

**PENINSULA TOWNSHIP
PLANNING COMMISSION AGENDA**
13235 Center Road
Traverse City, MI 49686
June 18, 2018
7:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments**
6. **Conflict of Interest**
7. **Consent Agenda**

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

- a. Correspondence (as provided)
- b. Approval of Meeting Minutes: Planning Commission 4-30-18, 5-21-18
- c. ZO Rewrite Committee: 5-14-18, 5-21-18, 5-22-18, 5-29-18, 6-6-18

8. **Reports and Updates**

- a. Township Board
- b. Zoning Board of Appeals

9. **Business**

- a. Presentation by Networks Northwest
- b. Presentation on Farm Processing Facility - Section 6.7.2 (19) of the Zoning Ordinance – John Wunsch

10. **Citizen Comments**

11. **Board Comments**

12. **Adjournment**

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

PENINSULA TOWNSHIP ZONING ORDINANCE REWRITE COMMITTEE NOTES
6/6/18

Present: M. Peters, A Couture
Excused: L. Serocki
Also Present: N. Heller, C Deeren, G. Hayward
Meeting began: 3: 09 PM

Decision to do Article 1 and then Article 2

Article 1 From previous meeting: "Add a reference to Master Plan", discussed this should be in Section 1.01 and should reference that Zoning Ordinance "flows from" Master Plan.

From previous meeting: All bullet points in Section 1.03 to start with a capital letter and no use of the word "to". Added to (D) "recognizing the limited capacity of roads and infrastructure". Added detail to (H) and (I).

Sections 1.04,1.05,1.06,1.07: Need legal review only. Decision that this Article is ready and should go to Attorney now for review.

Article 2 Definitions. Section 2.01 (D) put "parcel" with "lot" that includes all other words with similar meanings. Attorney to check (F) and (G).

Section 2.02. Global note to change "lot" to "parcel" except when refers to Subdivision or site condominium lot, i.e., predominant use of parcel.

(1)(b) add kitchen or laundry. (4) and (5) editing changes. (6) change to "See Farm and Farm Product" (7) editing change.

(9) and (19) get wording change from L. Serocki next meeting, and some discussion of "cellar" and "crawl space" difference from "basement", i.e "not habitable" or no "living space". (14) remove "chattels from Building definition.

(16) Building width: discussion about relationship with Structure and with setback. Currently measure setback to the roof eave, not foundation. Also includes porches. M. Peters to edit for next meeting. (18) "Building, Front line of" . Don't need this; see (16).

(24) Country Club. Drop this, no country clubs, discussion during last draft with PC about being actually a "commercial" activity

(27) Decibels. Take this out; it is a dictionary definition and well-known phrase in 2018.

Next meeting tentative date: June 13th 3-5 PM. Agenda includes Articles 2 and 3.

Adjourned: 4:57 PM

6/12/18 MGP

**PENINSULA TOWNSHIP
PLANNING COMMISSION RESCHEDULED MEETING
13235 Center Road
Traverse City, MI 49686
April 30, 2018, 7:00 p.m.
Minutes**

(This meeting was rescheduled from the April 16, 2018, Regular Meeting due to weather.)

1. Call to Order Called to order by Alan Couture at 7:00 pm

2. Pledge

3. Roll Call Present: Couture, Peters, Serocki, Wunsch, Shipman, Elliott, Hornberger

4. Approve Agenda

Elliott requested that items 7.d.3 and 7.d.4—the Planner’s reports be removed from the agenda since Gordon Hayward’s contract with the Township as acting Planner has expired as of last Thursday. She requested Hayward to sit in the audience since he is no longer employed by the Township. Hayward responded that he has been hired on an hourly basis with the Township after his contract expired. Hornberger stated that he is then employed in the Planning Department. Hayward followed with a request that the Planner’s Reports be removed from the agenda. Elliott moved that the Planning Commission (PC) remove the two reports in the consent agenda from the agenda; Peters seconded the motion. Roll call.

Passed unam

Serocki noted that two of the PC minutes (3-14-2018 and 3-22-2018) in the consent agenda have typographic, grammar, and other errors, and requested that they be moved down to the Business section for discussion as item “8d”. Peters seconds.

Roll call.

Passed unam

5. Brief Citizen Comments

Harold David Edmondson, 12414 Center Road. He expressed concern over irregularities occurring in the recording of minutes at the PC/TB joint meetings. He specifically addressed the March 22, 2018, 1 pm meeting, which he and several other residents attended. [Editor’s note: the only item listed on the agenda for this meeting was “Winery Ordinance Amendment”.] He and others attended the meeting there was nothing to suggest what this information was going to entail. He stated that the meeting was called by the planner, not a commissioner. The agenda item asked the joint PC/TB committee to amend Ordinance 139, in response to a request for more processing and storage capabilities from Black Star Farms. [Editor’s Note: Black Star’s current processing/storage building is 20,000 sq. feet because of use by right; the request involved increasing the indoor storage facility an additional 8500 sq. feet. Currently, the maximum storage allowed under the Ordinance 139 is 6,000 sq. feet]. Discussion on the request focused on whether a variance or amendment would be the most appropriate because of the implication for other Farm Processing Facilities and how a change might be accommodated. The meeting was adjourned and the public left with the sense that more study would be needed on the

issue. There was no discussion or decision before adjourning to send an amendment to Ordinance 139 to the PC for consideration at the April 16 regular meeting, nor was there any discussion on using acreage to determine scale of building. [Editor's note: The April 16, 2018 PC regular meeting agenda shows the following:

"Item 8c: Planner Report - Proposed Ordinance Amendment to Farm Processing Facility".

