

[Draft for 12/18/17 Planning Commission Meeting](#)

Section 6.9.3.7 Wetland and floodplain restrictions

***Planners note: this section is within the Condominium Subdivision Section**

~~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 (MDEQ) and/or an Earth Change Permit from Grand Traverse County as appropriate. Such land shall be set aside for other uses, such as parks or other open space.~~

~~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 judgement of the Planning Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium subdivision shall be set aside for other uses, such as parks or green space.~~

~~Also see Section 7.4.7 Flood Plain and Wetland Controls.~~

Section 7.4.7 Flood Plain and Wetland Controls:

1. **Intent and Purposes:** The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the flood plain or to rising water levels of Lake Michigan. All land included in the flood plain shall be subject to the requirements in which the land is located. Flood plain areas shall be restricted as to use, structures, occupancy, so that human life is protected, future flood damage is minimized, and there is no impact on adjacent neighbors.

Wetlands are a common feature of floodplain areas. Low lying land whether a wetland or normally dry are (1) the most biologically productive areas supporting lake ecology and function, providing habitat for a greater variety of organisms than all other aquatic zones and (2) capture sediment flow, filter nutrient flow and mitigate storm water run-off.

2. **Wetland Areas and Shoreline Regulations:** Regulations for ~~wetlands (Section 6.9.3.7)~~ and shoreline (Sections 7.4.2 - 7.4.4) supersede this section. **This section supercedes Section 6.9.3.7.**
3. **Flood Plain Area and Wetlands Identification:** The flood plain shall be those areas falling below elevation 583.5 feet, 1985 International Great Lakes Datum (I.G.L.D.). In the event of reasonable doubt as to the location of a flood plain or the presence of wetlands, the Zoning Administrator may require the applicant to submit detailed

- b) There is existing land on the parcel above the Flood Elevation line prior to any filling and the amount of additional fill that may be permitted is the minimum amount necessary to make reasonable use of the property consistent with those properties within 500 feet of the subject parcel on the same side of the road.
- c) There has been no prior excavation or filling of land below the Flood Elevation line to create land higher than the Flood Plain Area.

8. Construction or Filling in the Flood Plain Area or within 25-feet of a designated wetland— Any construction or filling in the Flood Plain Area or within 25-feet of a designated wetland shall be a discretionary decision ~~of the Planning Commission and subject to a Special Use Permit~~ following notice and public hearing procedures. The request for the permit must include all (anticipated*) future uses (such as and including any dwelling or other impervious surface addition).

- a. Planners note: need findings to support if and when filling should be allowed.

MGP 12-7-17 / BVDB 12/15/17

PENINSULA TOWNSHIP
DRAFT FOR SECTION 14.07 ENFORCEMENT

4.2 Section 4.2.1

4.2.1

QUICK FIX TO
CURRENT ORD.

Violations and Penalties. Any person, firm, association, corporation, company, or other entity which fails to comply with any Peninsula Township Ordinances, Michigan law, or any regulatory measures or conditions imposed by the Planning Commission, Zoning Board of Appeal, or Township Board shall be found in violation. If such violation has not abated, ceased to exist or otherwise been remedied within seven days after written notice of the violation has been sent, the violator will be deemed to be responsible for a municipal civil infraction as defined by Michigan statute. This infraction shall be punishable by a civil fine in an amount to be determined for each violation. The amount will be determined by the Township violation fee schedule, or in an amount determined by the Court, along with all expenses (direct and indirect) incurred by the Township. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as authorized under Michigan law. Provisions of this Ordinance may also be enforced by suit for injunctive relief.

12/5/17 laws

CURRENTLY IS
DAYS

13.08

NEW ORDINANCE

Violations and Penalties. Any person, firm, association, corporation, company, or other entity which fails to comply with any Peninsula Township Ordinances, Michigan law, or any regulatory measures or conditions imposed by the Planning Commission, Zoning Board of Appeal, or Township Board shall be found in violation. If such violation has not abated, ceased to exist or otherwise been remedied immediately after being provided with a written notice of the violation from the Zoning Administrator or the Enforcement Officer, the violator will be deemed to be responsible for a municipal civil infraction as defined by Michigan statute. This infraction shall be punishable by a civil fine in an amount to be determined for each violation. The amount will be determined by the Township violation fee schedule, or in an amount determined by the Court, along with all expenses (direct and indirect) incurred by the Township. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as authorized under Michigan law. Provisions of this Ordinance may also be enforced by suit for injunctive relief.

11/30/17 laws

- BVDB