not constitute an unreasonable hazard. Rotten, crumbled, or broken compounds shall be replaced, repaired or removed.

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(K) Orientation of Finished Side. Where a fence or wall has a single finished or decorative side, it shall be oriented to face outward toward adjacent parcels or road rights-of-way (i.e., away from the interior of the lot to which the fence or wall is associated).

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(L) Prohibited Materials. All fences or walls hereafter erected shall be of a decorative nature or chain linked unless otherwise prohibited. Barbed wire, spikes, nails or any other sharp instrument of any kind are prohibited on top of or on the sides of any fence, provided that barbed wire cradler may be placed on top of fences enclosing public utility buildings or equipment in any district.

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Section 7.115 Swimming Pools (NEW SECTION)

All private swimming pools erected in the Township shall comply with the following provisions:

(A) Permit Required. A building permit shall be obtained for alteration, erection and construction of permanent above and below ground swimming pools and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet. The application for such permit shall include the name of the owner, the manner of supervision of the pool and a site plan showing the dimensions and location of the pool and nearby buildings, fences, gates, septic tanks, tile fields, public utilities and easements. The application for such permit for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the Township or the County Health Department shall also be submitted.

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(B) Easements and Rights-of-Way. No portion of the swimming pool or associated structures shall encroach upon any easement or right-of-way which has been granted for public utility use.

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(C) Minimum Setbacks. Minimum side yard setback shall comply with required side yard spaces specified by the applicable zoning district. A pool fence shall not be built within the required front yard or required side yard. Rear or side yard setback shall be not less than ten (10) feet between the pool wall and/or structure and the side or rear property line or less than four (4) feet between pool wall and any building on the lot.

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(D) Required Barrier. For the protection of the general public, all swimming pools shall be completely enclosed by a chain link fence or a fence of comparable safety not less than four (4) feet nor more than six (6) feet in height, set at a distance of not less than four (4) feet from the outside perimeter of the pool wall provided; however, that fencing shall not be required in the following two (2) circumstances:

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(1) To the extent that there is no public access to the lot or enclosure is accomplished by a building four (4) feet or more in height having no means of public access; or

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(2) If a swimming pool is above grade and has exterior side walls with a smooth surface not less than four (4) feet in height where all means of access are secured, raised and/or locked to prevent unauthorized use.

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All openings in an enclosing fence or building shall be equipped with a tamper proof lock when the pool is not in use. If the entire premises upon which a swimming pool is located are enclosed by fence or wall, the Building Inspector, after inspection and approval thereof, may determine that a fence is not required.

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(E) Electrical Installations. All electrical installations or wiring in connection with below ground swimming pools shall conform to all electrical codes. If utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangement with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

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(F) **Code Compliance.** Notwithstanding the requirements of this section, all private swimming pools shall comply with all applicable federal, state, county, and local codes and ordinances. Where the requirements of this Ordinance exceed the requirements of any other code or ordinance, the requirements of this Ordinance shall prevail.

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Section 7.116 Accessory Solar Energy (NEW SECTION)

(A) Solar Energy Systems.

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(1) **Purpose.** It is the purpose of this sub-section to promote the safe, effective, and efficient use of solar energy systems to generate electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for solar energy systems.

(2) **Findings.** The Township has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the Township's energy supply.

(3) **Roof-Mounted Solar Energy Systems:** Roof-mounted solar energy systems for the on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

(a) **Height.** Roof-mounted systems shall not extend more than three (3) feet above the roofline.

(b) **Location.** Roof-mounted solar energy systems may be located anywhere on a roof, but shall not protrude beyond the edge of the roof.

(4) **Ground-Mounted Solar Energy Systems (10 kW or less).** Ground mounted and freestanding solar energy systems of 10kW or less for the on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

(a) **Location and Setbacks.** Solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall also meet the minimum setbacks of the zoning district.

(b) **Height.** The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt.

(c) **Screening.** Landscaping shall be provided to screen the racking from view on all sides.

Article 7: General Provisions

Chapter 2: Accessory Structures and Uses

(d) Area. Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards for accessory structures in the zoning district.

(5) General Standards. The following requirements are applicable to all roof-mounted or ground-mounted solar energy systems.

(a) Building Permit. A building permit shall be required for any roof-mounted or ground-mounted solar energy system.