This agenda again was set by the Hayward. However, the April 16, 2018 PC regular meeting was cancelled due to weather. The item next appeared as an amendment to the April 18, 2018, PC Zoning Ordinance Rewrite Committee agenda, which was again set by the Planner (Hayward)]. Edmondson's concern is that paragraphs #4, 5, and 6, as presented in the 3/22/2018 Joint PC/TB committee minutes, were not discussed in the open part of the 3/22/2018 meeting, but rather after the meeting was adjourned and the public left.

Couture thanked Edmondson for his comments and asked if there were any more comments from the audience. None.

6. Conflict of Interest None

7. Consent Agenda

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

- a. Reports and Announcements
- b. Correspondence (as provided)
- c. Approval of Meeting Minutes

- 1. Joint Township Board/Planning Commission Working Committee: 03-14-18; 03-22-18
- 2. Zoning Ordinance Rewrite Committee: 03-12-18; 03-20-18; 04-02-18; 04-05-18; 04-12-18; 04-18-18
- 3. Planning Commission Regular Meeting 03-19-18
- 4. Approve Year End Report

d. Reports and Updates

- 1. Township Board
- 2. Zoning Board of Appeals
- 3. Planner Report - Proposed Ordinance Amendment to Farm Processing Facility
- 4. Planner Report - Proposed Ordinance Amendment to Farm Processing Facility based on Active Agriculture

Serocki requested 3-24-2018 Joint TB/PC Meeting and 3-19-2018 Regular PC meeting be removed from the consent agenda and placed on the Business agenda as Item "8.d".

Wunsch reported no Town Board report.

Serocki reported that ZBA denied a driveway placement due to set-back requirements, and that the Old Mission Inn asked to apply for a liquor license based on historic precedent.

Peters moved to approve the amended consent agenda; Wunsch seconded. Roll Call. **Passed unam**

8. Business

a. Review Zoning Ordinance Rewrite Committee Article 12

Peters reported on the Ordinance Rewrite Committee work by stating that the hyperlink that McKenna is using, is creating problems whenever something is altered by changing the numbering system. This causes confusion as one moves from one version of the ordinance rewrite to another version of the ordinance rewrite (e.g., rewrite #2 versus rewrite #3). She has tried to correct the numbering system to date, but it is still creating problems. Peters asked the other commissioners for feedback on the content of the current rewrite of Articles 10-12. Elliott expressed her inability to keep the versions in order. Couture explained that tonight's meeting was intended for discussion purposes among the PC members on the progress and products coming out of the rewrite committee. Peters stated that the ordinance rewrite needs to be completed before it goes to the TB. She sees the steps as: 1) McKenna needs to revise this latest version; 2) before the PC has a public meeting on the new ordinance language; and 3) before it goes to the TB. Serocki asked how the rest of the PC feels about the way the rewrite is going. Elliott wanted to know how many more times the PC can go back to McKenna for a rewrite. Peters asked Hayward to respond to that question, since he and Christina met with Patrick Sloan of McKenna last week, without any PC members present. Deeren said that McKenna was committed to completing a good document. Couture asked Wunsch how the TB would react to receiving a draft of the ordinance rewrite. Wunsch stated that there would be mixed reactions from the various TB members based on personalities. He advised the PC to begin aligning the TB to the probable review process that the PC wants them to take when reviewing. He thinks it would be wise to prepare them for a final review. Elliott asked if the revisions are reflecting the changes that the rewrite committee desires when the revision goes to McKenna and then returns. Elliott gave the example of the language in the "building height" section of the ordinance, which does not reflect what was desired for the ordinance language for the PC. Serocki agreed by referring to the 3rd revision's definition of building height, which was much clearer in intent. Shipman suggested giving the TB a "large picture" overview of the ordinance rewrite until a final version is complete. Wunsch said a "highlights" summary would be best for the TB at this point, rather than a detailed report. Elliott asked the PC about the most appropriate presentation format to use with the TB. What does the PC want to present as an informational session with the Board? Wunsch said we should propose a process to the TB that allows input, but keeps the discussion above the detail level.

Couture asked if the PC still wanted to discuss the other business items. That is:

- "b. Review Zoning Ordinance Rewrite Committee Article 11
- c. Review Zoning Ordinance Rewrite Committee Article 10"

Peters said she would appreciate hearing what the other members of the PC think of the three article rewrites.

