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## MEMO

To: Peninsula Township Board

October 25, 2011

Re: Shoreline Overlay Discussion – Meeting hosted  
by the Grand Traverse Bay Watershed Center  
October 19<sup>th</sup>, 2011 (Summation)

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The following is a brief summation of the ‘key’ points that were discussed by the public, the Watershed Center representation, and staff.

### **Existing Regulations.**

In its current form the Township’s Zoning Ordinance requirements for shoreline properties is spread over 4 to 5 different sections. Unless you are a person who reads this document every day, or is very familiar with it, it’s not likely that you will locate all of the pertinent standards alone. Both the Township Zoning Administrator and myself receive phone calls daily on issues related to physically being able to find a particular regulation with the existing text. Correcting this matter should be a rather simple fix as the zoning ordinance rewrite will combine the majority if not all shoreline related topics into a single (1) section of the ordinance.

### **Who governs what portion of the beach, shoreline, ordinary high watermark, & where are their boundaries...?**

Many shoreline violations begin with people simply not knowing what regulations exist over their property. Several members of the audience commented on the difficulties of becoming a shoreline property owner as they had no guidance from anyone explaining the various permitting processes and other agencies regulating the State of Michigan shorelines besides the Township. Furthermore; it was unclear to many in attendance where each one of the various agencies regulations started, ended, and switched from one department to another. Existing Ordinance language talks exclusively about Township related matters concerning land use, setbacks, structures, etc, but is silent to other agencies’ existing layers of regulation. Several ideas were tossed around by the public, Watershed Center, and Township staff to correct and mitigate new problems, but one simple idea seemed to stand out from the rest; Pictures. Rather than trying to craft new language and explain in great detail where one boundary starts and stops, a diagram could be created to both visually address locating shoreline items such as the ordinary high water mark, flood plain line, etc. and identify notations on said map where each of the various agencies regulations start and end. This does not necessarily mean that the new ordinance language will include each department’s separate regulations, but it could instead mention through reference the various agencies statutes and where they may be found via website links, statute numbers, etc. At least in this manner the general public has the ability to be informed of all the shoreline’s rules rather than just one entity’s.

### **Storm water runoff, Shoreline Cover & how much should be maintained.**

In general, this topic was probably the most debated portion of evening. Water quality of the bays themselves was another large reason for discussion of vegetation retention and other ways to mitigate storm water from running in to the lake unfiltered, but to explain this subject several slides were shown to the audience of photos taken from the water looking landward toward the Township’s forty-two (42) miles of shoreline. Examples included beaches with hardened shorelines (seawalls or rock walls), some with heavy vegetation, and others with a blend of area covered by vegetation with other portions set aside for recreational use. Slide by slide the audience provided feedback on their likes and dislikes of each. Overall the general opinion of the group was that there should be a ‘balance’ of space utilized for recreation (deck area, boat dock, stairway, etc.) and natural vegetation. Currently, the Ordinance requires that of the area between the ordinary high water mark and thirty-five (35’) feet from it, no more than thirty (30%) percent of the vegetation can be removed in a linear area. Discussion followed as the majority of the audience, first of all did not know this regulation was in place, and also did not really understand what this meant. Could a landowner clear cut that 30% area? Could they not trim trees, remove dead trees, or alter vegetation in the other 70% area? So on and so forth. Again, it was decided that perhaps a suggestive diagram could help to clarify the ordinance’s intent and provide clarity to those members of the public who may wish to alter their shoreline.

Additional questions regarding enforcement of this ordinance and how best to monitor the shoreline brought forth ideas and mechanisms to address this issue. It was suggested that the Township could require a survey of vegetation on NEW parcels when they're being built on or existing parcels when they're being redeveloped through the land use permitting process. Annual monitoring via boat and regular communication with the Arm Core of Engineers and the DEQ were also suggested to address those who may be in violation. Education was also part of the solution through communicating with local realtors, title insurance companies, and current owners of shoreline property to provide these regulations in a brochure, newsletter, and possibly at the time of purchase on any shoreline property for its new owner(s).

**Decks, locations, sizes, and other options.**

Deck issues seem to grace the Township's ZBA several times a year every year. Much of the shoreline throughout the Township offers a place where, according to the Ordinance, a deck can be constructed. However, those lots that do not possess the required area, or who may exceed setback requirements, or not fit within the parameters of any other portion of the Ordinance bring forth these variance requests. To date, the ZBA has fielded these kind of requests several times and with the majority of waterfront parcels being already developed, these remaining smaller more physically challenging parcels remain. As most landowners agree, if a person has committed the money to purchase a waterfront parcel, they should be able to utilize it. In an effort to both reduce the disturbance of those waterfront parcels with steep slopes and mitigate soil erosion the suggestion was made to allow those parcels physically limited parcels the ability to host a comparable sized 'temporary deck' attached to a dock structure within the lake itself. This would afford the land owner an opportunity to have a seating area without removing vegetation, being in conflict with ordinance setback requirements, etc.

Overall this meeting was very helpful for both staff and the general public to hear discussion on many issues regarding the regulation of Peninsula Township's shorelines. Further development of these ideas into ordinance language will take place over the course of the upcoming year and again be presented to the general public for discussion. Eventually, the ideas taken from these meetings will become language amendments in the new Township Zoning Ordinance in an effort to complete the visions of the 2011 Master Plan. If you have any additional questions, please feel free to contact staff directly.

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Thank you again for the time to address the issues above. If there should there be any questions, concerns or comments regarding the issues at hand, please do not hesitate to contact staff at (231) 223-7314.

Sincerely,

Dan Leonard; Peninsula Township Planner