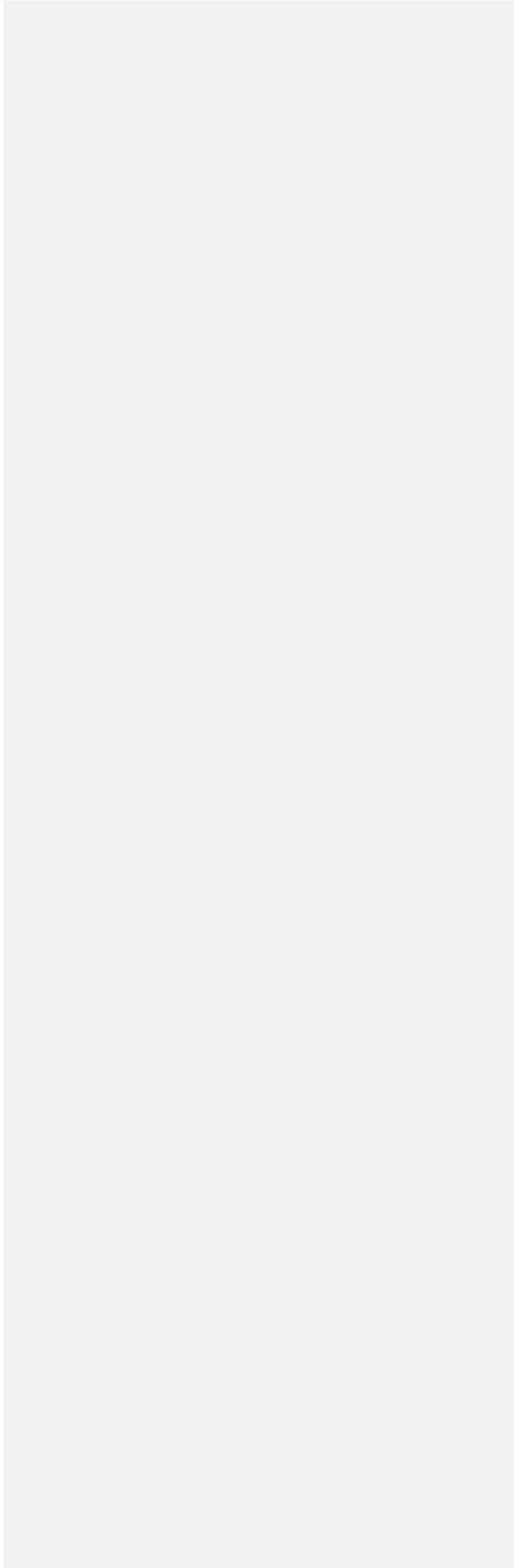
(b) Batteries. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

(c) Removal. If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

Article 8 Environmental Performance Standards

- Section 8.101 Wetland Restrictions (currently part of Section 6.9.3.7)**
- Section 8.102 Floodplain Controls and Restrictions (currently Section 7.4.7 and part of Section 6.9.3.7)**
- Section 8.103 Removal of Fruit-Producing Trees, Vines, or Shrubs from Properties Being Developed (currently Sections 6.9.3.8 and 7.8)**
- Section 8.104 Soil Erosion and Sedimentation Control and Protection of Steep Slopes (currently Section 6.9.3.9)**
- Section 8.105 Mining or Removal of Topsoil (currently Section 7.2.3)**
- Section 8.106 Stormwater Management (currently Section 7.2.5)**
- Section 8.107 Exterior Lighting (currently Section 7.14)**

Article 8: Environmental Performance Standards



Article 9 Parking, Loading, and Access Management

Section 9.101 General Off-Street Parking and Loading Regulations (currently Section 6.10, Section 7.6.1, and Section 7.6.2)

Section 9.102 Parking Space Requirements (currently Section 7.6.3)

Section 9.103 Off-Street Parking Site Development Requirements (currently Section 7.6.4(1) and (2))

Section 9.104 Snow Storage (currently Section 7.6.4(4))

Section 9.105 Residential Driveways (currently Section 6.2.5)

Section 9.106 Private Roads (currently Section 7.10)

