

Article 8 Environmental Performance Standards

Section 8.101 Wetland Restrictions (currently part of Section 6.9.3.7)

(A) Development or Modification Within a Wetland. There shall be no development or modification of any kind within a wetland area without there first having been issued a wetlands permit by the Michigan Department of Environmental Quality and/or an Earth Change Permit from Grand Traverse County as appropriate. Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be used for residential purposes, or for uses that may, in the judgment of the applicable Federal, State, County, Local, or Township agency, increase the danger to health, life, or property or increase the flood hazard. Such land shall be set aside for other uses, such as parks or other open space.

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(B) Minimum Wetland Setback. A minimum setback of twenty-five (25) feet shall be maintained between any structure or impervious surface and a wetland. However, docks, patios, terraces, decks, pathways, and similar structures may be permitted within the wetland setback, subject to review and approval by the Township upon finding there will be no adverse impact on ground or surface waters of the wetland.

Commented [P551]: Chapter 4 of the Master Plan recommends a Environmentally Sensitive Area Overlay that includes a minimum setback for wetlands. While such an overlay would be difficult to craft at this time, we recommend adding a minimum wetland setback.

Section 8.102 Floodplain Controls and Restrictions (currently Section 7.4.7 and part of Section 6.9.3.7)

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

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(B) Flood Plain Area Identification. Flood plain shall be those areas falling below elevation 582.8 I.G.L.D. (elevation 582.8 - 1955 I.G.L.D. equals elevation 583.5 1985 I.G.L.D. or elevation 584 USGS), which may be updated by the Federal Government. Such flood areas shall be restricted as to use, building encroachment, and occupancy, so that human life is protected and future flood damage is minimized. In the event of reasonable doubt as to the location of a flood plain, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a registered professional engineer showing the extent and location of floodable areas.

(C) Permitted Uses. Notwithstanding any other provisions of this Ordinance (including Section 5.113), no uses shall be permitted to occur within a flood plain except the following:

Commented [P552]: This is a cross-reference to the Shoreline Overlay District

- (1) Uses, such as farms, truck gardens, nurseries, parks, open space, playgrounds, preserves, bridge paths, or other similar uses.

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- (2) Yard and setback areas or other open space portions required for any District, PROVIDED that the elevation of the lowest floor designed for human habitation shall be at least three (3) feet above the established flood plain.
- (3) Off-street parking uses, PROVIDED that all parking areas shall conform to the provisions of Article 9.
- (4) Roads, service drives, utility uses, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.
- (D) **Restricted Uses.** Any structure where human habitation is contemplated either as a place of residence, places of public gathering or employment, or for uses that may in the judgment of the Planning Commission increase the danger to health, life, or property or increase the flood hazard shall be prohibited from locating in flood plain areas.
- (E) **Required Conditions.** Any construction within the flood plain shall conform to the requirement of Section 3.113 of this Ordinance, and permits for such construction shall not be issued unless they receive review and approval by the Planning Commission.

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- (1) Any construction within the flood plain shall be so fixed to the site as to withstand the force of the expected velocity of flood water. The Planning Commission may require professional engineering review of any such construction.
- (2) Where topographic data, engineering studies, or other studies are needed to determine the effects of flooding or flow of water, the applicant shall submit such data or studies, prepared by a registered professional engineer, to the Planning Commission.
- (3) Filling in flood plain areas to raise lands above the flood plain may be permitted with the approval of the Planning Commission subject to prior approval of the Michigan Department of Environmental Quality and Public Act 451 of 1994, as amended, and an Earth Change Permit from Grand Traverse County as appropriate.

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Commented [PS54]: The Planning Commission is the more appropriate body to review plans for construction in a floodplain. However, if the construction is in a setback, the ZBA will also have to review the plan pursuant to its variance standards.

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Section 8.103 Removal of Fruit-Producing Trees, Vines, or Shrubs from Properties Being Developed (currently Section 7.8 and part of Section 6.9.3.8)

Because of the unique character of Peninsula Township as a commercial fruit-producing area where the livelihood and well-being of many area residents depends on the successful production of fruit crops, it is necessary to control dangerous insects and infectious plant diseases which constitute a menace to such fruit crops. Since neglected, abandoned, or semi-abandoned fruit-producing plants often harbor such insects, pests and plant diseases, the owner of properties being developed for planned unit developments, mobile home parks, site condominiums, subdivisions, or other housing developments shall remove and destroy all existing fruit-producing trees, vines, or shrubs from the subject properties. The removal of all such plants shall occur prior to project approval and commencement of construction unless it can be clearly demonstrated that the plants will remain in production and be maintained and treated on a regular basis by a pesticide applicator licensed by the Michigan Department of Agriculture.

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Section 8.104 Soil Erosion and Sedimentation Control and Protection of Steep Slopes (currently Section 6.9.3.9)

In the event that any person shall intend to make changes in the contour of any land proposed to be developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Zoning Administrator or Planning Commission, as applicable, for approval a plan for erosion and sedimentation controls, unless there has been a prior determination by the Zoning Administrator or Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation and a Soil Erosion and Sedimentation Control permit may be required. Where development is proposed on or near a steep slope, the Zoning Administrator or Planning Commission may require that the plan be reviewed by the Township Engineer to determine the development's impact on the slope prior to approval of a site plan or land use permit. For residential developments, the guidelines and policies contained in Section 5.4.12 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION: of the Peninsula Township Subdivision Control Ordinance No. 8 shall be used.

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Section 8.105 Mining or Removal of Topsoil, Sand, Gravel, and Minerals (currently Section 7.2.3)

- (A) No topsoil shall be removed for purposes of resale nor shall any open pit mining for the purposes of extracting sand, gravel or minerals be permitted unless conducted in the A-1 zone and at least 200 feet from any public highway and at least 50 feet of any side or rear lot lines of any lot adjoining land zoned for residential uses.
- (B) All mines shall have a site rehabilitation plan approved by the Township. The rehabilitation plan shall include a plan for planting trees in a manner that will create a woodland over the long term, which will assist in slope stabilization.
- (C) The Planning Commission may establish routes for truck movement in and out of the mine in order to minimize the wear on public roads, to minimize traffic hazards, and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise), upon adjacent properties.
- (D) All permitted mines shall be maintained in a neat, orderly condition so as to prevent injury to any single property or individual, or to the community in general. When an open pit mine or gravel pit has ceased to be worked regularly, any "attractive nuisance" features such as steep banks or deep holes that could be a hazard to the safety of children shall be promptly rough graded so as to remove such hazard or hazards. All areas within any mine shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form. When an open pit mine or gravel pit has ceased to be worked regularly for a period of three (3) years, it shall be rough graded in such a manner as to restore the land to contours harmonious with those of the surrounding terrain, protected from erosion and vegetative cover established.

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Section 8.106 Storm Water Management (currently Section 7.2.5)

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(A) **General Applicability.** When any land in the Township is developed or altered in any way which affects storm water runoff, the owner shall develop and submit for approval a plan detaining any storm water runoff onto adjacent properties including roads and other rights of way pursuant to the Peninsula Township Storm Water Control Ordinance (Ordinance #33, as amended). Such detention shall follow accepted storm water detention practices and the maximum amount of storm water runoff allowed shall not exceed that which existed prior to the development or improvement of the property.

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(B) **Residential Structures.** In the event that the Peninsula Township Storm Water Control Ordinance is not applicable to residential structures, the following storm water management standards shall apply:

(1) **Residential Structures Subject to Major Storm Water Review.** For Major Storm Water Review, the Township Engineer shall review and approve the storm water management plan prior to the issuance of a Land Use Permit. The cost of the Township Engineer's review and inspections shall be paid by the applicant. Residential structures subject to Major Storm Water Review shall include the following:

(a) Residential structures within 500 feet of the ordinary high water mark (OHWM) and where the impervious surface coverage of the structure is equal to or greater than 3,500 square feet;

(b) Residential structures that will disturb more than one (1) acre of land; or

(c) Any residential structure that, in the opinion of the Zoning Administrator, requires review by the Township Engineer based on complexity of the disturbance of natural features or site development.

(2) **Residential Structures Subject to Minor Storm Water Review.** For Minor Storm Water Review, the Zoning Administrator shall review and approve the storm water management plan prior to the issuance of a Land Use Permit. Residential structures subject to Minor Storm Water Review shall include residential structures with an impervious surface coverage of less than 3,500 square feet and occurring on a lot that is subject to a setback from the ordinary high water mark (OHWM).

(3) **Required Storm Water Management Volume.** The required detention of a storm water system subject to Minor or Major Storm Water Review shall be the first one-half (1/2) inch of storm water runoff from all existing and proposed impervious surfaces. For example purposes only, if a subject lot has an impervious surface coverage of 1,000 square feet and is adding 200 square feet of impervious surface, the site must have a storm water management system that can detain at least 50 cubic feet of storm water (i.e., 1,200 sq. ft. / 24) and allow the storm water to naturally permeate into the soil. However, the approving authority may require a more voluminous storm water management system if the proposed land use, slope, or underlying soil types are expected to increase the rate of runoff discharge from the lot.

(4) **Design and Installation.** The storm water management system shall include one (1) or more of the Best Management Practices (BMPs) published by the Michigan Department

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of Environmental Quality (MDEQ) or any other BMP accepted by the approving authority such as underground infiltration trenches, rain gardens, and rain barrels. A vegetated yard area may be used when, in the opinion of the approving authority, the slope and underlying soil conditions will allow for rapid infiltration. The storm water management system shall be installed in accordance with the approved design.

(5) Maintenance. All storm water management systems shall be properly maintained so as to comply with the requirements of this Section. Each application for Minor or Major Storm Water Review shall include a maintenance agreement to be reviewed and approved by the approving authority.

Section 8.107 Exterior Lighting (currently Section 7.14)

(A) Applicability.

- (1) All new outdoor light fixtures and specified lighting practices shall conform with this section.
- (2) Outdoor lighting fixtures existing as of the effective date of this amendment may continue to be used except as otherwise provided.
- (3) Voluntary compliance with the intent of this section for exempt uses or structures and existing outdoor fixtures is encouraged.

