

**PENINSULA TOWNSHIP
SPECIAL MEETING
PLANNING COMMISSION
AGENDA**

13235 Center Road
Traverse City, MI 49686

June 20, 2016

5:30 PM

Township Hall

1. Call to Order
2. Pledge
3. Roll Call
4. Approve Agenda
5. Brief Citizen Comments – for items not on the Agenda
6. Conflict of Interest
7. Consent Agenda

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

- a. Correspondence (as provided)

8. New Business

- a. Peninsula Township Zoning Ordinance DRAFT: Articles 3-4 (Discussion)

9. Citizen Comments

10. Board Comments

11. Adjournment

Peninsula Township has several portable hearing devices available for use during this meeting. If you would like to use one, please contact the Chairperson.



Michelle Reardon
Peninsula Township Director of Planning & Zoning

Posted: June 14, 2016

June 2, 2016

Township Board, Planning Commission,
and Director of Planning & Zoning
Peninsula Township
13235 Center Rd.
Traverse City, MI 49686

Subject: Remaining Review Items for Articles 1 – 11

Members of the Township Board, Planning Commission, and Staff:

The Township has been making progress on the review of the Zoning Ordinance revisions and has held several meetings. In order to meet the original schedule (enclosed), additional meetings should be held to cover the unfinished material. The meetings to date and the materials covered, are as follows (the remaining items to cover are described on pages 2-8 of this letter):

- **April 18, 2016 (Monday), 7:00 p.m. – Article 1 (Title, Purpose, and Scope) and part of Article 2 (Definitions) through “Building, Height of.”** At April 18th the joint meeting of the Planning Commission and Township Board, we reviewed Article 1 (Title, Purpose, and Scope) and part of Article 2 (Definitions) through “Building, Height of” but we deferred review of additional items to future meetings based on the amount of information to cover.
- **April 26, 2016 (Tuesday), 6:00 p.m. to 8:00 p.m. – Shoreline Overlay (Section 3.113) and Fences and Walls (Section 7.114).** At the April 26th meeting, we reviewed the Shoreline Overlay (Section 3.113) and Fences and Walls (Section 7.114), but deferred review of the related definitions to a later meeting that will be dedicated to reviewing only the Definitions article.
- **May 3, 2016 (Tuesday), 6:00 p.m. to 8:00 p.m. – Agricultural-Related Uses (Sections 6.103, 6.110, 6.123, 6.138, and 6.139).** At the May 3rd meeting, we reviewed Bed and Breakfast Establishments (Section 6.103), Food Processing Plants (Section 6.110), Local Food Production Facilities (Section 6.123), and Winery, Use By Right (Section 6.138). There was detailed discussion on these uses, and it was determined that the Township Board and Planning Commission would re-visit these uses at a future meeting(s) with the participation of facility owners. While there was not sufficient time to review Winery-Chateaus (Section 6.139) at the May 3rd meeting, it was agreed that they would be discussed at the same future meeting(s) as the other agricultural-related uses. The Township has since decided to work on these land use regulations internally and add them to the Zoning Ordinance later in the process.
- **May 16, 2016 (Monday), 7:00 p.m. – Article 8 (Environmental Performance Standards), Article 9 (Parking, Loading, and Access Management), Article 10 (Landscaping and Screening), and Article 11 (Signs).** At the May 16th meeting, there was a lot of progress reviewing Articles 8-11. However, much of Article 11 (Signs) has not yet been reviewed, so it should be discussed at a future meeting.

The major remaining items of Articles 1-11 that were not reviewed at the meetings on April 18th, 26th, May 3rd, and May 16th are as follows:

Article 2. Definitions.