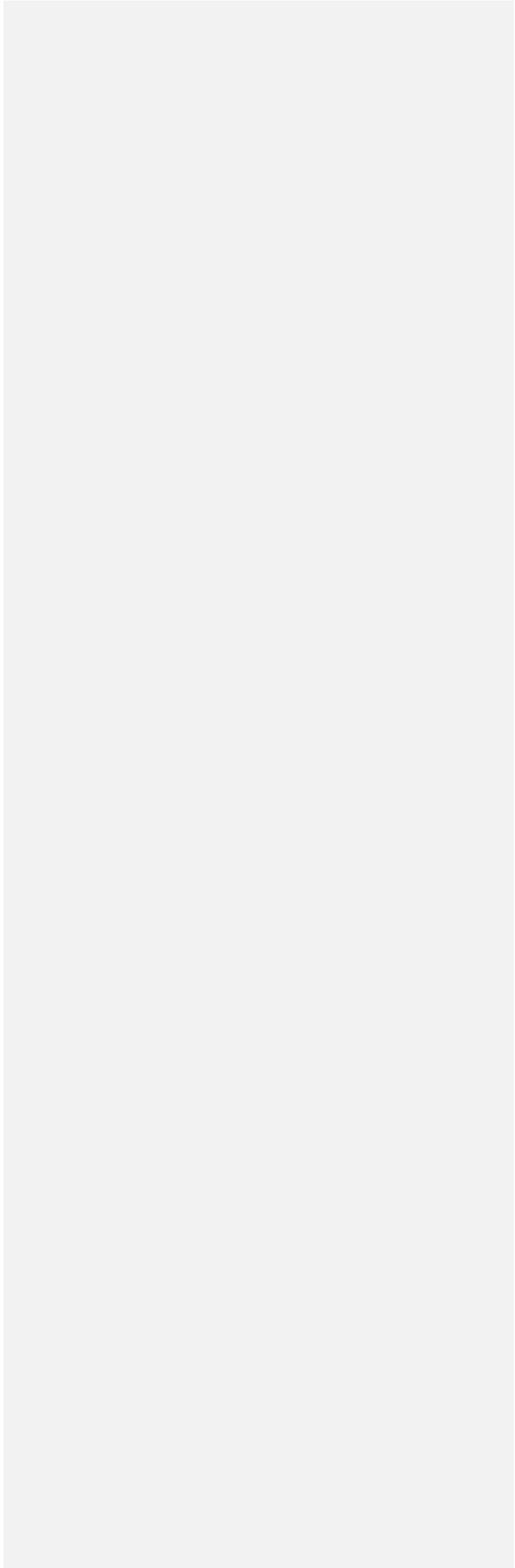
- (A) **Private Road Permit (currently Section 7.10.1).**
- (B) **Joint Maintenance Agreement (currently Section 7.10.2).**
- (C) **Drainage Plan (currently Section 7.10.3).**
- (D) **Right-of-Way, Temporary Grading Easements, and Utility Easements (currently Section 7.10.4).**
- (E) **Hold Harmless Agreement (currently Section 7.10.5).**
- (F) **Road Layout (currently Section 7.10.6).**
- (G) **Road Names (currently Section 7.10.7).**
- (H) **Signs (currently Section 7.10.8).**
- (I) **Required Improvement Specifications (currently Section 7.10.9).**
- (J) **Private Road Approval Process (currently Section 7.10.10).**
- (K) **Existing Nonconforming Private Roads (currently Section 7.10.11).**
- (L) **Guarantee of Completion of Required Improvements (currently Section 7.10.12).**

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Article 9: Parking, Loading, and Access Management



Article 10 Landscaping and Screening

Section 10.101 Intent (NEW SECTION)

Section 10.102 Scope and Application (NEW SECTION)