(B) Intent. The Peninsula Township Board finds that this Section of the Ordinance complies with the Master Plan and that the dark night sky is considered a valuable natural and aesthetic resource which should be protected. The dark night sky contributes significantly to our quality of life by contributing to the public peace and to the health, safety, and welfare of the residents of and visitors to Peninsula Township. The essential public purposes that warrant Township regulation of the use of outdoor light fixtures include, but are not necessarily limited to:

- (1) Safety of individuals using outdoor areas for legitimate and necessary purposes after dark.
- (2) Minimization of light pollution, which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky.
- (3) Elimination of unnecessary and/or unwanted illumination of adjacent and distant properties.
- (4) Conservation of electrical energy-generating resources.
- (5) Protection of vehicular and pedestrian traffic from dangerous glare.

(C) Lighting-Related Definitions.

- (1) **Automatic Timing Device.** A device which automatically turns outdoor light fixtures and/or circuits on and off.

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- (2) **Floodlight.** A very strong artificial light so directed or diffused as to give a comparatively uniform illumination over a rather large area and often used to light up the outside of buildings.
- (3) **Full Shielding.** A technique or method of construction which causes light emitted from an outdoor light fixture or any bright reflecting section to be such that the light source and any bright reflecting surface is not visible above the shield horizontal plane or beyond the boundaries of the property.
- (4) **Glare.** Intense blinding light emanating directly from a lamp, reflector or lens including bright reflective sections.
- (5) **Light Pollution.** Artificial light which causes a detrimental effect on the environment, astronomical observation, enjoyment of the naturally-illuminated night sky or causes undesirable glare or unnecessary and/or unwanted illumination of adjacent or even distant properties.
- (6) **Light Source.** The bulb or other element in an outdoor light fixture which emits light.
- (7) **Motion Detector.** A device triggered by motion and used to energize light sources.
- (8) **Outdoor Light Fixture.** An illuminating device which is permanently installed outdoors, including but not limited to devices used to illuminate signs.
- (9) **Shield.** In general, a permanently-installed, ~~opaque~~ shade, cowl, hood, baffle, or other construction which limits, restricts, or directs light, or the visibility of a light source, to meet the standards of this Section.
- (10) **Security Lighting.** Such outdoor light fixtures and/or practices intended to discourage intrusion on the premises by unwanted persons.
- (11) **Vehicle Use Area.** A Vehicle Use Area is a paved or unpaved driveway, maneuvering, loading and delivery area, solid waste collection, temporary storage area and outdoor processing area.
- (12) **Yard Lighting.** Such outdoor light fixtures and/or practices intended for the convenience, enjoyment, and safety of a property owner.

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(D) Exterior Lighting Standards.

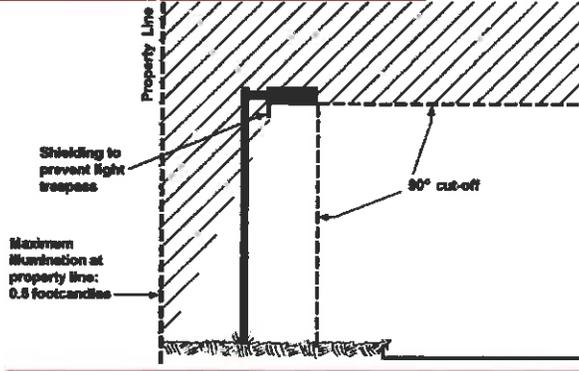
- (1) **New Light Fixtures.** All new outdoor light fixtures shall meeting the following requirements:
 - (a) All new outdoor light fixtures shall have full shielding, unless otherwise permitted. Full cut-off fixtures shall be used to prevent light from projecting above a ninety (90) degree horizontal plane. Additionally, the light trespass from a property shall not

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exceed 0.5 foot candles at the property line, measured 5 feet from the ground (see Figure 4, below).

Figure 4. Light Fixture Shielding and Light Trespass



Commented [PS56]: A 90-degree cutoff and light trespass limit of 0.5 foot candles at the property line measured 5 feet from the ground is a fairly common lighting standards. However, if the Township prefers a different standard, we can easily change the text and graphic.

- (b) Driveway post lights shall have translucent lens or covers to protect vehicular and pedestrian traffic from glare.
- (c) Control light fixtures with manual switches, motion detection devices or other automatic timing devices.
- (2) **Building Facades.** Building facades may be lit, but only in a downward direction and fully shielded.
- (3) **Security Lighting.** Security lighting may be approved as part of a site plan, and if approved shall be fully shielded.
- (4) **Prohibited Lighting Types and/or Practices.**
 - (a) Searchlights, lasers, or other high-intensity lights designed or used primarily to light the sky for advertising or entertainment purposes;
 - (b) Broad-spectrum lighting, such as quartz, metal halide and mercury vapor lighting because of the diffusive and reflective characteristics of such light;
 - (c) Foliage/tree "up lighting".
- (5) **Illuminated Signs.** Illuminated signs shall comply with Section 11.110.
- (6) **Parking Lots.** Parking Lots for commercial uses, planned unit developments, condominium subdivisions, subdivisions, public and institutional buildings, schools; other institutional uses, parks, processing facilities, retail sales uses and other vehicular use areas;

Commented [PS57]: The deleted text of this sub-section will be inserted into the sign illumination standards of Section 11.110.

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 <#>Illuminated signs must be turned off no more than one (1) hour after the close of business and may be turned on no earlier than one (1) hour before the opening of business except by special permission granted as a condition of site plan approval.¶
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 <#>External illumination of signs, billboards, advertising kiosks, and information boards shall be mounted at the top of the sign or sign structure and be fully shielded;¶
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 <#>Internally illuminated signs, billboards, advertising kiosk and information boards shall have a dark background with lighter-colored translucent (not transparent) lettering, logos, and/or designs.¶

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- (a) Parking lots shall be illuminated no earlier than one (1) hour before regular hours of operation, and no more than one (1) hour after regular hours of operation except by special permission granted as a condition of site plan approval.
- (b) Pole height shall not exceed 15 feet except a pole height of up to 25 feet may be allowed for loading areas where necessary for agricultural purposes.
- (c) A greater number of low mounted lights are favored over elevated lights.

(E) Exemptions. The following uses and activities shall be exempt from the Exterior Lighting Regulations:

- (1) Emergency equipment while in use.
- (2) Holiday decorations, provided that decorative exterior lighting shall not include searchlights, ~~stroboscopic lights, or other lights that would cause a nuisance.~~
- (3) Fixtures such as decorative or porch lights or walkway lighting.
- (4) All outdoor light fixtures producing light directly from solar or the combustion of fossil fuels such as kerosene lanterns or gas lamps provided the intensity of light does not create glare or distractions that pose a potential danger to vehicular or pedestrian traffic or unnecessary and unwanted glare in the night sky.
- (5) Lighting fixtures to illuminate the American flag may have light shining vertically provided the light source is shielded and the light is focused on the flag in accordance with the United States Flag Code.

(F) Relief from Exterior Lighting Regulations. Applications for relief from the regulations of this Section may be made to the Peninsula Township Zoning Board of Appeals pursuant to Section 14.104 provisions and standards for variances. Any ruling granting relief shall contain all conditions upon which said permit has been granted, including but not limited to the effective dates, times, locations and specifications of the lighting fixtures and plans permitted.

Commented [P558]: The deleted text for "Application/Review Procedures for Special Use Permits and Platted Subdivisions" will be inserted in Section 14.102(B), which will list all of the information required on a site plan

Deleted: ~~<#>Application/Review Procedures for Special Use Permits and Platted Subdivisions.~~ The application for all Special Use Permits and subdivisions after the effective date of this amendment shall include the following information:¶

¶ <#>Description of all illuminating devices, fixtures, lamps, supports, and reflectors, shall include catalog cuts, manufacturer's illustration and the like.¶

¶ <#>Photometric data shall be superimposed on the site plan. For smaller projects, the applicant may provide photometric data supplied by the manufacturer which is separate from the site plan.¶

¶ <#>Such other information about the site or adjoining sites as may be essential for the Township Board to determine if the requirements of this section are being met.¶

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Article 9 Parking, Loading, and Access Management

Section 9.101 General Off-Street Parking and Loading Regulations (currently Section 6.10, Section 7.6.1, and Section 7.6.2)

(A) **Intent and Purposes (currently Section 6.10.1).** This article is intended to restrict the use of areas set aside for parking purposes as part of an on-site, adjacent, or nearby land use,

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(B) **Requirements.** There shall be provided in all Districts, at the time of erection or enlargement of any main building or structure or change in land use, automobile off-street parking space with adequate access to all spaces. The proper number of parking spaces for any given use as specified in this Section are based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during an average day.

Commented [P559]: The deleted text is from Sections 6.10.2 and 6.10.3, which are standards of the P-1, Vehicle Parking District. We believe that this district can be deleted and additional provisions added to the general parking standards to achieve the intended outcome of the P-1.

(1) **Location of Residential Off-Street Parking.** Parking spaces for residential uses may be within any yard area, but shall not be permitted within a minimum front yard setback unless otherwise provided in this Ordinance. Required residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

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(2) **Location of Off-Street Parking for Other than Residential Use.** Parking spaces for non-residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.

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(3) **Joint Use of Off-Street Parking Areas.** Joint use of off-street parking may be provided collectively by two or more buildings or uses provided the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately in accordance with Section 9.102. In the instance of dual function of off-street parking spaces where the owners can demonstrate that operating hours or parking needs of individual building or uses occur at distinctly different times, the Planning Commission may grant an exception in accordance with the following:

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(a) **Number of Required Spaces.** In determining whether to allow fewer parking spaces in a shared parking lot, the Planning Commission shall consult the most recent edition of the *Parking Generation*, published by the Institute of Traffic Engineers (ITE), or other acceptable standard. Adequate pedestrian access shall be provided between the shared parking lot and the associated buildings and uses.

(b) **Shared Parking Agreement.** A written shared parking agreement between joint users in a form approved by the Planning Commission and Township attorney shall be recorded with the Grand Traverse County Register of Deeds. The agreement shall

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assure the continued availability of the off-site parking facilities for the uses it is intended to serve.