The discussion among PC members appeared to suggest that there was consensus on Article 11's wording.

Couture moved to Article 10 on "signs". Several PC members thought the tables in this section were too complex. Peters also noted that the names applied to the signs changed between versions and that consistency in sign naming was needed. Serocki concurred, especially if a graphic of the sign was missing.

Couture then moved to the new Business Item "D"—meeting minutes of March 19, 2018 Planning Commission Regular Meeting and the March 22, 2018 Joint PC/TB Meeting).

Wunsch said the problem was that he circled back on the Farm Processing discussion, after both the short-term rentals and the staff assignments were discussed. The problem was that the meeting has already adjourned. As chair, he failed to prevent the discussion from circling back.

Peters said that the information from the Zoning Ordinance Rewrite Committee and the PC/TB Joint Committee meetings are notes, not minutes.

Wunsch said he was not sure how to remedy the minutes of the meeting at this point.

Hornberger stated that the committee cannot change what was done. She moved to approve the notes of 3-22-2018 as submitted; she stated that just because it was out of order, does not mean that it did not happen. Can't undo it. We should approve them.

Wunsch would like the PC to approve the minutes, contingent upon a follow up discussion at a later meeting.

Shipman reminded the PC that the minutes of this meeting will stand as a correction to the earlier meeting.

Couture called the question to approve the minutes/notes of the 3-22-2018 meeting with or without an amendment.

Hornberger accepts the proviso to the motion by Wunsch; seconded by Shipman. Roll call. **Passed unam**

Couture directs the attention of the Commission to the minutes of the March 14, 2018 PC/TB Joint meeting, which were approved at the March 19, 2018 Regular Planning Commission Meeting. Peters confirms that the March 14, 2018 minutes were part of the PC minutes that was amended and approved on March 19, 2018, at the Regular Planning Commission meeting.

Serocki then proceeds to identify other errors in the minutes of the March 19, 2018 PC Regular meeting: Page 2, 1/3 of the way down—"Elliott moves to amend the agenda; Hornberger seconds". Passed unam
"Hornberger moves to approve agenda; Serocki seconds." Passed unam

Pg. 2, Ordinance Amendment #194 which is listed in the text, should be #196.

Pg. 2, "zoning ordinances" need capitalization throughout the minutes.

Pg. 3 "article 13" needs to be capitalized

Add "we [can] talk about it later"

Under Peters, "section 13" needs to be changed to "Article 13"

Change "...to make it make easier" to "...to make it easier"

Pg. 5 eliminate "is for a variance"

Discussion on rental, "price should be piece"

Scenario

a. Country

should be

a. B&B

b. B&B

b. Country

line with "not limit" should be "no limit"

Paragraph 2. "request in application for [site] not ~~sit~~ request was different from a discrete variance."

Pg. 13 under Events, last sentence should read "...no mention of size or parking"

Pg. 14 B&B is known as a "chateau"

Pg. 15 "...wanted was a reward"

Deeren title--not the "Director of Zoning" but rather the "Zoning Administrator"

Peters/Hornberger approved minutes as amended. Passed unam

These were the corrections provided by Serocki that need to be in the March 19 minutes for the regular meeting of the PC.

9. Citizen Comments

Harold David Edmondson, 12414 Center Road, spoke again and expressed his frustration concerning the Commission's inability to grasp the significance of conducting business on an agenda item after it was already discussed at a meeting and the public interested in that item disperses because they think discourse on the item is complete. It is his impression that the minutes/notes of the March 22, 2018, Joint Town Board/Planning Commission meeting contain information that was not part of the public discourse, specifically, paragraph 4, when the topic of the winery amendment was discussed. He considers it a violation of the state rules for conducting public meetings.

10. Board Comments

Peninsula Planning Commission
Rescheduled Meeting, April 30, 2018
Joanne Westphal, Recording Secretary and Editor

Shipman thanked the Ordinance Rewrite Committee for their work.

Couture thanked the audience for their participation.

11. Adjournment

The meeting adjourned at 8:40 pm.

**PENINSULA TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
13235 Center Road
Traverse City, MI 49686
May 21, 2018
7:00 p.m.**

1. **Call to Order** by Alan Couture at 7p.m.
2. **Pledge**
3. **Roll Call**

Absent: Christina Deeren

Present: Shipman, Elliott, Hornberger, Couture, Peters, Serocki, Wunsch

Also Present: Gordan Hayward, Greg Meihn (Township Lawyer)

4. **Approve Agenda**

ACTION: Motion to approve agenda by Serocki, seconded by Wunsch.

Passed Un.

5. **Brief Citizen Comments:**

a. **Joanne Westphal**, 12414 Center Rd.: I would like to express my interest in encouraging the Planning Commissioners to consider engaging in with Networks Northwest to have some input in items you think would facilitate moving the department forward as they begin to do a Needs Assessment. They are gathering data from the staff and Town Board Members principally in the Townhall. I don't know if they intend to go to the other Town Board Members, but I have encouraged Brad and Rob to extend this to the Planning Commission because I think you all are directly involved with the day to day of the planning department. You have very valuable insight with what would facilitate the broader work of the Town Board and Township.