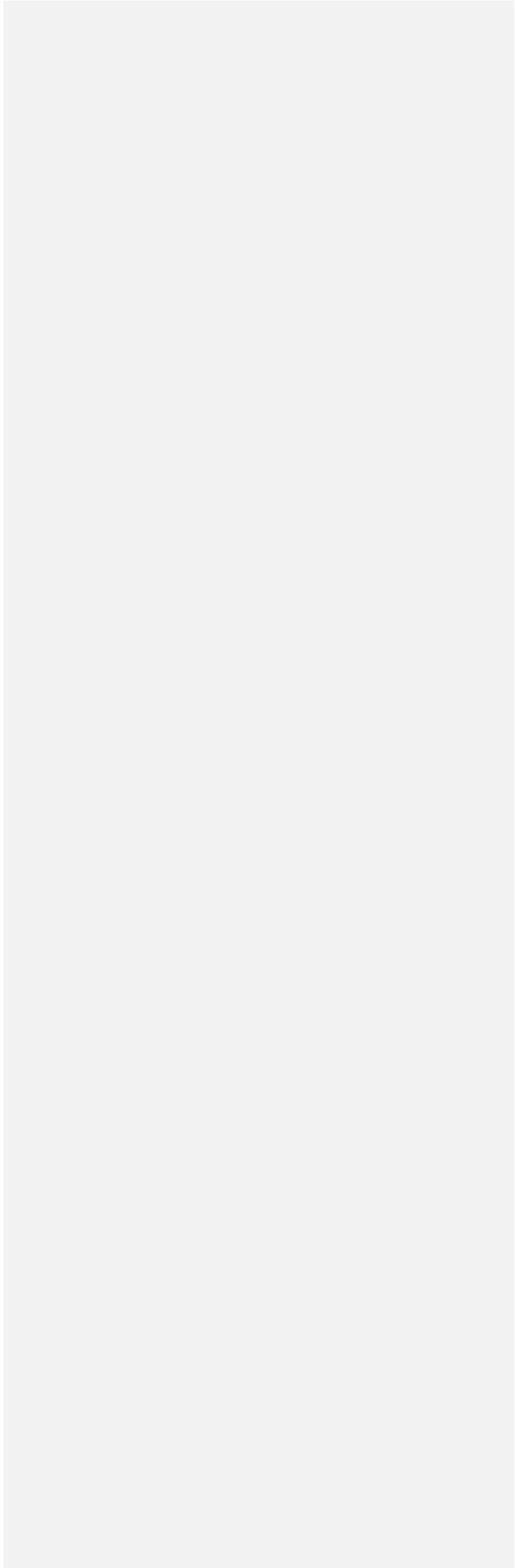
Section 10.103 Landscaping Design Standards (NEW SECTION, which will include standards from Section 6.6.3(3), and Section 7.6.4(3))

Section 10.104 Standards for Plant Materials (NEW SECTION)

Section 10.105 Landscape Installation and Maintenance (NEW SECTION)

Section 10.106 Modifications (NEW SECTION)

Article 10: Landscaping and Screening



Article 11 Signs

Section 11.101 Purpose (currently introductory paragraph of Section 7.11)

Section 11.102 Definitions (NEW SECTION, which includes existing definitions in Section 3.2 related to signs)

(A) The following definitions relate to signs in Peninsula Township.

- (1) **Sign.** Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good, or service, or any other message.
- (2) **Sign, Agricultural Products.** An on-premises sign which indicates the retail sale of agricultural products including those sold at roadside stands and U-Pick operations.
- (3) **Sign, Banner.** A sign made of natural or synthetic fabric used to call attention to a land use or product, service, or activity; however, not including pennants or flags.
- (4) **Sign, Billboard/Highway Advertising.** An off-premise sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign.
- (5) **Sign, Business Center.** A sign which gives direction, name, and identification to a business center and which may include identification of individual businesses within the center.
- (6) **Sign, Business Identification.** A sign identifying a business operating on the premises where located. This sign does not include Home Occupation or Bed and Breakfast business.
- (7) **Sign, Construction Site.** A sign identifying a construction site.
- (8) **Sign, Directional.** A sign which sets forth no advertising display, used to direct visitors to a land use.
- (9) **Sign, Entrance Way.** A sign that identifies a residential or industrial subdivision, apartment complex, condominium development, or permitted institution.
- (10) **Sign, Event.** An on-premises sign placed for a period of time greater than two (2) days that is used to identify an event that is temporary in nature such as Home Tours, bazaars, races, tours and quasi-public fund raising events.
- (11) **Sign, Event, Directional.** An off-premises sign placed for a period of time greater than two (2) days that is used to identify the route to an event that is temporary in nature such

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Article 11: Signs

as bazaars, races, tours and quasi-public fund raising events. Directional Event Signs include such things as marks painted on or along the road surface whether or not approved by the Department of Transportation or County Road Commission.