The Definitions article is similar to the existing article, but all terms are numbered for easier access. While many changes have taken place, the following are the most notable yet to review:

- **“Dwelling”** now includes **“Dwelling Unit.”**
- **“Easement”** was added.
- **“Essential Services”** was updated to exclude wireless communication facilities, solar energy facilities, and wind energy facilities.
- **“Event”** was added, per Amendment #190.
- **“Family”** was updated to be more encompassing, as the definition of **“Family”** may violate the Fair Housing Act if it becomes too restrictive.
- **“Fence”** was updated to remove the requirement for 50% transparency. However, in the Waterfront Overlay District and in the fence regulations in Article 7, there is a transparency requirement. Having the regulation outside of the definition will make it easier to administer and enforce.
- **“Floor Area”** was updated to be more descriptive.
- **“Gasoline Service Station”** was updated to be more specific and include automobile repair and car washes. Given the rural character of the township, allowing gas stations, car washes, and auto repair together make it more likely that the 3 uses will be concentrated on a site and less spread out.
- **“Guest House”** was added to include the existing development standard.
- **“Impervious Surface”** was added to define how an impervious surface is classified. When we address Stormwater Management standards in the Environmental Performance article (Article 8), we will propose stormwater management standards that apply to lots with an impervious surface coverage over a certain percentage. While we are not proposing a maximum impervious surface coverage in Article 3 at this time, we may address this item later in the Zoning Ordinance review process. For now, there are impervious surface coverage limits proposed in the Shoreline Overlay District.
- **“Junk Yard”** was modified to be consistent with Junk Ordinance and reduced the number of cars to 1.
- **“Lot”** was updated based on our understanding of its definition and application in the Township. While 2 or more lots across the street from each other may be combined into a single tax identification number, the development may only occur on one side of the road and the lot coverage is based on the developed lot. Therefore, houses and garages must be on the same lot and must meet the lot coverage for that lot.
- **“Lot, Width, Minimum”** was updated to allow narrower lots on the frontage of cul-de-sacs (80% minimum width).
- **“Lot Coverage”** was added to clarify that it includes buildings and above-grade structures, but excludes at-grade structures. While this definition can be modified to include at-grade structures such as patios, please note that adding structures to the definition of **“Lot Coverage”** may require the Township to increase the allowable lot coverage in the Zoning District.
- **“Lot Line Types”** were added.
- **“Lot Types”** were modified and expanded, including defining **“Flag Lots”** but stating that they are nonconforming. A graphic was also added.

- **“Mobile Home”** was modified to the definition of “Mobile Home” in the Mobile Home Commission Act.
- **“Mobile Home Park”** was modified to the definition of “Mobile Home Park” in the Mobile Home Commission Act.
- **“Ordinary High Water Mark”** was updated to defer to Federal or State regulation if the OHWM is ever adjusted. Also, for other water bodies (non-Great Lakes), the definition was modified to a more common definition, which measures the OHWM at a physical marker (such as vegetation) at the shore.
- **“Public Utility”** was updated to exclude wireless communication facilities, solar energy facilities, and wind energy facilities.
- **“Recreational Vehicle”** was added, and there are camping regulations in Article 6 and personal storage regulations in Article 7.
- **“Retail Sales”** was added to describe the use as it would generally apply.
- **“Setback”** terms were added to clearly define how they are measured.
- **“Service Institution”** was added to describe the use as it would generally apply.
- **“Structure”** was modified to exclude the fence exemptions; however, the regulations in Article 7 exempt agricultural fences from regulation. It was also modified to exclude at-grade paved areas. Although at-grade paved areas are not “Lot Coverage,” they should be classified as structures, even if they are exempt from permitting elsewhere in the Zoning Ordinance.
- **“Tenant House”** was added to include the existing development standard.
- **“Wall,”** like fence, was updated to remove the development standard, which is addressed in the Waterfront Overlay District and in Article 7.
- **“Yard” Definitions** were updated to be more descriptive. A graphic was also added.

Article 3. Zoning Districts and Map.

This article contains many of the existing sections of Article 6 of the Zoning Ordinance. The following major changes have taken place:

- **Interpretation of Zoning District Boundaries (Section 3.103)** now includes provisions for filled or accreted land.
- **A Permitted Use Table (Section 3.106)** is included, which lists all of the uses, corresponding Zoning District, corresponding development standard link (if applicable), and whether the use is a Permitted Use or Special Use. The following changes to the land use provisions are as follows:
 - **Adult Foster Care, Family Home** is permitted in all areas where a single-family residence is permitted, which is a requirement of the Michigan Zoning Enabling Act.
 - **Adult Foster Care, Small Group Home** was added based on the requirements of the Michigan Zoning Enabling Act and Adult Foster Care Facility Licensing Act.
 - **Child Care, Group Homes** (i.e., up to 12 children) are required by the Michigan Zoning Enabling Act to be special land uses, subject to certain conditions, in districts that permit single-family residences.
 - **Boat Livery**, which is currently defined, has now been placed as a Special Use in the C-1 district.
 - **Child Care Centers**, which are currently defined, have been added, and are placed as a Special Use in the C-1 district.
 - **Drive-Through Uses** have been added, and are placed as a Special Use in the C-1 district. They are currently not permitted in any district, so this item will require discussion.