- (4) **Fractional Spaces.** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.
- (5) **In Cases of Uses Not Specifically Mentioned.** The requirements of off-street parking spaces shall be in accord with the use which the Zoning Administrator considers is similar in type based on the most recent edition of the *Parking Generation*, published by the Institute of Traffic Engineers (ITE), or other acceptable standard applicable for that use or a similar use.
- (6) **Use of Off-Street Parking Areas.** Shall prohibit commercial repair work, storage of merchandise, or servicing or selling of trucks or motor vehicles.

(C) Definitions.

- (1) The term "Floor Area" as applied in this Section is that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, but excluding floor areas which are used or intended for use exclusively for storage, for housing of mechanical equipment integral with the building, hallways, or utilities or maintenance facilities. Measurement of floor area shall be of the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- (2) "Dwelling Unit," as used in this section, shall be consistent with the definition of dwelling unit contained in Article 2.

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Section 9.102 Parking Space Requirements (currently Section 7.6.3)

The number of required off-street parking spaces in all Districts shall be provided in accordance with the following minimum requirements. However, the Planning Commission may modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable based on the level of current or future employment and/or level of current or future customer traffic. In determining whether to permit fewer parking spaces or require more parking spaces, the Planning Commission shall consult the most recent edition of the *Parking Generation*, published by the Institute of Traffic Engineers (ITE), or other acceptable standard.

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Use	Number of Parking Spaces per Unit of Measure
(A) Residential	
(1) One Family, Two Family, Multiple Family, Mobile Home (not in a Mobile Home Park), and Guest Houses	Two (2) for each dwelling unit.
(2) Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee
(3) Mobile Home Park	Two (2) for each mobile home site plus one (1) for each

Commented [PS60]: While "Housing for the Elderly" is covered under "Adult Foster Care," the Township may want to keep this requirement in case a nursing home is ever permitted.

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	employee, plus one (1) visitors space for each four (4) mobile homes.
(4) Adult Foster Care, Family Home or Small Group Home	One (1) for each non-resident employee on the maximum shift plus one (1) for each three adult foster residents occupying the home, in addition to those required for permanent non-foster residents of the home.
(B) Institutional	
(1) Religious Institutions and similar places of assembly	One (1) for each three (3) seats in the main assembly area plus one (1) per two (2) employees.
(C) Business and Commercial	
(1) Service Institutions, including Beauty Parlor or Barber Shop	One (1) per employee plus two (2) for each beauty and/or barber shop chair.
(2) Restaurants, taverns, bars	One (1) for each two (2) seats of legal capacity for the facility, plus one (1) per employee on the largest shift.
(3) Gasoline Service Station and automobile repair garages	One (1) per gas pump, two (2) for each service and repair stall, plus one (1) for each employee on each shift. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or serviced or awaiting to be fueled or serviced.
(4) Laundromats and coin operated dry cleaners	One (1) for each two (2) washing or dry cleaning machines.
(5) Retail Stores, except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of floor area.
(6) Private Clubs, swimming pool clubs, or other similar uses	One (1) for each two (2) members' families or individuals plus spaces for each accessory use, such as a restaurant or bar.
(7) Golf courses open to the general public, including miniature and "par 3" courses	Three (3) for each one (1) golf hole plus one (1) for each two (2) employees.
(8) Nursery or Child Care Centers	One (1) for each employee in the largest work shift and one (1) per ten (10) persons cared for at one time, plus stacking spaces for five (5) vehicles with nine (9) feet by twenty (20) feet for each stacking space.
(9) Greenhouses and Nurseries (Retail Sales)	One (1) for each one hundred and fifty (150) square feet of floor area.
(10) Drive-Through Uses	Five (5) stacking spaces per drive-through lane in addition to the requirements for other principal or accessory uses such as a restaurant, bank, or pharmacy.
(11) Indoor Recreation	One (1) per three (3) persons of maximum occupancy as established by local, county, or state fire, building, or health codes, plus one (1) parking space per employee on the largest shift.
(D) Offices	
(1) Business or professional	One (1) for each two hundred (200) square feet of floor

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offices, except doctors, dentists, or similar professions	area.
(2) Professional Offices or doctors, dentists, or similar professions	One (1) for each two hundred (200) square feet of floor area plus one (1) per employee on the largest shift.
(E) Industrial and Warehousing	
(1) Industrial or manufacturing establishments, research and testing laboratories, and related accessory offices	Five (5) plus one (1) for every one (1) employee for the largest working shift.
(2) Warehouses or wholesale establishments and related accessory offices	Five (5) plus one (1) for every one (1) employee for the largest working shift.
(F) Other Uses	
(1) Marinas and Boat Liveries	One space for each one hundred fifty (150) square feet of building area, exclusive of area used for boat storage, plus one additional space for every one and one-half (1.5) slips or mooring locations, excluding designated transient slips. Additional spaces will be required for such uses as stores and restaurants as provided herein.
(2) Bed and Breakfast Establishments	One (1) space per rental sleeping room in addition to the two (2) spaces required for owner/occupant.
(3) Hotel, Motel, Tourist Court	One (1) for each sleeping room, plus one (1) for each employee of the maximum working shift. Additional spaces are required for such uses as a restaurant or bar as provided herein.
(4) Winery-Chateau, Local Food Production Facility, and Winery, Use by Right	One (1) for each one hundred fifty (150) square feet of retail floor space in the "tasting room," plus one (1) for each employee of maximum working shift, plus three (3) spaces sized appropriately for tour buses or cars with trailers. Additional spaces are required for other uses as provided herein (e.g., dwelling, bed and breakfast, etc.).
(5) Headquarters Building (Recreational Unit Park and Campground)	One (1) for each two hundred (200) square feet of floor area plus one (1) for each employee on the largest working shift.
(6) Recreational Unit Site	Each site shall have a parking space for at least one (1) vehicle other than the recreational unit.
(7) Self Service Storage Facility	Two (2) for the manager's residence plus one (1) per twenty-five (25) storage units, to be located at the office at the storage complex. In no instance shall less than five (5) parking spaces be provided on-site.

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**Section 9.103 Off-Street Parking Site Development Requirements
(currently Section 7.6.4(1) and (2))**

All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

- (A) **Permit Required.** No parking lot shall be constructed until a permit therefor is issued by the Zoning Administrator.
- (B) **Design.** Before such permit is issued, plans and specifications shall be submitted to the Zoning Administrator showing the location, capacity, size, site design, surfacing, marking, lighting, drainage, entrances, exits, and any other detailed features essential to the design and construction of the proposed parking facility.
- (1) **Parking Layout.** Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Space Angle	Maneuvering Lane Width	Parking Space Width	Parking Space Length
Parallel	12 feet	9 feet	23 feet
30° to 53°	12 feet	9 feet	20 feet
54° to 74°	15 feet	9 feet	20 feet
75° to 90°	20 feet	9 feet	20 feet

Figure 5. Parking Layout

Commented [PS61]: We recommend making the width of all parking spaces 5 feet. While the length of spaces and maneuvering lane will change based on the angle, parking space widths typically won't change based on the angle.

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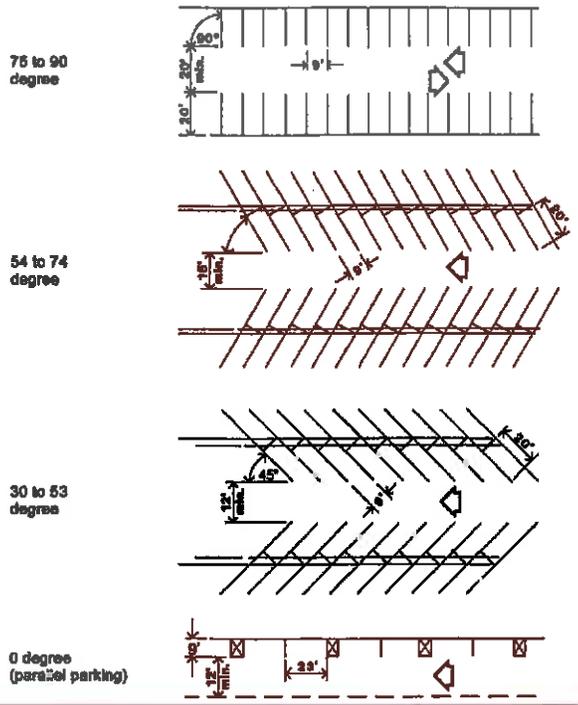
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Article 9: Parking, Loading, and Access Management



- (2) **Maneuvering Lanes.** All parking spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited.
- (3) **Driveway Access.** Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area other than residential use shall not be across land zoned for residential use. Where two (2) or more lots allow for shared access, shared access easements shall be provided for all shared access drives to ensure that the internal circulation system connects to the internal circulation system on adjacent lots. The cross-access agreement shall provide for reciprocal cross-access for connection to adjacent lots without limitation.
- (4) **Driveway Spacing.** Each entrance and exit to and from any off-street parking lot located in an area other than single-family residential use shall meet the following spacing requirements:
 - (a) **From Adjacent Property in a Residential District.** At least twenty-five (25) feet distant from adjacent property located in any residential district.
 - (b) **From Other Driveways on the Same Side of the Road.** At least three hundred (300) feet from any driveway on the same side of the road. For sites that cannot meet the driveway spacing standards due to insufficient road frontage or the presence of

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Article 9: Parking, Loading, and Access Management

natural features that cannot be altered (e.g., slopes and trees), the Planning Commission may modify the driveway spacing requirements.

- (c) From Road Intersections. At least one hundred (100) feet from any intersection of two (2) roads on the same side of the road or opposite side of the road. For sites that cannot meet the driveway spacing standards due to insufficient road frontage or the presence of natural features that cannot be altered (e.g., slopes and trees), the Planning Commission may modify the driveway spacing requirements.

- (5) Surface. Except for single-family residential lots and agricultural lots with no retail or commercial component, all parking areas, including parking spaces and maneuvering lanes shall be surfaced with asphalt, concrete, or other material that shall provide a durable, smooth, and dustless surface, and shall be graded and drained to dispose of all collected surface water.