- (12) **Sign Face.** That part of a sign structure which is used to graphically communicate a message or announcement.
- (13) **Sign, Local Food Production Facility.** An on-premises sign identifying a Local Food Production Facility. (ADDED BY AMENDMENT 174)
- (14) **Sign, Flashing.** Any pulsating illuminated (including sequentially reflectorized) sign.
- (15) **Sign, Ground Pole.** A sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.
- (16) **Sign, Illuminated.** A sign that utilizes artificial light by either emission or reflection.
- (17) **Sign, Informational.** A small, on premises sign used to identify architectural features of a land use such as building entrances, drop boxes, rest rooms, handicapped ramps or similar features.
- (18) **Sign, Ingress/Egress.** A small sign located adjacent to the entrance or exit drives of a business to identify the points of vehicular ingress and egress.
- (19) **Sign, Marquee/Awning.** An "Identification of Business" sign attached to a marquee, canopy, or awning projecting from the building.
- (20) **Sign, Name Plate.** A non-electric on-premises identification sign giving name and address of an occupant.
- (21) **Sign, Off-Premises.** A sign that identifies or communicates a message relating to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
- (22) **Sign, On-Premises.** A sign identifying or advertising a business, person, activity or service located on the premises where the sign is located.
- (23) **Sign, Pennant.** A small, often triangular, tapering flag used in multiples as a device to call attention, on a temporary basis, to a land use or activity.
- (24) **Sign, Portable.** A freestanding sign not permanently anchored or secured to the ground. Trailers or similarly mounted signs. Signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object. A vehicle which because of its placement and regularity of position serves the same purpose as a portable sign.
- (25) **Sign, Private Property/Access Control.** A sign placed to control access to a property such as: "No Hunting", "No Trespassing", or "Private Property".

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Article 11: Signs

- (26) Sign, Promotional.** A sign that is placed in a window for a limited period of time and is used to advertise a sale, a special event, or similar activity.
- (27) Sign, Real Estate.** A temporary sign advertising the real estate upon which the sign is located as being for lease, sale/auction, or seasonal rent.
- (28) Sign, Roadside Stand.** A sign located on the same premises with a roadside stand which identifies the roadside stand and may also identify products to be sold at the roadside stand.
- (29) Sign, Roof.** Any sign which is on or attached to the roof of a building.
- (30) Sign, Wall.** A sign which is attached directly to or painted upon a building wall.
- (31) Sign, Window.** A permanent sign which is installed inside a window and is intended to be viewed from outside.
- (32) Sign, Yard/Garage Sale/Personal Event.** A temporary sign which is placed on the premises of a yard sale, garage sale or events such as family reunions or weddings.

Section 11.103 Substitution Clause (NEW SECTION)

Section 11.104 Measurement of Sign Area and Height (currently part of Section 7.11.1)

Section 11.105 Sign Placement and Design Requirements (currently part of Section 7.11.1)

Section 11.106 Prohibited Signs (currently Section 7.11.2)

Section 11.107 Signs Permitted in All Districts (currently Section 7.11.3)