- **Junk Yards**, which are currently defined, have now been placed as a Special Use in the C-1 district. They are currently not permitted in any district, so this item will require discussion.
- **Winery, Use by Right (currently a "Farm Processing Facility")** is noted as a Permitted Use in A-1.
- **Campgrounds** have been added to the **Recreational Unit Park** classification.

- **Each Zoning District has a 1-page summary (Sections 3.107-3.112)**, which includes the current intent and purpose statements, uses permitted by right and special land uses (copied from the Permitted Use Table), and dimension regulations (copied from the Schedule of Regulations). While these district summaries repeat the Permitted Use Table and Schedule of Regulations, the purpose of these 1-page summaries is to make the Zoning Ordinance more accessible and user-friendly.

- **Neighborhood Overlay District (Section 3.117)**. The purpose of the Neighborhood Overlay District is to allow smaller established lots to develop buildings that do not meet the minimum side yard setbacks or maximum lot coverage of the underlying zoning district. Based on our review of nonconforming lots in the township, the most difficult compliance standards are the minimum side yard setbacks and maximum lot coverage. A sliding scale is proposed for minimum side yard setbacks and lot coverage; therefore, larger lots must be more compliant with the lot coverage of the underlying zoning district and higher buildings must be more compliant with the side yard setbacks of the underlying zoning district.

Article 4. Schedule of Regulations.

This article is similar to the existing Schedule of Regulations. A purpose statement has been added, and the footnote related to lot width refers to the definition for consistency. As previously stated, although there are no maximum impervious surface requirements proposed, this item may be addressed in a future revision.

Article 5. Supplemental Zoning District Standards.

- **Planned Unit Developments (Section 5.101)**. Several sections of the Zoning Ordinance address PUD's, and this proposed section consolidates all of these sections. The major changes include the following:
 - A parallel plan is required at the beginning of the process and must demonstrate compliance. This will make the number of allowable units more accurate and realistic.
 - Emphasizing that the setbacks may be modified by the Township to be less than the underlying zoning district.
 - Clarified permitted housing types to explicitly include attached single-family units.

- **Site Condominiums (Section 5.102)**. Major changes include:
 - Adding requirements for initial information.
 - Deleting lot requirements that are in conflict with the Land Division Ordinance.
 - Adding general provisions for monuments, subdivision of lots, encroachments, relocation of boundaries, performance guarantees, and final documents.

Article 6. Standards Applicable to Specific Uses.

Currently, the development standards for specific uses are scattered throughout several areas of the Zoning Ordinance. These development standards have been consolidated into a single article. In the Permitted Use Table in Article 3, each land use with an associated development standard includes a hyperlink to the applicable section. While there are several changes, the following are the most significant that are yet to be reviewed:

- **Adult Foster Care, Small Group Home (Section 6.101).** Number of residents increased to 12 to meet the requirements of the Michigan Adult Foster Care Licensing Act.
- **Child Care Center (Section 6.104).** Although the use is defined, there are currently no development standards for the use. We recommend provisions for hours of operation, outdoor recreation area, and additional setbacks. The additional setbacks are for the benefit of the child care center use as well as the adjacent use.
- **Child Care, Group Home (Section 6.105).** Provisions were added to comply with the location and development requirements of the Michigan Zoning Enabling Act, as well as best practices for fencing and hours of operation.
- **Drive-Through Uses (Section 6.106).** Drive-Through Uses are a new use proposed in the Zoning Ordinance as Special Uses in the C-1 district. If drive-through uses are incorporated into the Zoning Ordinance, this section has best practices for location and site circulation. If Drive-Through Uses are intended to be prohibited, we recommend adding language in the Zoning Ordinance stating so.
- **Dwelling, Single-Family (Section 6.107).** While development standards for single-family dwellings are primarily administered through the Building Code, there are a few local requirements proposed, including requiring a foundation and water and sanitary facilities.
- **Dwelling, Single-Family Attached (Section 6.108).** We recommend adopting minimum standards for attached single-family residential buildings in order to maintain a single-family residential appearance of the development. Major items include requiring that garages be attached, limiting the number of attached units per building to 8, alternating building lines for dwelling units to break up the façade, minimum building spacing, requiring outdoor patio areas, and prohibiting stacked flats.
- **Golf Courses and Country Clubs (Section 6.112).** We recommend that the 75-acre minimum site area also apply to Country Clubs that do not have a golf course.
- **Greenhouses and Nurseries (Section 6.113).** These are new regulations, which would apply to greenhouses and nurseries that have on-site retail sales. The proposed regulations address on-site activities, hours of operation, equipment and material storage, and outdoor stacks and piles. However, the intent is to have more relaxed standards for greenhouses and nurseries that are part of an on-site agricultural use.
- **Hotels, Motels, and Tourist Courts (Section 6.116).** The maximum height of the building was increased to 35 feet or 2.5 stories, consistent with the C-1 district. The current height limit of 28 feet will encourage flat roofs, which will not be consistent with the character of the township. A larger height, while still capped at 2.5 stories, will provide for better architecture. Finally, the number of guests for an outdoor gathering is limited at 200. While this number can change during the Zoning Ordinance review process, we recommend setting a specific number that can be enforced.
- **Incinerators and Sanitary Landfills (Section 6.117).** Although local control of these uses is largely preempted by State Law, we recommend keeping these standards in the event that they could be enforced. We recommend standards for a rehabilitation plan and additional screening.
- **Indoor Recreation (Section 6.119).** While not a specific use in the current Zoning Ordinance, we recommend minimum development standards for indoor recreation uses, including those that may be associated with a campground.

- **Junk Yard (Section 6.120).** While Junk Yards are currently defined, they are currently not permitted anywhere in the Zoning Ordinance. If the Zoning Ordinance includes Junk Yards as a use, we recommend making it a Special Use in the C-1 district and including development standards to minimize the negative impacts of the use. If Junk Yards are intended to be prohibited, we recommend adding language in the Zoning Ordinance stating so.
- **Kennels (Section 6.122).** Proposed regulations include minimum lot size, minimum setbacks, sound control, odor control, and breeding limits. Also, the proposed regulations prohibit the use in subdivisions and site condominiums.
- **Mobile Homes on Individual Lots (Section 6.125).** References to the Federal law were updated (National Manufactured Housing Construct and Safety Standards Act).
- **Recreational Unit Parks and Campgrounds (Section 6.129).** While there are current regulations for Recreational Unit Parks, Campgrounds were added to the use. Proposed changes to site development standards include additional screening, minimum recreational unit site dimensions, and public station facilities for guests.
- **Wireless Communication Facilities (Section 6.141).** The wireless communication standards of Sections 7.12 and 8.7.3(11) of the current Zoning Ordinance were merged into a single section to make administration easier. The Michigan Zoning Enabling Act was amended in 2012 to make it much easier for wireless communication providers to collocate antennas and construct new towers. At the same time, it severely limited a municipality's ability to regulate them and provide adequate time for a comprehensive review. The proposed revisions include applicable procedures based on the type of activity proposed, which is consistent with the Zoning Enabling Act. The maximum height is limited to 120 feet, design requirements were added for the tower and equipment building, and screening requirements were added. Other provisions were added for access, structural integrity, maintenance, removal, and application.

Article 7. General Provisions.

The purpose of this article is to consolidate general standards applicable throughout the township that do not fit into other articles of the Zoning Ordinance. Sections with major changes yet to be reviewed are as follows:

- **Storage of Recreational Vehicles (Section 7.103).** The Zoning Ordinance currently has no regulations on outdoor storage of recreational vehicles. We recommend minimum setback standards and requiring the vehicle to be registered to the lot owner or occupant.
- **Supplementary Height Requirements (Section 7.108).** We recommend capping ornamental structures at 50% above the maximum height, though we recommend allowing the Township to grant a Special Use permit for higher ornamental structures. We do not recommend that the ZBA grant variances for ornamental structure height because there will not likely be a practical difficulty.
- **Clear Vision Area (Section 7.112).** We recommend clear vision areas at driveway and road intersections.
- **Accessory Buildings and Structures (Section 7.113).** The ZBA has a long history of interpreting the intent of the Zoning Ordinance for accessory buildings and structures. We have included many of these provisions, with the dates cited in the margins. Although we propose that only shoreline lots be able to have detached accessory buildings in a front yard, we can remove this provision altogether if it will unnecessarily create too many nonconformities.
- **Swimming Pools (Section 7.115).** While swimming pools are also covered under the Building Code, we recommend including Zoning Ordinance regulations for setbacks, permitting, location, and barriers. While the barrier requirements are similar to the Building Code, we recommend

having them in the Zoning Ordinance in the event that the Building Code is ever amended to not require a barrier.

- **Accessory Solar Energy (Section 7.116).** With improved technology, solar energy has become more efficient and cost-effective over the years. We recommend minimal standards for roof-mounted and ground-mounted systems, such as maximum height, location, setbacks, screening, and removal. The ground-mounted systems are limited to an output of 10kW or less, so the number of panels would be limited.

Article 11. Signs.

Last summer, the United States Supreme Court decided the case of *Reed v. Town of Gilbert* where it held a municipality's sign ordinance unconstitutional because it violated the First Amendment. While the signs at issue were noncommercial signs (temporary directional signs, ideological signs, and political signs), the Court's decision impacts many other types of signs. Therefore, many of the proposed changes to the sign regulations are with respect to sign content, and we anticipate additional changes after the Township Attorney reviews the proposed article.

While many of the major changes are noted in the margins of the draft Zoning Ordinance (dated May 10, 2016), they are summarized as follows:

- **Purpose (Section 11.101).** Many items were added to the purpose statements to make them more robust by emphasizing public safety and rural character.
- **Definitions (Section 11.102).** We recommend moving the sign-related definitions from Article 2 to the Signs article. This change will make the sign definitions easier to administer. The sign definitions were grouped based on the sign type and the sign content. Although the regulations are made more content-neutral, the content-based definitions were preserved and put into a subclass as an example of a content-based standard. This way, the only content-based distinctions for signs are whether they are commercial or noncommercial, or on-premise or off-premise. However, if the definitions and regulations must be more content neutral, it will be easy to make them more content neutral based on the proposed format.
- **Substitution Clause (Section 11.103).** A substitution clause is a requirement that any lawful sign may contain noncommercial content. Therefore, commercial speech cannot be favored over noncommercial speech, which is a legal requirement based on a previous U.S. Supreme Court case.
- **Sign Measurement (Section 11.104).** We recommend being more specific regarding how sign area is measured for irregular shapes and two-sided signs.
- **Sign Placement and Design (Section 11.105).** While natural or natural appearing materials are "highly encouraged," we recommend making these materials a requirement along M-37 and "highly encouraged" elsewhere in the township. Also, we recommend minimum maintenance requirements. Finally, we recommend that the Planning Commission or Zoning Administrator review signs instead of the ZBA. However, the ZBA would still review signs where there is a variance application.
- **Prohibited Signs (Section 11.106) and Signs Permitted in All Districts (Section 11.107).** We recommend adding to the lists of Prohibited Signs and Signs Permitted in All Districts to make

them easier to understand and administer. There are corresponding definitions for new signs added to these lists.

- **Sign Regulations for Specific Zoning Districts (Section 11.108).** We recommend adding a table for each zoning district with corresponding sign regulations. In proposed Section 11.108, there are standards that apply to all zoning districts. In many cases, the number and area of signs has not changed. However, for example, signs for “Construction Site,” “Real Estate,” “Yard/Garage Sale,” and “Event” are now classified as “Temporary On-Premise Commercial Advertising Signs” as a means of making these types of signs more content neutral. Additional sections are added pertaining to signs in the C-1 district and signs in the A-1 district. Please note that the A-1 district permits an “Additional Temporary On-Premise Commercial Advertising Sign,” which is a more content neutral substitution for the additional sign currently permitted for Farms, Roadside Stands, Food Processing Plants, and Local Food Production Facilities. In essence, one use will not be favored over another similar use in the same zoning district.
- **Illumination (Section 11.110).** While internally illuminated signs are currently permitted under limited circumstances, we recommend including maximum illumination standards based on the time of day. We also recommend that internally illuminated signs be required to include a photocell and automatic dimmer.
- **Nonconforming Signs (Section 11.111).** Like all other nonconforming structures, there should be regulations for nonconforming signs that allow a nonconforming sign to continue as long as the on-site business remains and the sign is not expanded or changed to be more nonconforming. We recommend including standards for acceptable maintenance and repair. Please note that general standards for nonconformities will be located in Article 12.
- **Appeals and Variances (Section 11.112).** Although appeals and variances will be reviewed under the general standards in Article 14, we recommend including additional standards for the ZBA to consider with respect to signs based on visibility.