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

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- (7) Vehicle Stacking. Ingress and egress to the parking lot shall provide adequate stacking space so that vehicles do not block the ingress/egress road or park on public road shoulders.

Section 9.104 Off-Street Loading and Unloading

If the proposed use requires frequent loading and unloading by large vehicles, the Planning Commission may require one (1) or more off-street loading spaces. The off-street loading spaces shall be ten (10) feet wide and twenty-five (25) feet long, and shall have a vertical clearance height of fourteen (14) feet.

Commented [PS62]: Currently, the Zoning Ordinance does not include minimum loading standards. Rather than proposing conventional loading space standards that are found in most zoning ordinance (many of which lead to too many loading spaces), we recommend giving the Planning Commission discretion on a case-by-case basis

Section 9.105 Snow Storage (currently Section 7.6.4(4))

Whenever a development requiring off-street parking has parking areas containing over twenty-seven hundred (2,700) square feet or more, provision shall be made for on-site snow storage area in addition to the required parking lot area. Snow storage shall be provided on the ratio of fifteen (15) square feet per one hundred (100) square feet of parking lot surface area. Snow storage areas shall be located in such manner that when utilized they do not interfere with clear visibility of traffic or adjacent streets and highways and the landscaping required in Article 10 is protected from damage.

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Section 9.106 Driveway Clearance (currently Section 6.2.5)

To reduce fire hazard and make possible access to all dwellings and other buildings by the Fire Department, no driveways shall have a width or overhead clearance less than thirteen (13) feet from bordering trees, overhead wires and other obstructions.

Section 9.107 Private Roads (currently Section 7.10)

- (A) Private Road Permit. The Zoning Administrator shall issue a preliminary private road permit prior to the commencement of any construction work on a private road. Such permit shall only be issued after the initial plans, specifications, drainage plan, easement language, and joint maintenance agreement have all been approved. The final private road permit shall be issued after the private road has been constructed and, if requested by the Zoning Administrator, certification has been made by a Licensed Professional Engineer that the facility

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was built according to the submitted plans and specifications or that any deviation from the approved plans and specifications does not impair the functional intent of the approved design.

- (1) No parcel of land or lot created after the adoption of this amendment shall be issued a land use permit without having the required lot width or frontage width along a public road, a private road, or an approved frontage road.
- (2) No land use permit for a structure shall be issued until the preliminary private road permit has been issued, and no occupancy permit shall be issued until the final private road permit has been issued by the Zoning Administrator.
- (3) Only public roads shall be used to access non-agricultural commercial, industrial or business uses, however private internal roads may be used as access to individual buildings or uses within an approved development.

(B) Joint Maintenance Agreement.

- (1) A proposed easement and road maintenance agreement shall be provided to the Township Zoning Administrator. The easement and road maintenance agreement shall provide as a minimum:
 - (a) Majority vote rules regarding road maintenance and improvement decisions.
 - (b) The owner of each parcel will be responsible for payment of the share of costs apportioned to his or her parcel.
 - (c) The owners shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
 - (d) The agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners, heirs, and assigns thereof, in perpetuity.
 - (e) The owner or owners of the land served by the road shall provide for the requirement to grade, drain, and otherwise maintain the private road in accordance with the requirements of Township ordinances.
 - (f) A statement that the owners have not asked the Grand Traverse County Road Commission to accept the road as a public road. As such, the roadway will be private and the Road Commission will have no obligation to maintain the road in any manner. This provision does not prevent the future upgrading to County Road Standards nor requesting the road to be taken over by the County Road Commission.
 - (g) The road maintenance agreement shall allow the Township to repair and maintain private roads if, after ninety (90) days prior notice, the owners do not repair or maintain the private roads in accordance with this Ordinance. Repairs or

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Article 9: Parking, Loading, and Access Management

maintenance considered by the Township to be of an emergency nature may be done sooner by the Township with prior notice.

(2) The easement and road maintenance agreement shall be reviewed and approved by the Township Attorney for compliance with the Township regulations. Following approval of the Township Attorney, the agreement shall be recorded with the Grand Traverse County Register of Deeds.

(C) **Drainage Plan.** A Drainage Plan meeting the approval of the Soil Erosion and Sedimentation Control Officer shall be prepared by a registered professional engineer, which plan will control erosion and retain storm water on site or direct it to a proper drainage course. The drainage plan, as it affects the roadways shall indicate the manner in which surface drainage is to be disposed of. To accomplish this will usually require making use of existing ditches, natural water courses, or constructing tributaries thereto. An easement of twenty (20) feet or more in width shall be provided when the drain crosses private property within the project or adjacent to it. The drainage plan shall conform to the requirements of all agencies having jurisdiction. The owner or owners of the land served by the road shall provide in a road maintenance agreement for the requirement to grade, drain, and otherwise maintain the private road in accordance with the requirements of the ordinance.

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(D) **Right-of-Way, Temporary Grading Easements, and Utility Easements.** The following right-of-way, temporary grading easements and utility easements are required for all private roads:

(1) **Right-of-way or Easement Access Minimum Width of 33 feet.** The private road including shoulders and ditches shall be located within this Right of Way or Easement Access.

(2) **Temporary Grading Easement.** A Temporary Grading Easement of at least 16.5 feet shall be provided on each side of the Right-of-way or Easement Access until such time as the road is completed. Greater Temporary Grading Easements may be required on steep slopes so that the road, including shoulders and ditches can be constructed within the Right-of-way or Easement Access according to the plan provided for by Section 9.107(I).

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(3) **Utility Easement.** A 10-foot wide Utility Easement for public and private utilities shall be provided on each side of the Right-of Way or Easement Access and may be within a Grading Easement or located outside the Grading Easement.

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(E) **Hold Harmless Agreement.** Waiver or indemnification and "hold harmless" agreement to benefit the municipality, as approved by the Township Attorney.

(F) **Road Layout.**

(1) The road layout shall conform to any adopted road plan of Peninsula Township and shall also conform to the pattern established by adjacent roads.

(2) All existing roads that terminate at the boundaries of a proposed development shall be connected with the road system of the proposed development.

Article 9: Parking, Loading, and Access Management

- (3) Suitable access from an isolated (i.e., landlocked) parcel previously dependent on this property for sole access to existing public roads must be provided such access by easement or dedication.
- (4) The layout of roads shall provide as much as possible for a continuous circuit for travel. In special cases where the lands to be divided are limited in area or are subject to a natural barrier, the Township Board or Zoning Administrator may approve a dedication which provides access to another road at one end only if a cul-de-sac of forty (40) foot minimum roadbed radius with sixty (60) foot radius right-of-way is provided at the terminus of the road to permit turning in a continuous circuit. The Fire Department may require a larger roadbed radius or right-of-way radius. No more than five (5) driveways will be permitted to enter the cul-de-sac beyond the point of curvature at the beginning of the cul-de-sac. A cul-de-sac shall not be allowed where it is reasonable to connect to adjacent properties. Refer to Figure 2, sketch of typical cul-de-sac and typical intersection.

(G) **Road Names.** All private roads shall have a road name approved by the Township Board. The proprietor shall furnish and erect road name signs at all intersections within the project and entrances thereto to assist in the location of the property by emergency vehicles. The design and color of the road name signs shall be as approved by the Grand Traverse County Road Commission.

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(H) **Signs.** Traffic control signs shall be placed in accordance to the Michigan Manual of Uniform Traffic Control Devices. Signs marked "Private Road" shall be erected and maintained by the Proprietor at the entrance to all private roads in subdivisions, condominiums, or other residential developments.

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(I) **Required Improvement Specifications.**

(1) **Plan and Profile.**

- (a) Plan and profile drawings shall be prepared by the Proprietor's Registered Professional Engineer in detail complete enough to be used as construction plans.
- (b) Detailed Construction plans shall be provided at a scale of 1" = 100' or larger and shall include:
 - (i) Detailed survey drawings showing the easement, proposed road location and all parcels benefitted by the frontage road. The plan shall incorporate all construction standards of the Township.
 - (ii) The proposed gradients of all roads and the location of drainage facilities and structures, as well as other pertinent information.
 - (iii) Utility easements shall be shown on the plan and such utility easements shall include public sewer, water, and gas as well as telephone, electric, and cable easements.

Article 9: Parking, Loading, and Access Management

- (c) Vertical curves shall be used at all changes in grade. Sight distance, horizontal and vertical alignment shall be based on a minimum design speed of twenty-five (25) MPH. Sight distance and alignment shall be in accordance with current A.A.S.H.O. standards for Geometric Design. Horizontal curve radii, vertical curve lengths, and percent of grade shall all be shown on the plan and profile drawings.
- (d) For design of roadbed, shoulders, ditch profiles, and slope requirements refer to Figure 1, sketch of typical road cross sections.
- (e) Two copies of the plan and profile drawings shall be forwarded to the Zoning Administrator for approval. More detailed construction plans may be required by the Zoning Administrator or Township Engineer. One copy will be returned to the Proprietor's engineer with approval or necessary revisions marked thereon. Approval must be obtained before construction begins.

(2) **Clearing, Grubbing and Maintenance.** All trees, stumps, brush, and roots thereof shall be entirely removed between the outside limits of the ditches and also within the 25-foot radius at all intersections whichever is greater. Maintenance of the cleared area shall be performed as necessary to keep the area clear of trees and brush.

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(3) **Grades and Paving.** Permissible percent grades on any private road shall be within the following ranges:

Grades and Paving	
Maximum	9%
When the conditions below are met	12%
Cul-de-sac	1%
Minimum	0.4%

Private roads with grades of up to 9 percent (9%) shall have a roadbed width of not less than 18 feet and may be paved or have a gravel surface approved by the Township Engineer and shall have 2-foot shoulders on each side. With grades greater than 9 percent, the roadbed width shall be surfaced with bituminous pavement to a width of not less than 20 feet. Integral bituminous raised edge may be used in areas subject to severe erosion, possibly eliminating the need for roadside ditches. Minimum width between beginnings of raised edges shall be the same as for a paved roadbed.