The Personnel Committee has provided for you a profile of the Planning Administrator Candidates. Three of them have applied for the Directorship or the Senior Planner position, profile numbers 1-3. Those who have applied for the Assistant Planner position are numbered 4-9. The Personnel Committee very much encourages feedback of the qualifications that you see in the candidates in the context of what you know about the work you are doing. Feedback would be appreciated at your earliest convenience, the sooner the better.

Peters: Jo will you give us a deadline?

Westphal: I'd really appreciate a deadline of this week. I think that certain candidates will pop out right away, based upon the work that they will need to be doing; others, clearly by the formatting and content of their resume. What we are looking for is that you know what we don't know as a Town Board, in terms of what would be valuable on a day to day basis for the head position.

Hayward: I noticed that one of the people applied for both jobs. How do you want us to deal with that?

Westphal: You'll have to look at it, based upon the job description for the Senior Planner and the Assistant Planner. Of course, the idea is that Gordan will be staying as a consultant.

Peters: So, this week we will send an email to you, is that what you'd like us to do?

Westphal: Yes. If you want it to be blind, so that nobody knows whose comments are whose, that's fine. Your opinions are valued, so however you each individually choose to give me feedback is fine.

b. **Cindy Ruzak**, 1994 Braemar Dr., Grey Hare Inn: I have a request to ask that sometime during this meeting the Planning Commission could please consider and put back on the agenda the much-discussed request for an amendment to the current Bed and Breakfast ordinance. It has been talked about in committee, rewritten and discussed at this commission, and I have written you a request that it be put back on as a separate subject. I would really like to get this back on the Planning Commission Agenda as a specific item and move it forward and

please get this done. It has been going on for a long time. Where ever it would fit in this meeting I would greatly appreciate it. Thank you!

6. Conflict of Interest - None

7. Consent Agenda

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

- a. Correspondence (as provided)
- b. Approval of Meeting Minutes: ZO Rewrite Committee: 5/1/18, 5/7/18, 5/8/18

Peters: I think we want to add what Jo presented about the resumes, that we have received them. That would be part of the correspondence. Then I just want to alert you that we do not have the PC minutes from our last meeting and so we will have to deal with those at our next meeting.

ACTION: Moved by Wunsch to approve consent agenda as amended, seconded by Serocki. **Passed Unan.**

8. Reports and Updates

- a. Township Board – Wunsch: I don't have any new updates on the Township Board.
- b. Zoning Board of Appeals – Serocki: We did not have a meeting in May.

9. Business

- a. Consider attachment to approved 3/19/18 PC Minutes Page 4.

Hayward: I'll explain why I am asking for this. We approved March 19th PC minutes. Subsequent to that I discovered a mistake on page 4. There was a statement by the Administrator relating to whether the request from Black Star Farms was for an increase in tasting room areas and retail space. If her statement was correct then it's an error and if it wasn't correct it should read *NOT* for increasing tasting room areas and retail space. I'm not sure she knows how to note that. I am suggesting possibly an attachment to the notice dating back to those approved minutes.

Meihn: You correct the prior minutes and these minutes will be approved.

Serocki: This supplementary information attachment is not going to go into the minutes is it?

Hayward: That is to explain the basis for my request. That is the actual request from Black Star.

Meihn: We need a motion. It should outline what the prior minutes have said and the date of those minutes and what the proper comment would be.

Elliott: Do we want to have when this letter was written or this letter was dated or does it matter since we are going back to the previous minutes?

Serocki: We are not going back to the letter to supplement the minutes.

Elliott: It doesn't matter, is that what you are saying?

Meihn: Correct.

ACTION: Moved by Hornberger that the minutes of March 19th, 2018 be amended on page 4 where the reading says: "And for increasing tasting room areas and retail space." the word *NOT* be put in that sentence so that it reads: "And *NOT* for increasing tasting room areas and retail space." Seconded by Shipman. **Passed Unan**

b. Elect Planning Commission Secretary

Coulter: We now need to elect a PC Secretary

Meihn: Donna, the best thing is for you to nominate someone.

Coulter: Laura has been nominated by Hornberger and has graciously accepted the position of PC Secretary. Are there any other nominations? If none, I would ask for a roll call for this appointment: All Commissioners approved Serocki as PC Secretary. **Passed Unan**

c. Short Term Rentals Workshop by Networks Northwest Report by attendees.

Networks Northwest provided a workshop on Short Term Rentals. A brief recap of what was learned at the event was given by Coulter, Peters and Elliott, PC members who attended the workshop.