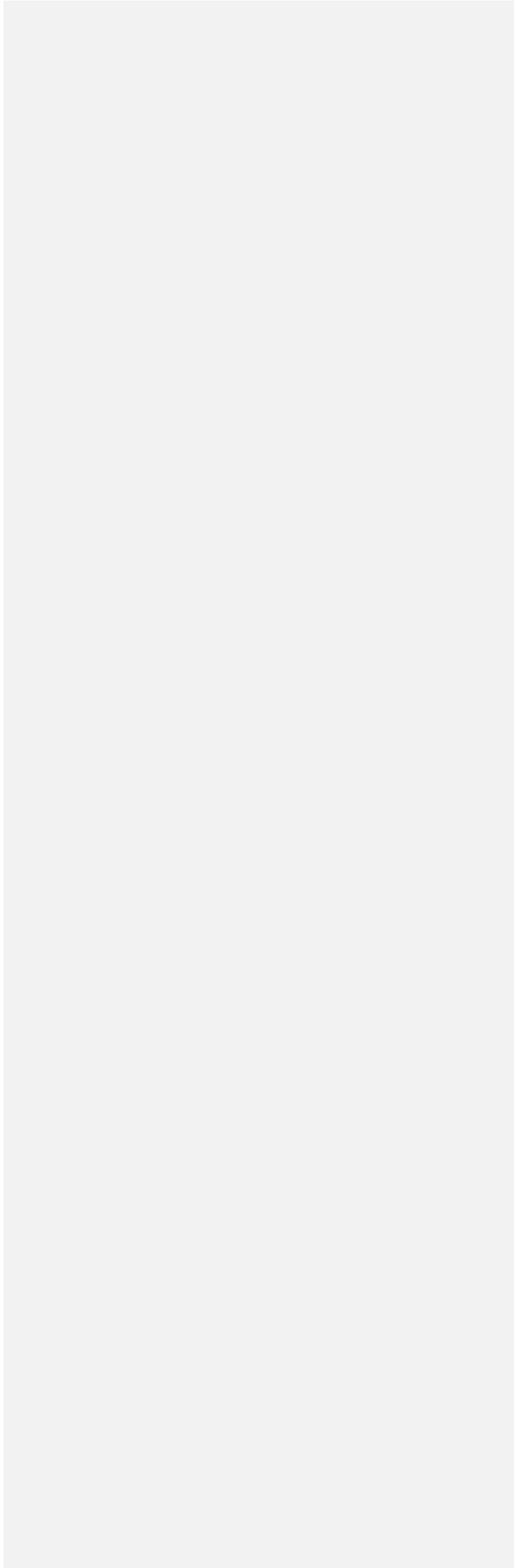
Section 11.108 Sign Regulations for Specific Zoning Districts (currently Sections 7.11.4 – 7.11.6, including part of Table 7.11.6)

Section 11.109 Illumination and Changeable Copy Standards (currently part of Section 7.14.3(5) and part of Section 7.11.1)

Section 11.110 Nonconforming Signs (NEW SECTION)

Section 11.111 Appeals and Variances (currently part of Table 7.11.6)

Article 11: Signs



Article 12 Nonconformities

Section 12.101 Intent and Purpose (currently Section 7.5.1)

Section 12.102 Nonconforming Lots (NEW SECTION)

Section 12.103 Nonconforming Uses (currently Section 7.5.2)

Section 12.104 Nonconforming Structures (currently Sections 7.5.3 – 7.5.6)

(A) Reconstruction of Damaged Nonconforming Structures (currently Section 7.5.3).

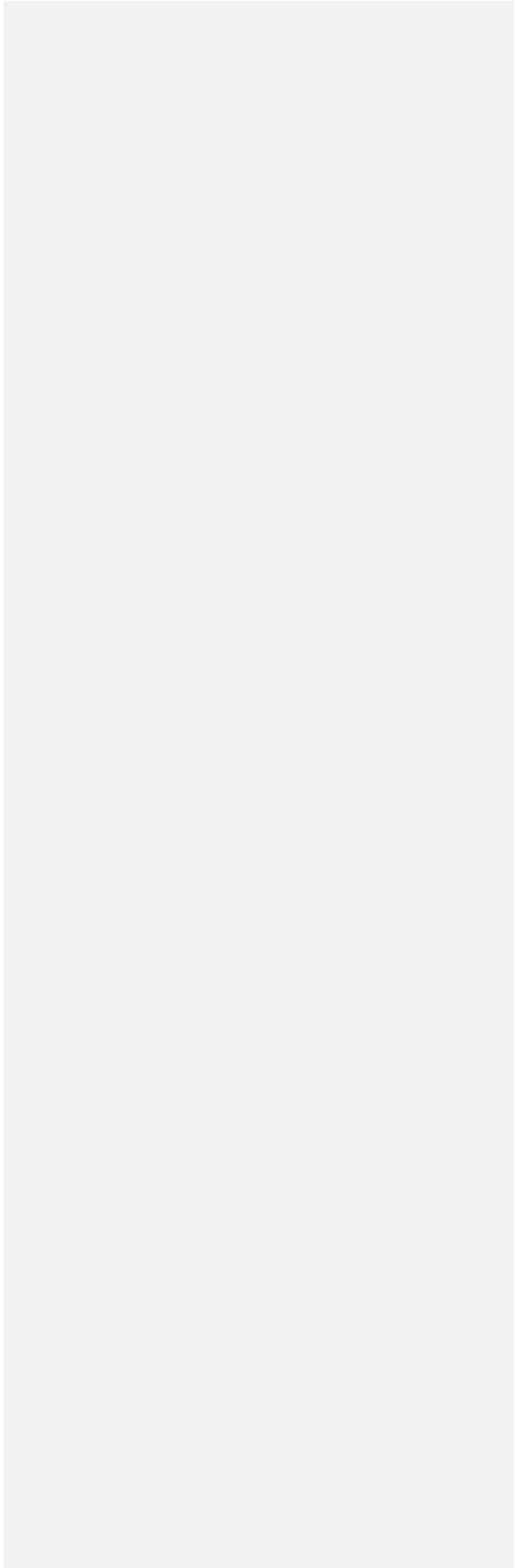
(B) Repair and Alteration of Nonconforming Structures (currently Section 7.5.4).