(4) **Drainage Structures and Erosion Control.** Drainage structures shall be installed as indicated on the Drainage Plan. Minimum diameter of culverts shall be 12 inches unless a smaller diameter is approved by the Drain Commissioner and/or County Road Commission. The bottom ends of culverts shall extend to the bottom of the slope. Either concrete culvert pipe, corrugated metal pipe or corrugated polyethylene pipe meeting Michigan Department of Transportation specifications of the required size and strength may be used. Standard flared end sections shall be used on all road cross-culverts. Guard posts shall be placed beside the ends of cross culverts to mark their location.

Article 9: Parking, Loading, and Access Management

Bridges shall be designed for HS-20 or more loading on all roads. Culverts at driveway entrances may be necessary. Sodding, rip-rapping, sediment basins, topsoil, seeding, mulching, or other methods of erosion control shall be used in accordance with the recommendations of the Soil Erosion and Sedimentation Control Officer and the Drain Commissioner.

- (5) Surfacing.** A minimum total depth of six inches of compacted dense aggregate shall be placed on private roads.
- (a)** The aggregate base course shall be placed on the prepared sub-grade for the entire width of the roadway in accordance with the Standard Plans for Private Roads (Figure 1). All material specifications shall meet the current MDOT specifications.
 - (b)** Where bituminous aggregate pavement is required, bituminous aggregate pavement course Michigan Department of Transportation Specification 4.11 20AA Aggregate (or an alternate mix approved by the Zoning Administrator) applied in two or more courses, shall be placed at the minimum rate of 275#/SYD, the leveling course shall be placed at a rate of 165#/SYD with the remainder placed on the surface course. A time period of no more than one year shall elapse between the placements of any two courses of bituminous pavement. A bituminous prime coat applied at the rate of 0.25 gal/SYD on the prepared aggregate base course and a bituminous bond coat applied at a rate of 0.10 gal/SYD between pavement courses will be required.
 - (c)** Shoulders shall be stabilized with 2 ½" or more of good compacted topsoil over 6" of compacted gravel. Shoulders shall be sodded or seeded and mulched to insure an adequate covering of grass.
- (6) Intersections.**
- (a) Angle of Intersection.** Roads shall intersect at ninety (90) degrees or closely thereto and in no case at less than eighty (80) degrees.
 - (b) Sight Triangles.** Minimum clear sight distance at all minor road intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty five (125) feet from the center of the intersection.
 - (c) Number of Roads.** No more than two (2) roads shall cross at any one (1) intersection.
 - (d) "T" Intersections.** "T" type intersections shall be used where practical.
 - (e) Centerline Offsets.** Slight jogs at intersections shall be avoided if possible. Where such jogs are unavoidable, road centerline shall be offset by a distance of one hundred fifty (150) feet or more.
 - (f) Vertical Alignment of Intersection.** A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back fifty (50) feet from the center of the intersection.

Article 9: Parking, Loading, and Access Management

(7) **Utilities.** Adequate utility easements shall be provided within or adjacent to the right-of-way and dedicated to the public for sewer, water, gas, electric, telephone and cable use. All sewer, water, electrical, telephone, cable, and gas utilities which are placed underground in the private road right-of-way shall be placed prior to final soil erosion measure work where at all possible.

(J) **Private Road Approval Process.**

(1) Sufficient copies of complete construction plans, drainage plan, easement and road maintenance agreement, and hold harmless agreement shall be presented to the Zoning Administrator who shall submit the copies of the hold harmless agreement, easement, and the road maintenance agreement to the Township Attorney for review and approval. The applicant shall also submit copies to the County Road Commission, Department of Transportation, Drain Commissioner, and County Soil Erosion Office for their review and comment and any appropriate permits.

(2) The Zoning Administrator shall review the plans and the proposed benefitting properties for conformance with the Township Master Plan, the Zoning Ordinance, the Subdivision Control Ordinance, the Land Division Ordinance, and any other requirements of the Township.

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(3) The Zoning Administrator shall issue a preliminary private road permit prior to the commencement of any construction work on the road. Such permit shall only be issued after the initial plans, specifications, easement language, joint maintenance agreement, and hold harmless agreement have all been approved, and appropriate reviews and permits have been received from the agencies to whom copies were submitted in accordance with Section 9.107(J)(1). The final private road permit shall be issued by the Zoning Administrator after the private road has been constructed and certification has been made by the Township Engineer that the facility was: (a) built according to the plans and specifications; and/or (b) that any deviation from the approved plans and specifications does not impair the functional intent of the approved design.

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(4) In order to ensure that the requirements of this section are complied with, the Zoning Administrator is hereby authorized to require that construction regulated by this section be inspected by the Township Engineer with appropriate certification provided to the Zoning Administrator. The cost of such inspection shall be paid by the applicant prior to the issuance of the final road permit.

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Article 9: Parking, Loading, and Access Management

(K) Existing Non-Conforming Private Roads. Roads existing and used as private roads at the time this Section and amendment thereto is originally approved, and which do not meet the right-of-way widths of this ordinance may continue to be used, provided that the easement, drainage, utility, grade, roadbed, shoulder, paving, and other requirements are met in accordance with the following prior to the issuance of land use permits, occupancy permits, new lots, or private road extensions:

Private Road Improvement Required	Improvement Proposed			
	Land Use Permit: Excluding New Homes	Land Use Permit: New Home on Existing Lot	Creation of a New Lot on Private Road	Extend Private Road
<u>Joint Maintenance Agreement, per Section 9.107(B)</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>
<u>Drainage Plan, per Section 9.107(C)</u>	<u>3T</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Easement Dedication, per Section 9.107(D)</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Hold Harmless Agreement, per Section 9.107(E)</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Road Layout, per Section 9.107(F)</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>
<u>Road Names, per Section 9.107(G)</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>
<u>Road Signs, per Section 9.107(H)</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>
<u>Plan and Profile, per Section 9.107(I)(1)</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>
<u>Clearing, Grubbing, and Maintenance, per Section 9.107(I)(2)</u>	<u>3T</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Grades and Paving, per Section 9.107(I)(3)</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>
<u>Drainage Structures and Erosion Control, per Section 9.107(I)(4)</u>	<u>3T</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Surfacing, per Section 9.107(I)(5)</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>
<u>Intersections, per Section 9.107(I)(6)</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>
<u>Utilities, per Section 9.107(I)(7)</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>

1 = Required Compliance for the entire private road.
2 = Required Compliance for the portion of private road abutting the lot subject to the Land Use Permit.
3 = Not Required.
T = Township may require compliance for the private road abutting the lot subject to the Land Use Permit if the Township determines compliance is necessary to preserve the health, safety, and welfare

(L) Guarantee of Completion of Required Improvements. See Section 7.102(C).

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~~<#>~~In lieu of the actual installation of required public improvements, or soil erosion measures not covered by Act 34 of P.A. 1972, the Township Board may permit the applicant to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner or any other agency responsible for the administration, operation or maintenance of the applicable public improvement. The Township Board may waive financial guarantees of performance under this Ordinance for road lights, or road trees. In case the improvements are specified, completion may be required prior to the issuance of occupancy permits by the Zoning Ordinance.

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~~<#>~~Performance or Surety Bond.

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~~<#>~~Accrual. The bond shall accrue to the Township, covering construction, operation and maintenance of the specific public improvement.

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~~<#>~~Amount. The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.

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~~<#>~~Term Length. The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific public improvement.

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~~<#>~~Bonding or Surety Company. The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.

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~~<#>~~The escrow agreement shall be drafted at the expense of the developer and approved by the Township Attorney.

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~~<#>~~Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

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~~<#>~~Treasurer, Escrow Agent or Trust Company. A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Township Board, shall accrue to the Township. These deposits shall be made with the Township Treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board.

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~~<#>~~Dollar Value. The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Township Board.

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Article 10 Landscaping and Screening

Section 10.101 Intent (NEW SECTION)

The intent of this Article is to provide for landscaping where necessary to enhance the visual character of the Township, allow landscaping as a visual transition between land uses, and promote landscaping that protects the natural resources of the Township.

Section 10.102 Scope and Application (Section 7.6.4(3)(d))

- (A)** The requirements in this Article apply to all uses, lots, sites, and parcels for which site plan approval is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan includes landscaping consistent with the provisions of this Article. Furthermore, no occupancy of land use shall occur unless the parking and landscape improvements have been completed or performance guarantee has been posted in accordance with the provisions set forth in Section 7.102 to cover the cost of the contemplated improvements as estimated by the Zoning Administrator.
- (B)** In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.
- (C)** The requirements in this Article are the minimum requirements, and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

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Section 10.103 Landscaping Design Standards (NEW SECTION, which will include standards from Section 6.6.3(3), and Section 7.6.4(3))

- (A) Frontage Landscaping (Section 6.6.3(3) and parts of 7.6.4(3)).** For all uses in the C-1, Commercial zoning district and all other uses with a parking lot containing over twenty-seven hundred (2,700) square feet or more of parking area, including access drives thereto, the area adjacent to the right-of-way shall be planted and maintained in accordance with the following:
 - (1) Trees (Section 7.6.4(3)(b)(2)).** One (1) deciduous, evergreen, or ornamental tree shall be planted adjacent to the public right-of-way for each thirty-five (35) linear feet of frontage, or fraction thereof.
 - (2) Walls with Shrubs (Section 7.6.4(3)(b)(3))** Where screens of non-living material are used for right-of-way screening (such as walls), at least one shrub or vine shall be planted on the right-of-way side for each ten (10) lineal feet of screen or fraction thereof.
 - (3) Minimum Width (Section 7.6.4(3)(b)(1)).** Any required frontage planting strip shall be a minimum of ten (10) feet in width.