NEXT STEPS

We recommend scheduling additional meetings to cover these items to ensure that the Zoning Ordinance update proceeds as scheduled.

Respectfully submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP
Principal Planner

Enclosures

cc: Leslie Sickterman, AICP, PCP, CNU-A, Principal, Mission North, LLC

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~~

Commented [PS19]: 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.

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

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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 [PS20]: 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

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 two (2) 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 [PS21]: 'Uses permitted Under Special Conditions' is deleted because these uses are either Permitted Uses (with applicable use and development standards) or Special Uses

Deleted: <#>Uses permitted UNDER SPECIAL CONDITIONS. Uses and structures compatible with the primary uses and structures permitted within the Zone District but subject to the special conditions specified with the Zone District.<#>

Commented [PS22]: The list of individual special land uses has been incorporated into the land use tables in this article

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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.<#>

Page Break

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

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 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						
Accessory Buildings	P	P	P	P	P	P	Section 7.113
Adult Foster Care, Family Home	P	P	P	P	P		
Adult Foster Care, Small Group Home	SU						Section 6.101
Child Care, Family Home	P	P	P	P	P		
Child Care, Group Home	SU	SU	SU	SU	SU		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	P	P	P	P	P		Section 6.131
Tenant House	P						Section 6.136
Bed and Breakfast Establishments	SU	SU	SU	SU	SU		Section 6.103
Boat Livery						SU	
Child Care Centers						SU	Section 6.104
Drive-Through Uses						SU	Section 6.106
Farm Supply and Implement Dealers						SU	
Food Processing Plants	P						Section 6.110
Game or hunting preserves operated for profit	SU						
Gasoline Station and Automobile Service Stations						SU	Section 6.111
Golf Courses and Country Clubs	SU		SU	SU	SU		Section 6.112
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

Commented [PS23]: 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

Commented [PS24]: 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

Deleted: Facilities

Commented [PS25]: 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

Commented [PS26]: 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

Commented [PS27]: 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.

Commented [PS28]: Currently, we propose to make these use permitted by right

Deleted: SU

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

Use	A-1	R-1A	R-1B	R-1C	R-1D	C-1	Development Standard
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
Public Areas, Public Parks, and Public Recreation							
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

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

Deleted: Other Similar
Deleted: Uses

Commented [PS29]: "Farm Processing Facilities" are proposed to be called "Winery Use by Right." See Article 6 for proposed regulation changes

Deleted: Farm Processing Facility
Deleted: SU

Deleted: Storage of Trailer Units

**Article 3: Zoning Districts and Map
Section 3.107: A-1, Agricultural District**

Section 3.107 A-1, Agricultural District (currently Section 6.7)

(A) Intent and Purpose (currently Section 6.7.1)

This District is intended to recognize the unique ecological character of the Peninsula and to preserve, enhance, and stabilizing existing areas within the Township which are presently being used predominately for farming purposes, yet recognize that there are lands within the district which are not suited to agriculture, therefore allowing other limited uses which are deemed to be compatible with agricultural and open space uses.