(C) Additions to Nonconforming Structures (currently Section 7.5.5).

(D) Moving or Replacing Nonconforming Structures (currently Section 7.5.6).

Section 12.105 Zoning District Changes (currently Section 7.5.7)

Article 12: Nonconformities



Article 13 Administrative Organization

Note: The purpose of this article will be to describe the functions of the Zoning Administrator, Township Board, Planning Commission, and ZBA. Appropriate references to State Law will be included. This article will not include procedures and standards of review, which will be included in Article 14.

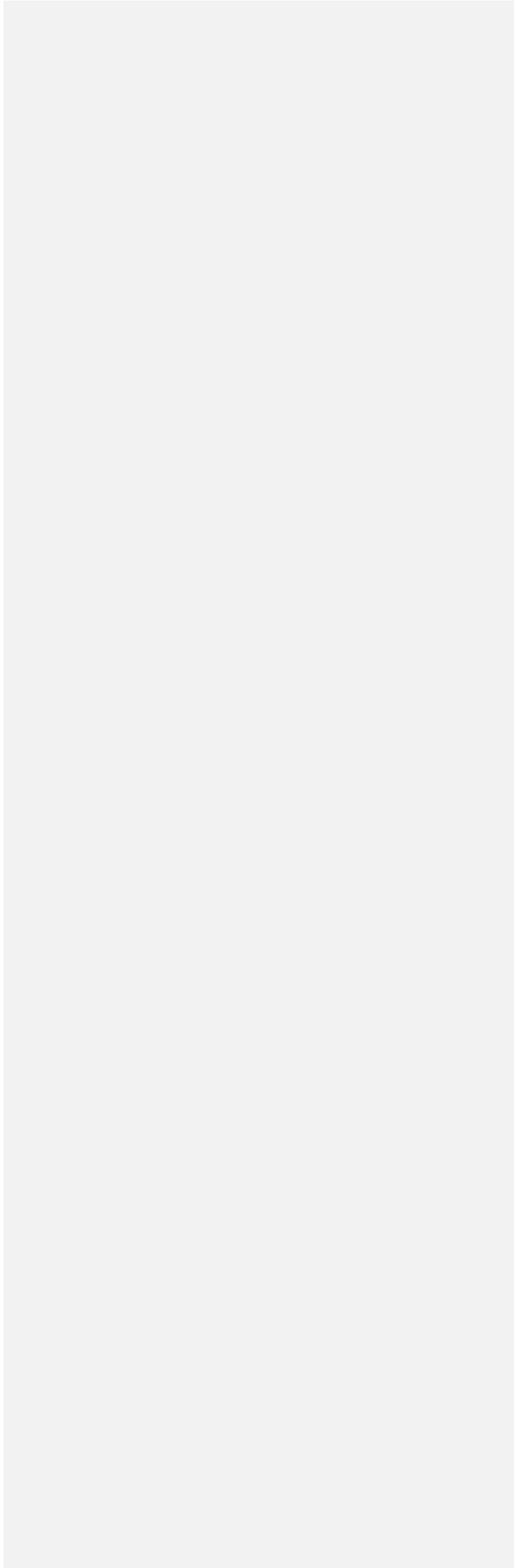
Section 13.101 Zoning Administrator (currently Sections 4.1.1 and 4.1.2)

Section 13.102 Township Board (NEW SECTION)

Section 13.103 Planning Commission (NEW SECTION)

Section 13.104 Zoning Board of Appeals (currently Sections 5.1, 5.2, part of 5.3, and 5.7)