The Networks Northwest personnel spoke generally about Short-Term Rentals. A Panel Discussion was designed to present past and current efforts by various rental businesses, realtors, and townships. Finally, an IT firm, Host Compliance, presented their business service model for helping jurisdictions with Short Term Rental regulations. All presentations left us with these points:

- The number of rentals is astonishing
- The issue of STR is complex
- There are various approaches being tried in an effort to regulate Short Term Rentals
- Compromise and fundamental fairness must be a part of regulations
- Enforcement costs far exceed income
- Regulations must be simple to enforce
- Technology is available, at a cost, to help develop regulations

d. Zoning Ordinance Rewrite Future Steps: Report and discussion.

Peters started this discussion and made reference to a 2-page memo that she wrote regarding the Zoning Ordinance Rewrite Next Steps. It highlighted the work of the committee to date and outlined the proposed steps to make the process move forward, encompassing all groups for feedback and fine-tuning. Attachments to the memo included the September 2015 RFP for Zoning Ordinances and the Zoning Ordinance First Draft pgs. 6-9. The goal is to provide a presentation of the Old vs. New Ordinances, looking at the bigger Global Changes. As the document of 150-175 pages is created we feel the need to amend it the day it is approved. The Winery and Farm Area will not be rewritten. Throughout the document we will rely upon Meihn for advice in any areas with problems of enforceability. Yet to be determined is how to introduce it to the public. Timing of completion is difficult to set. We are moving through it as fast as we can. Board member's comments to Peters included timing, regarding public meetings held after work had been completed.

e. Planning Commission Work Products, Recommendations and Communications to Peninsula Township Board: Discussion

Peters: I get a great deal of pleasure working with all of you! We work well together and when we have a task we get it done and we do it well! I have recently attended a number of Town Board meetings where I have seen things that I know have been sent from the Planning Commission to the Town Board of which they have had problems with. I have observed issues in 3 areas where there seems to be a disconnect.

1) I'm not sure we know what we should be producing, what product the Town Board really needs from us. For example: On a SUP Finding of Facts, that we pass, when it goes to the Town Board, what does it mean to their member that has not been a part of our meeting where the understanding is clear.

2) I want more knowledge, more training to help me do a better job. I do not know of what opportunities are available to us for training.

3) When something goes up to the Town Board from us, is there someone or some way to explain the why of what they are looking at. Would there be a benefit for them to hear us give the backing behind the information they are receiving from us, so not to waste their valuable time.

A discussion was held with the PC Board providing several examples of issues that exist that interfere with forward movement of their tasks.

Meihn: Meihn spoke of how mistakes help Boards learn. Mistakes are being identified and the means to fix what is broken are in the process. He identified the following areas being worked on:

* Meihn stated that specific training can and will be provided free, based upon the request and need of the Planning Commissioners and all Township Boards. We'll provide training or find experts to come in and educate you in the areas where you feel you need more information for your decision making.

*The need for better communication within and between Boards of the Township will be addressed by going back to protocol and identifying department responsibilities. That might include making a member of the Planning Commission an attendee to every Town Board meeting.

* The need for a Township Planner will be completed as interviews are being held to fill this position.

* The Township Lawyer will now be attending the meetings.

* As your lawyers, we will provide legal support and correct terminology to the work you do. Once a piece of work has been finished, say by the Planning Commission, it will have been looked at and edited by the Director of Planning, the Director of Zoning, the Engineer (when appropriate) and Legal Counsel. The Board will get the final product.

* Hayward voiced the need for process and procedure review, a sequence of things that have to happen, with timelines and deadlines included and the order of people involved. This should help us construct the agenda of our meetings and direct our work.

10. Citizen Comments

Louis Santucci, 12602 Center Road: I attended the Networks Northwest meeting last week and you summarized all the things that went on at that meeting. I would just like to add my observations to what has already been said. You have Charlevoix and Suttons Bay who both looked at the problem of Short Term Rentals (STR) and they addressed them completely differently. Suttons Bay decided they weren't going to do anything specific to STR but they would remind everybody of what the current zoning rules are. For example, those reminders might include things such as fireworks, public safety rules, ...they felt they would enforce the things already in the zoning code. The other thing I thought was interesting was that you can't do nothing, but you can't ban it. We can look at Traverse City where they did ban it and there is a push by the stake holders on the other side who are trying to get the city to reconsider the total ban. The other point I think being made is you take it a step at a time. Identify if we really have a problem. We have to separate whether or not we have a problem with STR, rentals of whole houses or beach houses for less than 30 days, or the Airbnb models where someone is renting out a room in their house. The last thing was that the playing field must be decided. The hotel industry gentleman has a point, but most of the Airbnb is a summer weekend rental thing. The soft sell IT gentleman was going for the network people. In anticipation of this type of discussion, I have taken a look at 5-6 sites that most of the people just renting the rooms in their homes use, including Airbnb and Home Away. There are 21 Airbnb type rentals including both room and whole house rentals on the Peninsula. Quite frankly that is what most of the young travelers are using. If you want to look at any of these sights, most of them have a map but they won't give you the exact address but will give you the location. Of those 21 Airbnbs, 1 is Brys, 1 is Neahtawantas and the other is Cindy Ruzak's. Subtract those 3 out and there are 18 left. A couple of the rentals are \$500 to \$1250 a night. Most of the people we deal with are not going to be renting those places. You can decide if you want to hire this IT company or not but given the size of the Peninsula and how many people really want to rent rooms in their home you don't need this company. A good person with technology skills can pretty much go through the major sites quickly and gather the facts. I will end it with: I love the fact that this conversation is going on, Township officials went to the meeting, and people are thinking about it. The take away from the meeting is that you were given 2 extremes and we are only going to end up in this and you folks need to make some decisions. Listening to tonight's discussion amongst yourselves, I am glad I am not on this committee as any decision you make is going to be challenged in court. I thank you all for doing this!