(B) Uses Permitted by Right (currently Sections 6.7.2)	(C) Uses Permitted by Special Use Permit (currently Section 6.7.3)
<ul style="list-style-type: none"> • Single-family dwellings • Two-family dwellings • Mobile homes (not in a Mobile Home Park) • Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses and nurseries (no retail sales), and similar agricultural enterprises. • Raising and keeping of small animals • Raising, keeping, and boarding of livestock • Home occupations • Roadside stands • Cemeteries • Agricultural Labor Camp, Less than 5 Migrant Workers • Licensed Agricultural Labor Camp, Licensed • Public areas, public parks, and public recreation • Public and private conservation areas • Mining or removal of top soil • <u>Child Care, Family Home</u> • Barn storage • Local Food Production Facility • <u>Adult Foster Care, Family Home</u> • Tenant house • Keeping of pets • Accessory buildings • <u>Winery, Use by Right</u> • <u>Rental of Non-Owner Occupied Dwelling</u> 	<ul style="list-style-type: none"> • Planned Unit Developments • Recreational Unit Park <u>and Campgrounds</u> • Food processing plants • Institutional structures • Greenhouses and nurseries (retail sales) • Riding stables <u>and livestock auction yards</u> • Raising of fur bearing animals • Game or hunting preserves <u>operated for profit</u> • Veterinary hospitals, clinics, and kennels • Sawmills • Storage for agricultural products • Golf courses and country clubs • Public buildings and public service installations • Incinerators and sanitary landfills • Airports and airfields • Warehousing and light industrial • Wind Energy Conversion Systems (WECS) • Bed and Breakfast establishments • Adult foster care facilities • Winery-Chateau • Sewage Treatment and Disposal Installations • Special Open Space uses, such as public beaches, bath houses, recreational camps, and other open space uses operated for profit • Wireless Telecommunication Towers • Remote Winery Tasting Rooms • <u>Child Care, Group Home</u> • <u>Adult Foster Care, Small Group Home</u>

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.106.

Deleted: Family day care and group day care homes

Deleted: Section 3.105

(D) Dimension Regulations (currently Section 6.7.4 and Section 6.8)

Lot Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	5 acres	<i>Front Yard</i>	35 feet
<i>Min. Lot Width (ft.)</i>	330 feet	<i>Side Yard</i>	50 feet
<i>Max. Lot Coverage (%)</i>	n/a	<i>Rear Yard</i>	50 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>	n/a		

Footnotes:

Area and Bulk Requirements are subject to Article 4 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted, and providing minimum yard setback requirements.

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>

Deleted: <#>Boat Hoists and Docks<#>
 <#>Decks and Storage<#>
Deleted: 1
 Storage of Trailer Units
Deleted: Family Day Care Homes and Group Day Care Homes

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.106.

(D) Dimension Regulations (currently Section 6.2.7 and Section 6.8)			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	1 acre	Front Yard	30 feet
Min. Lot Width (ft.)	150 feet	Side Yard	15 feet
Max. Lot Coverage (%)	15%	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.

**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>

Deleted: <#>Boat Hoists and Docks<#>
<#>Decks and Storage<#>

Deleted: <#>Storage of Trailer Units<#>

Deleted: Family Day Care Homes and Group Day Care Homes

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.106.

(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.

Article 3: Zoning Districts and Map
Section 3.110: 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, subject to Section 3.106.

(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.

Deleted: <#>Boat Hoists and Docks¶
 <#>Decks and Storage¶

Deleted: <#>Storage of Trailer Units¶

Deleted: Family Day Care Homes and Group Day Care Homes

**Article 3: Zoning Districts and Map
Section 3.111: 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>

Deleted: <#>Boat Hoists and Docks¶
<#>Decks and Storage¶

Deleted: <#>Storage of Trailer Units¶

Deleted: Family Day Care Homes and Group Day Care Homes

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.106.

(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.

Article 3: Zoning Districts and Map
Section 3.110: C-1, Commercial District

Section 3.112 C-1, Commercial District (currently Section 6.6)

(A) Intent and Purpose (currently Section 6.6.1)
 This section establishes the C-1 Commercial District to allow for convenience type shopping for Township residents and for limited marina and transient lodging facilities. It is the purpose of this regulation to avoid undue congestion on major highways, to promote smooth and safe traffic flow along highway routes. Commercial activities within this district are those which primarily offer goods and services which are generally required by a family at intervals of a week or less.