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Commented [PS63]: McKenna: landscape architect recommends a minimum spacing of 35 feet to allow room for trees to grow without crowding each other out

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Article 10: Landscaping and Screening

(4) Exemptions. The Planning Commission may modify or waive the frontage landscaping requirements where the site is a farm with an orchard or vineyard in the front yard or where frontage landscaping would block a scenic view area as shown on the Scenic View Map adopted or subsequently amended as part of the Peninsula Township Master Plan

(B) Parking Lot Landscaping (Section 7.6.4(3)(a), (b)(1), and (b)(4)). All parking areas containing over twenty seven hundred (2,700) square feet or more of parking area, including access drives thereto, shall be effectively landscaped with planting strips on the interior and perimeter on all sides adjacent or visible from surrounding properties or an abutting public street as follows:

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(1) Perimeter Landscaping (Section 7.6.4(3)(b)(1)). Any required perimeter planting strip shall be a minimum of ten (10) feet in width. Any perimeter adjacent or visible from surrounding properties or an abutting public right-of-way shall contain one (1) tree per thirty-five (35) linear feet of perimeter. Each tree may be substituted with eight (8) shrubs.

(2) Interior Landscaping (Section 7.6.4(3)(b)(4)). Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space. Where interior location is not feasible, the Planning Commission may allow interior landscaping to be located within a ten (10) foot perimeter of the paved surface. Landscaped areas shall be a minimum of one hundred sixty (160) square feet with a minimum dimension of eight (8) feet. Interior landscape areas shall be designed so as to create minimum interference with snow removal. One (1) deciduous tree shall be planted for each one hundred sixty (160) square feet of interior landscape area and each interior landscape area shall contain at least one (1) deciduous tree.

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(C) Greenbelt Buffer. Where a greenbelt is required in this Ordinance, the greenbelt shall consist of a staggered double row of eight (8) foot high evergreen trees spaced not more than fifteen (15) feet apart.

(D) Mechanical and Utility Equipment Screening. All mechanical equipment, utility meters, storage tanks, air conditioning equipment, transformers, or similar equipment, incidental to any building, including roof-mounted equipment shall be totally enclosed or screened from view off-site and shall be an integral part of the architectural or landscape design of the building and site. This requirement shall not apply to equipment serving one (1) residence.

(E) Garbage, Refuse, and Recycling Collection Areas. All garbage, refuse, and recycling collection areas (i.e., dumpsters) shall meet the following requirements:

(1) Location. Waste receptacles (i.e. dumpsters) may be located in a rear or side yard setback, but shall not be located in front of the front building line. Dumpsters shall not encroach into a parking or circulation area, and shall be clearly accessible to servicing vehicles.

(2) Accessibility. Waste receptacles shall be conveniently accessible for servicing vehicles.

Article 10: Landscaping and Screening

(3) Screening. An enclosure of sufficient height to completely screen the dumpster is required on three sides of the waste receptacle with a gate on the fourth side. The height of the enclosure shall be not less than six (6) feet or at least one (1) foot above the height of the dumpster, whichever is greater. Enclosures shall meet the following standards:

(a) The enclosure shall be constructed of brick or decorative concrete material which matches or complements the principal building or structure.

(b) Enclosure gates shall be constructed of steel-reinforced wood. Pressure treated or wolmanized wood shall be used.

(c) Enclosures shall be set back a minimum of twenty (20) feet from any residential district.

(4) Bollards. Bollard (concrete filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.

(5) Maintenance. All dumpsters shall have a lid, which shall be remain closed. The dumpster shall be regularly emptied, and shall be maintained in accordance with all Township ordinances.

(F) General Landscaping Defined (currently Section 7.6.4(3)(a)). Landscaping areas shall consist of some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. In addition, the combination or design may include rock or mulch ground cover not to exceed twenty (20%) percent of the total of any landscaped area, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences, or benches, but such objects alone shall not meet the requirements of this article.

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Section 10.104 Standards for Plant Materials (part of Section 7.6.4(3)(b)(5))

(A) Lawn Areas. Lawn areas shall be planted in species of grass normally grown as permanent lawns in northwest Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.

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(B) Recommended Species of Trees and Shrubs (Section 7.6.4(3)(b)(5)). The selected combination of plant material shall be a harmonious combination of living deciduous and evergreen trees, shrubs, and vines hardy to the northwest Michigan regaion and so arranged to present as aesthetically pleasing whole. The following is a list of recommended species and required minimum sizes of plant materials. Peninsula Township may permit other species that are not listed below.

Recommended Species of Trees and Shrubs	
<u>Evergreen Trees (8 feet minimum height)</u>	<u>Fir, Hemlock, Juniper, Pine, and Spruce</u>
<u>Deciduous Trees (3-inch minimum caliper)</u>	<u>Beech, Birch, Gingko, Hackberry, Honey Locust (Without Thorns), Hop Hornbeam</u>

Article 10: Landscaping and Screening

	<u>Linden, Maple (Hard Maple), Oak, Planetree (Sycamore), and Sweet Gum</u>
<u>Ornamental Trees (2-inch minimum caliper)</u>	<u>Allegheny Serviceberry, Dogwood, Flowering Crab, Hawthorn, Hornbeam, Magnolia, Redbud, and Rose of Sharon</u>
<u>Deciduous Shrubs (3 feet minimum height)</u>	<u>Dogwood, Euonymus, Fosythia, Hazelnut, Honeysuckle, Hydrangea, Lilac, Mock-Orange, Ninebark, Privet, Spiraea, Sumac, and Viburnum</u>
<u>Evergreen Shrubs (30 inches minimum height)</u>	<u>Holly, Juniper, and Yew</u>
<u>Spreading Shrubs (18 inches minimum height)</u>	<u>Cotoneaster and Creeping Juniper</u>

(C) Prohibited Species. Based on the undesirability of the following species, they are prohibited. The Planning Commission or Planning Director may prohibit other species that are not listed below.

<u>Prohibited Species</u>
<u>Ash</u>
<u>Black Locust</u>
<u>Box Elder</u>
<u>Buckthorn</u>
<u>Catalpa</u>
<u>Cottonwood</u>
<u>Elm</u>
<u>Ginkgo (Female)</u>
<u>Honey Locust (With Thorns)</u>
<u>Horse Chestnut (Nut Bearing)</u>
<u>Mulberry</u>
<u>Norway Maple</u>
<u>Olive</u>
<u>Poplar</u>
<u>Silver Maple</u>
<u>Tree of Heaven</u>
<u>Willow</u>

(D) Minimum Requirements for Plant Material.

- (1)** All plant material shall conform to the description consistent with generally accepted and published nursery and landscape standards. Plant materials shall be typical of their species or variety, have normal habitat of growth, well-branched and densely foliated when in leaf.
- (2)** Plant materials shall be chosen according to soil, climatic conditions and environmental factors for the proposed development, the location of the installation, and its desired function.

~~(3) Artificial plant material is prohibited.~~

Section 10.105 Landscape Installation and Maintenance (parts of Section 7.6.4(3))

(A) Installation.

~~(1) Installation Period (Section 7.6.4(3)(e)). All required landscaping improvements are to be completed prior to the issuance of the Certificate of Occupancy. In the event of unusual delays or adverse weather conditions that make it impossible to plant, the Zoning Administrator may grant a single extension of the time limit for a further period of not more than six (6) months and the owner shall post a performance guarantee in accordance with the provisions set forth in Section 7.102.~~

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~~(2) Installation Method. All landscaping shall be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:~~

~~(a) Balled and Burlapped. All trees shall be balled and burlapped at the time of planting.~~

~~(b) High Quality and Healthy Plant Material. Plant material shall be freshly dug and nursery grown. Plant material shall be of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae. Trees shall have straight trunks with leaders intact, undamaged and uncut.~~

~~(c) Mulching. Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) shall be generously mulched at the time of planting with hardwood bark mulch or similar natural material. Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials shall not be permitted as a ground cover or mulch.~~

~~(d) Topsoil. A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers, berms, and planting beds.~~

~~(e) Plant Material Required in All Portions of Landscaped Areas. All portions of the landscaped areas shall be planted with grass, groundcover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.~~

~~(f) Planting Locations. Unless a specific planting pattern is required by the Zoning Ordinance or the Planning Commission, required trees and shrubs may be planted at uniform intervals, at random, or in groupings. Landscaping shall be located and maintained in a manner that minimizes conflicts with overhead or underground utilities, and that allows reasonable view of storefronts and signs. When trees are planted with five (5) feet of a permanent building, structure, or paved area,~~

Article 10: Landscaping and Screening

structural soil systems shall be used to direct new root growth downward. When soil structural soils are used, a minimum depth of six (6) feet of structural soil shall be provided underneath trees.

(g) Protection of Existing Vegetation. Existing vegetation to be preserved shall be protected during construction through the use of temporary fencing around the drip line.

(B) Maintenance (Section 7.6.4(3)(c)). It shall be the owner's responsibility to see that the landscaping is regularly maintained in a neat, clean, orderly and healthful condition. This includes, among other things, proper pruning, mowing of lawns, fertilizing, controlling or removing weeds, replenishing mulch, removal of litter, replacement of diseased, dead, or damaged plants when necessary, and the regular watering of all plants. All diseased, dead, or damaged plants shall be replaced immediately, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

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The approved landscape plan shall be considered a permanent record and integral part of site plan approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to or removal of, plant materials will place the parcel in nonconformity with the originally approved landscape plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of site plan approval. The Township shall maintain a portion of the performance guarantee required under Section 7.102 for twelve (12) months from the date required landscaping is completed to ensure plant materials remain in a livable condition.

(C) Irrigation Required. All landscape areas (including lawns) shall be provided with an automatic underground irrigation system. The Planning Commission may approve an alternate form of irrigation for a particular area, or may waive the irrigation requirement in an area upon determining that the underground irrigation is not necessary to maintain site landscaping in good condition.

Section 10.106 Modifications (Section 7.6.4(3)(b)(6))

In consideration of the overall design and impact of the landscape plan, the application of the above standards may be adjusted by the Planning Commission, in part or in whole, to allow credit for healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

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Article 10: Landscaping and Screening

Article 11 Signs

Section 11.101 Purpose (currently introductory paragraph of Section 7.11)

It is the intent of this Ordinance to limit the number and size of signs in order to prevent traffic hazards, promote safety for passersby, and to maintain the rural ambience and the environment of the Township. It is also the intent to allow signs that are appropriate, proportional, and in scale with adjacent uses and roadways, and which are compatible with the character of the community.