Joanne Westphal, 12414 Center Road: I am so glad we are talking about open communication tonight. One of the things I think we have to either defuse or throw in the circular file is that Town Board Members should not come to Planning Commission meetings and Planning Commission members should not go to Town Board meetings. I find that that type of (?) Silo building is unhealthy and has led to some miscommunication that we

have. If you watched, as Laura said she watched the May 8th meeting, if I get a document as a scientist that isn't solid, that doesn't embrace practices dealing with floodplains, wetlands, protected habitat, shoreline erosion, I am going to continue to dig into it until I am satisfied and have really thought about what it is that we want to achieve as a township. I am so relieved to hear that the documents that we did receive were not the most timely nor the most targeted in content. Now I think there is tremendous opportunity on both the Commission and Board that we find the types of people who fit the slots that have been earmarked for Director of Planning and the Assistant. Those people will provide for us a very important bridge from one body to the other. The other thing I heard tonight, that I hope all of you feel strongly about, is bringing ourselves up to speed on some of the basic issues that deal with not only human nature but the natural resource base that you have had to make decision on, every day you are working on planning decisions. I can't convey to my fellow Town Board members in a meeting, enough information to help them make a good decision about a land resource, like the 81 or Vineyard Ridge, any of the special use permits that come up. That takes years of experience. What I can do is help people think about the resource or the problem, natural or human, and frame it in a way that Greg Meihn is talking about. Does it have some logic legally? Has useful information been transferred to the public, so they understand why we feel the way we do or make the decisions that we do? When I would teach my senior Planning Practicum class, the practical side of dealing with resources and human interaction with them, the most important thing I could teach them was how to frame a problem, how to think about a problem and how to define it. In your case you are dealing with ordinances. An ordinance is something you are trying to provide for public protection and safety but also for the benefit of the resource base in which we live and depend upon livelihood and wellbeing. What I would say to them and what I say to you is if you take an ordinance it should have very clearly in its language what its intent is, what is it you are trying to achieve, what is its goal? You introduce the objectives that you want that goal to achieve; those are measurable outcomes, measurable because you tie standards to them. With those standards you have criteria, actual measurable things that you want to achieve as the outcome. Those are the 4 steps that are a part of any problem-solving issues dealing with land and planning. If you can tie those things together, Meihn can defend them in a court of law because he can tell us how those standards need to be written and how they tie back to the objectives we are hoping to achieve and what that overarching goal is going to mean for our constituents and the resource base that we depend upon on our Peninsula. He can specify the criteria that a judge or panel of judges will have to make a decision on. We can do that in the work that we do, whether it be at the Town Board level, your level, or the Zoning Board of Appeals level and have you look at these problems we deal with. I can't teach you enough about soils. What I can teach you is what you need to know about soils and who you need to go to get the information that you need. I encourage you to use the resources at hand, which the Town Board used. Thank God Isaiah stood his ground with this particular approval process because he forced the rest of us to follow a process that walked through the permit that didn't just say, the Finding of Fact has been met here. No, it was a permit that was in process; it hadn't been met. That Finding of Fact process exists. I suggested a year ago that the Finding of Fact process needed to be tightened up, that we needed to ask, where are we in the permitting process? The point I am making to you is that there are some really tiny things that make us work a lot better. Use the consultants that the Township is willing to hire for you. Our engineer, Jennifer Hodges is for you to tap all the time. When you need to define something, tap the specialists. We have very talented people and we need to use the resources at hand. I appreciate you very much. Thank you for the great conversation you had dialoging amongst yourselves. Keep up the good work!

11. Board Comments

Elliot: I am very happy to hear everything Joanne Westphal has said tonight. It's very nice to have Lawyer Resources available to us and here at the meeting.

Peters: Cindy Ruzak's request and the whole B & B issue needs to go back to committee to look at it. What do you think Isaiah? Does your committee need to be reconstituted in another way?

Wunsch: Yes, I think I can help out but if somebody else would be willing to head it up I would be willing to support that. The three of us were on the committee, Peters, Serocki and me. We might want to engage Networks Northwest as well. I think we did a good job of gathering a lot of public comment. We see a very

strong anti-push toward the Board that has surfaced recently. So, I think it would be helpful to engage planning professionals as well.