Article 13: Administrative Organization



Article 14 Administrative Procedures

Section 14.101 Permits

- (A) Land Use Permits (currently Section 4.1.3)
- (B) Fees (currently Section 4.1.4)
- (C) Completion (currently Section 6.2.6)
- (D) Prior Building Permits (currently Section 7.1.1)

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Section 14.102 Site Plan Review

- (A) **Uses Requiring Site Plan Review (NEW SECTION)**
- (B) **Information Required (currently part of Section 6.9.4.1, Section 6.9.4.2, Section 7.14.4, Section 8.4.6, and Section 8.7.3(4)(b) and (c))**
- (C) **Site Plan Review Procedures (currently part of Section 6.9.5.3)**
- (D) **Duration of Approval (currently Section 6.9.6.2 and Section 8.1.2(5))**
- (E) **Performance Guarantees (NEW SECTION)**

This section will cross-reference to the General Provisions section for Performance Guarantees ([Section 7.102](#))

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Article 14: Administrative Procedures
Chapter 3: Special Land Use Review

Section 14.103 Special Land Use Review

- (A) **Intent and Purpose (currently Section 8.1.1)**
- (B) **Authorization (currently Section 8.7.1)**
- (C) **Special Land Use Review Procedures (currently part of 6.9.5.3, part of Section 6.9.5.4, and Section 8.1.2)**
- (D) **Basis for Determination (currently Section 8.1.3)**
- (E) **Site Development Requirements (currently part of Section 8.7.3)**
- (F) **Revocation (currently part of Section 8.7.3)**

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Section 14.104 Variances and Appeals

(A) **Right to and Grounds of Variance or Appeal (currently part of Section 5.3)**

(B) **Appeal and Notice Requirements (currently part of Section 5.3, Section 5.4, Section 5.5, Section 5.6)**

(C) **Appeals (currently Section 5.7.1)**

(D) **Variances (currently Section 5.7.3(1) and (2) and Section 5.7.3(4))**

(E) **Prohibited Variances (NEW)**

This Section will state that no variance shall be made in connect with a condition attached to a special land use or site plan, or to the use of land.

(F) **Interpretations (currently Section 5.7.2)**

(G) **Classifying Uses Not Specifically Mentioned (currently 6.1.4(2))**

(H) **Attachment of Conditions (currently Section 5.7.3(3)(a))**

(I) **Approval Period (currently Section 5.7.3(3)(b))**

(J) **Re-Application (currently Section 5.7.3(3)(c))**

(K) **Performance Guarantees (currently Section 5.9)**

This section will cross-reference to the General Provisions section for Performance Guarantees ([Section 7.102](#))

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Article 14: Administrative Procedures
Chapter 5: Amendments

Section 14.105 Amendments (currently Article 9)

- (A) **Initiation of Amendments (NEW SECTION)**
- (B) **Application for Amendment (NEW SECTION)**
- (C) **Amendment Review Procedures (NEW SECTION)**
- (D) **Standards of Review for Amendments (NEW SECTION)**
- (E) **Notice of Adoption of Amendments (NEW SECTION)**
- (F) **Protest Petition of Amendments (NEW SECTION)**
- (G) **Referendum (NEW SECTION)**
- (H) **Rezoning (Zoning Map Amendment) with Conditions (NEW SECTION)**

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Article 14: Administrative Procedures
Chapter 6: Public Hearing Procedures

Section 14.106 Public Hearing Procedures (currently Sections 7.12.1(8)(a) and 8.1.2(3))

(A) **Public Hearings (NEW SECTION)**

(B) **General Public Hearing Procedures (NEW SECTION)**

(C) **Zoning Ordinance Amendment Public Hearing Procedures (NEW SECTION)**

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Section 14.107 Administration and Enforcement

(A) **Violations and Penalties (currently Sections 4.2.1 and 11.1)**

(B) **Nuisance Per Se (currently Section 11.2)**

(C) Escrow. If any commission or board determines that the basic fees will not cover the actual costs of the application review or appeal, or if any commission or board determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by any commission or board equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than twenty (20%) percent of the latest escrow deposit and review of the application or decision on the appeal is not completed, then any commission or board may require the applicant to deposit additional fees into escrow in an amount determined by any commission or board to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

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