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- (A) Traffic and Pedestrian Safety.** To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage. Also, to protect public safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.
- (B) Old Mission Peninsula Scenic Heritage Route.** To allow Peninsula Township to regulate the height, size, display area, setback, lighting, and distances between billboards, and other regulatory powers pursuant to Act 153 of 1990 and the Old Mission Peninsula Scenic Heritage Route Guidebook, in order to control outdoor advertising along federal aid trunk line highways and encourage signage along M-37 to blend with the local character of the community.
- (C) Free Speech.** To ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication.
- (D) Effective Communication.** To allow signage of an appropriate design, scale, and placement for the purposes of communicating effectively in a manner that provides information, identification, and/or direction, without jeopardizing the beauty of the natural landscape or disrupting the environment of historically significant features or sites.
- (E) Protection of Scenic Areas and Viewsheds.** To regulate outdoor advertising in such a way as to create land use patterns that are in concert with future land use objectives of the Master Plan and to prevent signs that would detract from scenic roadways and scenic views (including the preservation of historic and cultural resources, scenic areas and viewsheds, and the dark night sky).
- (F) Compatibility with the Area and Protection of Property Values.** To insure compatibility with rural lands, neighborhoods, and business areas, in order to protect land values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views and/or property values of the community, thereby enhancing the image of the community for residents, tourists, and visitors.
- (G) Economic Development.** To allow for adequate and effective signage for businesses to inform, identify, and communicate effectively.
- (H) Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, businesses, tenants, and sign installers to understand and follow.

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Article 11: Signs

Section 11.102 Definitions (NEW SECTION, which includes existing definitions in Section 3.2 related to signs)

The following definitions relate to signs in Peninsula Township.

(A) Sign Definitions, Sign Types. The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

- (1) **Banner Sign.** A sign made of natural or synthetic fabric; however, not including pennants or flags.
- (2) **Entrance Way Sign.** A sign located near the public entrance of a permitted development.
- (3) **Flashing Sign.** Any illuminated sign that pulsates, flashes, scrolls, fades, dissolves, osculates, spins, twirls, sequentially reflectorizes, or contains any other type of motion.
- (4) **Ground Monument Sign.** A base-mounted, freestanding sign placed in the ground and not attached to any building or other structure.
- (5) **Ground Pole Sign.** A freestanding sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.
- (6) **Flags.** A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole or attached flat to a wall.
- (7) **Illuminated Sign.** A sign that utilizes artificial light internally or externally by either emission or reflection.
- (8) **Incidental Sign.** A small, on premises sign, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties, used to identify on-site features of a land use such as building entrances, drop boxes, rest rooms, handicapped ramps, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, or similar signs providing information to be read at close proximity.
- (9) **Ingress/Egress Sign.** A small sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
- (10) **Interior Directional Sign.** A sign located on the interior of a development used to direct visitors to within the development.
- (11) **Marquee, Canopy, Awning Sign.** A sign attached to a marquee, canopy, or awning projecting from the building.
- (12) **Pennant Sign.** A small, often triangular, tapering flag used in multiples as a device to call attention.

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Article 11: Signs

(13) Portable Message Sign. A freestanding sign not permanently anchored or secured to the ground, including trailers or similarly mounted signs, signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object, and signs on vehicles which because of the vehicle's placement and regularity of position serves the same purpose as a "Portable Message Sign. "Portable Message Signs" do not include customary signs located on vehicles that are operating lawfully or parked in a manner where the vehicle does not serve the same purpose as a "Portable Message Sign."

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(14) Roof Sign. Any sign which is on or attached to the roof of a building.

(15) Wall Sign. A sign which is attached directly to, painted upon, or inscribed on a building wall.

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(16) Window Sign. A sign that is painted on or attached to a window or glass door and is intended to be viewed from outside, including sign located inside a building but visible primarily from the outside of the building

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(17) Yard Sign. A portable temporary freestanding sign that is temporarily anchored or secured to the ground.

(B) Sign Definitions, General.

- (1) Sign.** Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good, or service, or any other message.
- (2) Sign Face.** That part of a sign structure which is used to graphically communicate a message or announcement.

(C) Sign Definitions, Sign Types Based on Activity. It is the intent of this sub-section to define sign types based on the activity the sign promotes.

(1) Sign, Noncommercial. Any sign consisting only of non-commercial content. Examples of non-commercial content include, but are by no means limited to, political signs and ideological signs.

(2) Sign, Off-Premise Commercial Advertising. A sign that identifies or communicates a message relating to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. Examples of off-premise commercial signs include, but are not limited to, the following:

(a) Sign, Permanent Billboard/Highway Advertising. An off-premise sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign.

(b) Sign, Temporary Directional. A temporary off-premises sign that is used to identify the route to an event or activity that is commercial in nature such as bazaars, races, tours and quasi-public fund raising events. Directional Event Signs include such

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Article 11: Signs

things as marks painted on or along the road surface whether or not approved by the Department of Transportation or County Road Commission.

(3) Sign, On-Premise Commercial Advertising. A sign identifying or advertising a commercial business, person, activity, or service located on the premises where the sign is located. Examples of on-premise commercial signs include, but are not limited to, the following:

- (a) **Sign, Agricultural Products.** An on-premises sign which indicates the retail sale of agricultural products including those sold at roadside stands and U-Pick operations.
 - (b) **Sign, Business Center.** A sign which gives direction, name, and identification to a business center and which may include identification of individual businesses within the center.
 - (c) **Sign, Business Identification.** A sign identifying a business operating on the premises where located.
 - (d) **Sign, Construction Site.** A sign identifying a construction site.
 - (e) **Sign, Event.** An on-premises sign placed for a period of time that is used to identify an event that is temporary in nature such as Home Tours, bazaars, races, tours and quasi-public fund raising events.
 - (f) **Sign, Local Food Production Facility.** An on-premises sign identifying a Local Food Production Facility.
 - (g) **Sign, Promotional.** A sign that is placed for a limited period of time and is used to advertise a sale, a special event, or similar activity.
 - (h) **Sign, Real Estate.** A temporary sign advertising the real estate upon which the sign is located as being for lease, sale/auction, or seasonal rent.
 - (i) **Sign, Roadside Stand.** A sign located on the same premises with a roadside stand which identifies the roadside stand and may also identify products to be sold at the roadside stand.
 - (j) **Sign, Yard/Garage Sale/Personal Event.** A temporary sign which is placed on the premises of a yard sale, garage sale or on-site events.
- (4) **Sign, On-Premise Identification.** A non-electric on-premises identification sign giving name and address of an occupant.
- (5) **Sign, On-Premise Safety.** A sign placed to control access to a property such as: "No Hunting", "No Trespassing", or "Private Property".

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Section 11.103 Substitution Clause (NEW SECTION)

Any lawful sign permitted under the provisions of this Ordinance may contain a non-commercial message.

Section 11.104 Measurement of Sign Area and Height (currently part of Section 7.11.1)

(A) Sign Area. The area of a sign shall be the minimum area of a parallelogram, ellipse, or circle, or combination of geometric shapes, that is capable of containing the graphics, symbols, and/or written copy along with the background area.

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(B) Two or More Sides. A two-sided sign (e.g., V-type sign or double-faced (back-to-back sign)) shall be considered as one (1) sign when the angle between the sign faces does not exceed fifteen (15) degrees nor does the distance between the backs of each face exceed three (3) feet.

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With respect to a V-type sign,

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(C) Height. Height of signs shall be measured from the highest point of the sign or supporting structure to the elevation of the highest point of grading beneath the sign exclusive of architectural landscaping related to the sign.

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<#>With respect to double faced (back-to-back) signs, the distance between the backs of each face does not exceed three (3) feet.¶

Section 11.105 Sign Placement and Design Requirements (currently part of Section 7.11.1)

All signs shall conform with this Article and all other provisions of this Ordinance.

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(A) On-Premise Location. All signs shall be located on the same premises as the associated use, unless otherwise provided for in this Ordinance.

(B) Alterations, Repair, and Message Changes. No sign shall be constructed, erected, moved, enlarged, illuminated, or substantially altered unless authorized in accordance with this Ordinance. Repainting or changing the message of a sign in accordance with this Ordinance shall not in and of itself be considered a substantial alteration.

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(C) Wall Signs. Wall signs shall meet the following requirements:

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(1) The sign does not project more than twelve (12) inches from the building wall;

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(2) The exposed face of the sign is in a plane parallel to the building wall or structure; and

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(3) The sign does not extend above the height of the building or wall.

(D) Materials. Materials, supports, frames, letters, and sign surfaces may be any commonly used material, however, the use of natural or natural appearing materials is required along M-37 and highly encouraged elsewhere in the township.

(E) Freestanding Sign Width. The sign width, including supporting structures and base, shall not be more than one and one-half times the width of the sign face alone.

Article 11: Signs

(F) Setbacks. Setbacks shall be measured from the lot line to the leading edge of the sign or support structure whichever is less.

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(G) Maintenance. Signs shall be properly maintained, including keeping the sign secured and/or anchored, and replacing or repairing materials that are faded, discolored, torn, or deteriorated.

(H) Planning Commission and Zoning Administrator Review. All plans for construction, design, and appearance of signs associated with a development for which site plan review is required shall be reviewed by the Planning Commission as part of the site plan approval process. Changes to existing signs shall be reviewed by the Zoning Administrator in accordance with this Ordinance. In addition to any other consideration, the Planning Commission and/or the Zoning Administrator shall consider the following content-neutral provisions in reviewing and approving signs:

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(1) Compatibility of the sign with the character of the neighborhood;

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<#>All plans for the construction, design and appearance of Entrance Way Signs and Subdivision Development Signs not subject to a Special Use Permit shall be submitted to the Zoning Board of Appeals for review and approval.¶
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(2) The sign does not unreasonably block views from other properties;

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(3) Materials and colors used are natural looking and consistent with surrounding structures in the vicinity, and with the intent of the Ordinance; and

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(4) Where the Planning Commission or Zoning Administrator has discretion on the number and location of certain signs, the number and location of signs shall be reasonably necessary to meet the intent of this Ordinance.