Peters: It really entails looking at the whole scope. I do think that what Cyndi was talking about was not the whole rental world. She was talking about looking at B & Bs. I think that at some meeting we should talk about whether or not we are going to look at B & Bs again.

Elliott: We need to prioritize everything. Let's put it on the agenda ahead of time and look at the B & B ordinance and see if we are happy with it or if we want to change it.

Shipman: First of all, I am so happy to get this packet with applicants. I love that we are being invited to be a part of the hiring process. Thank you Monnie for all that you put together for us tonight! If there is anything that I can do to help with the administration of a group of us to deal with B & Bs and STRs I am a good worker and would be willing to do that.

Wunsch: I was made aware of a current House Bill 5947, but do not know how far along it is. It would affect all Agricultural land by preventing Townships from regulating rural weddings on ag. land. It could affect our Township so I wanted to make you aware of it.

12. Adjournment: Motion to adjourn meeting at 8:37 by **Hornberger**, seconded by **Wunsch**. **Passed Unan.**

Deb Larimer
Recording Secretary

PENINSULA TOWNSHIP ZONING ORDINANCE COMMITTEE NOTES

5/14/18

Present: M. Peters, L. Serocki, A. Couture

Also present: N. Heller, G. Hayward, C. Peterson

Meeting began: 3:02 PM

Began with reformatted Section 8.04. The paragraph was divided into 5 sections for easier reading. New Section (A)(2) was changed to "the guidelines and policies contained in the Township Storm Water Control Ordinance #33 and in the County Soil Erosion and Sedimentation control permit." References to Section 5.4.12 and Subdivision Control Ordinance #8 were deleted.

Reformatted Section 8.05. New paragraph under (A) was relabeled (B). (B) (4) Language concerning types of developments was placed under lead-in sentence of (B). Multiple Family Residential changed to Multiple Family Dwelling. Under (5) Add "any". Will read "For any other circumstances..." (B) changed to (C) and under (C) (1) (a) will be impervious surface, (C) (1) (b) will be residential structures, (C) (1) (c) will refer to OHWM, and (C) (1) (D) will regard opinion of the ZA. Section (C) (2) (a) will be removed and replaced with (a), (b), and (c) located under (C) (3). Delete original (C). Section (D) should refer back to Sections (B) and (C). Under (E) "Minor or" shall be removed. (F) Recordation changed to Recording.

Reformatted Section 8.08. (A) Remove "over" from "containing over 2,700 square feet or more". (B) Changed to wording to "At least 80 percent of landscaping areas shall consist of some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. 20% of the total of any landscaped areas may be rock or mulch ground cover." Chart in Section 8.08 (B) (b) caliper was changed to diameter in two places. (B)(1)(c) "Planning Director was changed to Zoning Administrator. Section (C) (2) Was changed to Screening with Shrubs; walls was removed in two places. Phrase "screens of" was removed. Section (I)(2) was removed; duplicate of (I)(1). Section (I)(4) Definition of bollards was moved to beginning of sentence and removed from middle of sentence.

Reformatted Section 7.11. (C) Phrase regarding "general farming..." was removed. The second use of "raising and keeping of" was removed. Following changed to follow. (L) Removed "hereafter" and "provided that" and "cradler". End of paragraph will read "enclosing public utility building and equipment". (M) Last sentence put into bullet points--(1) when a retaining wall is necessary, (2) when a retaining was is structurally sufficient, and (3) when multiple retaining walls are necessary.

Peters will prepare memo for PC packet regarding process to present draft Zoning Ordinance to PC, Town Board, and public.

Next meetings: May 21st from 4-6 PM and May 22nd from 3-5 PM. Agenda for both meetings: Review Article 6, and if possible start Article 5.

Adjourned: 5:10 PM

5/16/18 laws

PENINSULA TOWNSHIP ZONING ORDINANCE MEETING NOTES

5/21/18

Present: L. Serocki, M. Peters, A. Couture

Also present: N. Heller, G. Hayward, C. Deeren

Meeting began: 4:10 PM

Decided Article 6 would be easier for public if a copy of Section 3.06 was placed at the beginning of the article.

Section 6.01, 6.02, and 6.03 Adult Foster Care--different size homes are listed, but in alphabetical order. Suggestion to change to one section listed as "Adult Foster Care". Then list the different sized home in order of number of residents. Will discuss with attorney if need to have Large Group Home (13-20 residents) in the ordinance. At this time Large Group Homes are allowed in all zoning districts, but maybe if allow, should be in ag or commercial only. Increased acreage for this use from 5 to 10 acres. Also added "Public sewer and water required."

Section 6.04--Okay

Section 6.05--Okay at this time; to be evaluated by Joint TB/PC Committee.

Section 6.06--Grammatical corrections. Should this be allowed? Definitely put in MP survey.

Section 6.07--Okay

Section 6.08--Combined (D) and (H); both were different aspects of Hours of Operation.