(B) Uses Permitted by Right (NEW SECTION)	(C) Uses Permitted by Special Use Permit (currently Section 6.6.2)
<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Retail Sales • Warehousing of Products Sold at Retail on Premises • Service Institutions • Utilities • Restaurants and Taverns • Recreational Unit Sales • Farm Supply and Implement Dealers • Professional Offices • Off-street Parking Lots • Gasoline Stations and Automobile Service Stations • Marinas • Hotels, motels, and tourist courts • Self Service Storage Facility • Sewage Treatment and Disposal Installations • Wind Energy Conversion Systems (WECS) • Wireless Telecommunication Towers • Child Care Centers • Boat Livery • Junk Yards

~~Deleted: Other Similar~~
~~Deleted: Uses~~

The above list is a summary of uses permitted by right or special land use approval in the district, subject to [Section 3.106](#).

(D) Dimension Regulations (currently Section 6.6.4 and Section 6.8)			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	25,000 sq. ft.	Front Yard	35 feet
Min. Lot Width (ft.)	150 feet	Side Yard	10 feet
Max. Lot Coverage (%)	35%	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	n/a		

Footnotes:
 Area and bulk requirements shall be subject to the provisions of [Article 4 Schedule of Regulations](#).

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.

(B) **Township Permit Required.** For activities within the Shoreline Overlay District requiring a building permit, increasing the amount of impervious cover on the parcel, dredging, filling, 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. The requirement for a Township permit is in addition to any Soil Erosion and Sedimentation Control (SESC) permit requirements that may apply, if applicable. Normal gardening activities in compliance with this Section do not require a Township permit.

(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.

(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:

(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%).

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

(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.

Deleted: water quality and land resources related to the Great Lakes Shoreland for the future health, safety and welfare of Township residents.

Commented [PS30]: This proposed section has been revised to emphasize that gardening is exempt, dredging and filling requires a permit, and SESC permitting may apply

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

- (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.
- (e) Permitted Storage.** Temporary off-season storage of portable decks, boats, shore stations, and other water recreational items is permitted, provided that storage does not take place in a required side yard setback or road right-of-way. All items stored outdoors shall be operational.
- (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. The Zoning Administrator may require the plan to be reviewed by the Township Engineer prior to issuance of a permit per Section 3.113(B).
- (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.
- (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. If compliance with this requirement is not feasible, the applicant's Registered Landscape Architect must state the reasons on the certified plan. The species plant materials proposed must be acceptable to the Township, and the Township may maintain a list of acceptable species and prohibited species.
- (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:
- (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 the Waterfront Sub-District boundary and two hundred (200) feet from the OHWM.

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

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

(D) Docks (currently Section 6.2.2(2)(c)).

(1) Maximum Number of Docks and Boat Hoists. A maximum of one (1) dock per parcel 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.

(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)

(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

Commented [PS31]: Because a Boat Hoist is located in the water, it cannot be regulated by the Township in the same manner as a dock which is connected to upland area.

Deleted: Boat Hoists and

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

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:

~~Decks~~
~~Line~~

(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)

(i) **Ordinary High Water Mark Setback.** Located a minimum distance of 35 feet from the Ordinary High Water Mark,

~~Line~~
~~which is 581 feet above sea level (USGS)~~

(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.

~~;~~

(iii) **Side Yard Setback.** Located at least fifteen (15) feet from the side lot line.

~~outside the~~
~~foot~~
~~yard setbacks; lv~~

(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.

(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.

~~Seating~~
~~and~~

(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.

(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%).

(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.

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

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

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

(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:

(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.

(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:

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Deleted: ; or b) where there is a residence on the parcel, from a line parallel to the road right-of-way and touching the closest part of the foundation of the residence to the ordinary high water line

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

- (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
Over Four Families	Five additional feet per family

- (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.

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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

- (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 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 and/or the U.S. Army Corps of Engineers.
- (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:
- (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

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

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.

(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.

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

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).

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Article 3: Zoning Districts and Map

Section 3.114: Airport Overlay District

- (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).
- (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.

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

- (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.
- (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 9.107 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)

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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)



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

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.

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 <i>(B)</i>	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 <i>(B)</i>	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 <i>(B)</i>	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 <i>(B)</i>	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 <i>(B)</i>	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 <i>(B)</i>	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 <i>(B)</i>	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.

Deleted: In the case where curvilinear street pattern produces irregularly-shaped lots with nonparallel side lot lines, a lessor frontage width at the street line may be permitted provided that the lot width at the building line is equal to the lot width for that district

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

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