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(I) Signs approved in association with a Special Use Permit. In approving a Special Use Permit, the Township Board may approve any or all signs allowed in this Ordinance provided that the approved signs meet the following content-neutral provisions:

(1) Are related to an approved use in the Special Use Permit;

(2) The design, size, setback and lighting are shown on a scale drawing;

(3) The number and location of all signs is reasonably necessary to meet the intent of this Ordinance.

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Section 11.106 Prohibited Signs (currently Section 7.11.2 and parts of Section 7.11.1)

The following signs shall be prohibited in the township unless explicitly permitted elsewhere in this Ordinance:

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(A) Off-premises commercial advertising signs unless explicitly permitted in this Article.

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(B) Signs that are illegal under applicable Federal, State, or local laws, regulations and/or ordinance.

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Article 11: Signs

- ~~(C) Signs that are not clean and in good repair or that have become unsafe or not secure.~~
- ~~(D) Signs that violate the building code or electrical code.~~
- ~~(E) Signs not securely fastened to a substantial structure.~~
- ~~(F) Signs that interfere with or resemble any official traffic sign, signal, or device, or signs that are deemed hazardous or dangerous by the local road agency or public safety department.~~
- ~~(G) Signs that do not comply with the standards in this Ordinance.~~
- ~~(H) Flashing Signs.~~
- ~~(I) Portable Message Signs or signs utilizing vehicles, trucks, vans, or other wheeled devices.~~
- ~~(J) Roof Signs.~~
- ~~(K) Pennant Signs.~~
- ~~(L) Any sign that revolves, rotates, moves, or is animated.~~
- ~~(M) Signs with automated changes in sign appearance.~~
- ~~(N) Banner Signs, pennants, streamers, festoons, and airborne or air-activated devices attached to the ground or buildings except where otherwise specifically permitted by this Ordinance.~~
- ~~(O) Tripods or sandwich boards~~
- ~~(P) Changeable message boards.~~
- ~~(Q) Wall signs extending perpendicularly from a building wall.~~
- ~~(R) On-site and off-site directional Signs except those specifically allowed by this Ordinance.~~
- ~~(S) Signs within a road right-of-way except traffic direction and control signs placed by the County Road Commission or Michigan Department of Transportation.~~
- ~~(T) Signs attached to trees and other vegetation.~~
- ~~(U) Signs attached to utility structures or poles, including light poles, except by the utility company.~~
- ~~(V) Signs located in a Clear Vision Area unless permitted in Section 7.112.~~
- ~~(W) Signs attached to street furniture, such as benches and trash cans.~~
- ~~(X) Projected image signs.~~

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Article 11: Signs

Section 11.107 Signs Permitted in All Districts (currently Section 7.11.3)

The following signs shall be allowed in all zoning districts (Section 11.107 and Section 11.108 may apply):

- (A)** Memorial/Historical Markers when the site is recognized for its historical significance by a Federal or State agency.
- (B)** On-Premise Identification Sign, which is necessary for public safety and emergency vehicle access.
- (C)** Official signs of a non-commercial nature erected by a public utility.
- (D)** On-Premise Safety Signs, such as a Private Property/No Hunting/No Trespassing Sign.
- (E)** Public notice signs placed by public agencies.
- (F)** Signs required by law or placed by any governmental agency for traffic control in accordance with the Michigan Manual of Uniform Traffic Control Devices.
- (G)** Incidental Signs.
- (H)** Flags or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (I)** Signs carried by a person if operating lawfully in a public or private road right-of-way.

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Commented [PS64]: The deleted list of signs is covered in the following section because they are regulated as either permanent or temporary signs. Rather than regulate garage sale signs, construction signs, and other on-site commercial signs, we recommend regulating the length of the use elsewhere in the Zoning Ordinance. This way, the sign is only permitted as long as the on-site commercial use.

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<#>Agricultural Products Signs on the same premises with a general farm or horticultural use while the retail outlet is in operation. Signs may be two sided and may have changeable strips identifying specific products or products in season.¶

¶

<#>Church/Non-profit Social Organization/Governmental Sign

¶

<#>Construction Site Sign may be displayed while construction is taking place.¶

¶

<#>Entrance Way Sign.¶

¶

<#>Event Sign and Directional Event Signs are permitted under the following conditions:¶

¶

<#>The event has been approved by the Peninsula Township Board.¶

¶

<#>The specific size, number, location, and duration of placement of the signs has been approved by the Peninsula Township Board.¶

¶

<#>Real Estate Sign while the property is available for rent/lease or sale.¶

¶

<#>Roadside Stand Sign.¶

¶

<#>Subdivision Development Sign.¶

¶

<#>Yard/Garage Sale Signs. The on-site sign may not be displayed for more than three (3) consecutive days and not more than ten (10) days in any 365-day period.¶

¶

¶

Section 11.108 Sign Regulations for Specific Zoning Districts (currently Sections 7.11.4 – 7.11.6, including part of Table 7.11.6)

In addition to signs permitted in Section 11.107, the following standards apply (all areas are in square feet and all setbacks are from any lot line):

(A) Signs Permitted in All Districts. The following signs are permitted in all zoning districts:

Sign Type	Maximum Number Per Lot	Maximum Area	Maximum Height	Minimum Setback	Illumination	Permit Required?
Temporary On—Premise Commercial Advertising Sign	1	6 sq. ft.	4 ft.	0 ft.	No	No
Temporary Off-Premise Commercial Advertising (limited to 30 days in a calendar year)	1	6 sq. ft.	4 ft.	0 ft.	No	Yes
Temporary Noncommercial Signs	4	24 sq. ft. total	4 ft.	0 ft.	No	No
Ground Monument Entrance Way Sign (Excluding uses located in a Commercial District, single-family dwellings, and two-family dwellings)	1	9 sq. ft.	6 ft.	15 ft.	Yes	Yes
Wall or Marquee/Awning (For the following uses not located in a Commercial District: Institutional Uses, Non-Profit Uses, and Government Uses)	1	30 sq. ft.	N/A	N/A	Yes	Yes
Window Sign	1	3 sq. ft.	N/A	N/A	No	No
Name Plate	1	3 sq. ft.	4 ft. (unless attached to a building)	0 ft.	Yes	No
On-Premise Safety Signs	1 per 100 feet of frontage or portion thereof	1 sq. ft.	6 ft.	0 ft.	No	No
Ingress/Egress Signs	***	2 sq. ft.	3 ft.	0 ft.	***	Yes
Incidental Signs	***	2 sq. ft.	***	***	***	Yes
Interior Directional Sign	***	2 sq. ft.	***	***	***	Yes

***As per approved site plan or plot plan.

Commented [PS65]: This replaces the provisions for "Construction Site," "Real Estate," "Yard/Garage Sale," and "Event Sign."

Commented [PS66]: Currently, the Township Board has discretion on temporary event and directional signs. However, this can keep different standards based on the content of the message or the commercial nature of the event taking place. The proposed regulation will make the approval administrative and will treat all off-premise commercial signage equally.

Commented [PS67]: This would include political signs and ideological signs though the Substitution Clause would allow noncommercial content on any permitted sign. If additional noncommercial signs are desired to allow for more political signs, we would recommend allowing additional signage for 90 days in a calendar year. This way, the regulation would not be tied to an event.

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Commented [PS68]: This replaces the provisions for "Church/Non-Profit/Governmental" and "Entrance Way."

Deleted: Institutional Uses, Non-Profit Uses, Government Uses, and Residential Developments)

Deleted: Promotional

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- (5) Billboards which may otherwise be prohibited by any other laws, ordinances or regulations.

Section 11.110 Illumination and Changeable Copy Standards (currently part of Section 7.14.3(5) and part of Section 7.11.1)

- (A) **General Lighting.** If illumination is allowed by this Ordinance, such illumination shall conform to the requirements of Section 8.107.
- (B) **Hours of Illumination.** Illuminated signs must be turned off no more than one (1) hour after the close of business and may be turned on no earlier than one (1) hour before the opening of business except by special permission granted as a condition of site plan approval and/or special land use approval.
- (C) **External Illumination.** External illumination of signs, including billboards, advertising kiosks, and information boards, shall be mounted at the top of the sign or sign structure and be fully shielded;
- (D) **Internal Illumination.** Internally illuminated signs, billboards, advertising kiosks, and information boards shall have a dark background with lighter-colored translucent (not transparent) lettering, logos, and/or designs. The maximum luminance level of an internally illuminated sign shall not exceed the ambient light at all times, except that the luminance level shall be 700 nits from 30 minutes before dusk until dawn, as determined by the National Oceanic and Atmospheric Association (NOAA). All electronic message center signs and other internally illuminated signs shall be equipped with a photocell and automatic dimmer, and a cut sheet for the sign must be submitted to the Township at the time of permit application showing compliance with these requirements.

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Section 11.111 Nonconforming Signs (NEW SECTION)

- (A) **Removal of Nonconforming Signs.** If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of a the land or building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.
- (B) **Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided.
- (C) **Continuance.** A nonconforming sign shall not be:
 - (1) Expanded or changed to another nonconforming sign unless the sign is specifically designed for periodic message change.

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(2) Relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement or design of the sign.

(3) Repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than fifty (50) percent of the cost of an identical new sign.

(D) Alteration. No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction be is in compliance with the provisions of this Article. For the purpose of this Article only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area, ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments. Nonconforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the use to which they are accessory.

(E) Intent. It is the intent of this Article to encourage eventual elimination of signs that, as a result of the adoption of this Article, become nonconforming and to administer this Article to realize the removal of illegal nonconforming signs and to avoid any unreasonable invasion of established private property.

Section 11.112 Appeals and Variances (currently part of Table 7.11.6)

(A) Any person aggrieved by any decision, ruling or order from the Planning Department, may make an appeal to the Zoning Board Appeals in accordance with Section 14.104 of this Ordinance. In determining whether a variance is appropriate, the ZBA shall also study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify a practical difficulty; however, the ZBA may decline to grant a variance even if certain of the circumstances is present.

(1) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.

(2) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the BZA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

(3) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.

(4) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

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(5) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