Section 6.09--(C) was to be deleted. (D) Building elevation changed to building width. Added phrase "The structure shall contain offsets or recesses at least every 50 feet to avoid long blank walls."

Section 6.10 Farm Processing Facility is Winery language. To facilitate Zoning Ordinance ease of use, this section will be moved next to Wineries and the heading will become "Winery/Farm Processing Facility."

Section 6.11 Under Section 3.06 the listing is General Farming and Horticultural Uses; under 6.11 it is listed as Farming and Horticultural Uses. Will change listing in both places to "General Farming and Horticultural Uses Permitted by Right". Run-on sentence was corrected. Last sentence will read "It excludes the raising and grazing of farm animals and fowl in residential districts, except those complying with the Right to Farm Provisions."

Section 6.12--(A) added statement "Food Processing Plants do not include wineries."

Section 6.13--Okay

Section 6.14--Okay

Section 6.15--Should be alphabetized in Article 6. Do we need to discuss section again?

Section 6.16--Added (M) Signage is prohibited.

Section 6.17--Remove Tourist Courts. Remove (A)(6).

Section 6.18--Okay

Section 6.19--Okay

Section 6.20--Discuss with attorney and come back to committee.

Section 6.21--Changed language to remove run-on sentence and to include Right to Farm language.

Next meeting: May 22, 2018 from 3-5 PM. Start with Article 6.22.

Meeting adjourned: 6:01 PM

5/15/18 laws

PENINSULA TOWNSHIP ZONING ORDINANCE COMMITTEE NOTES
5/22/18

Present: L. Serocki, M. Peters, A. Couture

Also present: N. Heller, G. Hayward

Meeting began: 3:01 PM

Section 6.22 Kennels--Kennels allowed in ag; will need a new section for Pet Sitters as they are allowed in all districts. Switch placement of (A) and (B). Remove last phrase of (F) and last phrase of (G).

Section 6.23 Marinas-- Changed (A)(1) to primary road.

Section 6.24 Mobile Homes--(D) Removed "and contribute to aesthetic compatibility with surrounding structure." (I) Change "adjacent" to "coterminous" and remove second "aesthetic" and "with other structures." Determination to be made by ZA. Remove last sentence and last paragraph.

Section 6.25 Mobile Home Parks--Okay

Add section here for Pet Sitters. Include some of language of Kennels, including corrected Sound and Odor Control and part of the set-back requirements.

Section 6.26 Public Areas, etc.--Okay

Section 6.27 Recreational Unit Parks--(B)(18) Change passive to "non-motorized".

Section 6.28 Rental of Non-Owner-Occupied Dwelling--Okay

Section 6.29 Roadside Stands--Okay

Section 6.30 Self Service Storage Facility--1 spelling correction.

Section 6.31 Sewage Treatment and Disposal Installations--Okay

Section 6.32 Solar Energy Systems--Land Use Permit needed for ground mounted system.

Section 6.33 Tenant Houses--Okay

Section 6.34 Warehousing and Light Industrial--Changed language in (D)(2),(3), and (4) so that all read the same in terms of boundaries.

Section 6.35 and 6.36 will be reviewed at next meeting.

Section 6.37 Wind Energy Conversion Systems--Needs to be in alphabetical order.

Section 6.38 Wireless Communications Facilities-- Agreed with Patrick's statements. In (C)(2) (Step 1) Action remove specific fee. (D)(11) Remove last sentence and replace with "The Planning Commission may recommend to the Town Board that the tower be camouflaged to be less obtrusive." (D)(15) Last sentence added "The screening must be maintained." Add "g" to (MCL 15.243(1) in (G)(11).

Next meeting scheduled for Tuesday May 29, 2018 from 3-5 PM. Topics include: Finish Article 6 and begin review of Article 5, Article 4, and Article 1, if possible.

Adjourned: 5:11 PM

5/25/18 laws

PENINSULA TOWNSHIP ZONING ORDINANCE COMMITTEE NOTES

5/29/18

Present: L. Serocki, M. Peters, A. Couture

Also present: N. Heller, C. Deeren, G. Hayward

Meeting began: 3:05 PM

Motion to amend agenda to meet in Conference Room instead of Town Hall (LS/AC).

Three winery sections should be listed alphabetically.

Article 6 Section 6.10--Corrected grammar, capitalization mistakes, run-on sentences. Under (4) on page 6-9, (g) was moved to (c) to keep all size requirements together; rest of section relabeled.. Page 6-10 (5)(a) Front Yard Setback (b) Side and Rear Yard Setback dimensions were reversed in draft. Page 6-11 (12)(a) Data and Records should be (13) with the three following letters under (13) as (a), (b), and (c). Renumber rest of section. Page 6-12 (15) Improved next to last sentence. Section 6.35--Okay. Future discussion should include merchandise and commercial location. Section 6.36--Corrected grammar Page 6-36 Residences should read Single Family Residences. Page 6-37 (4) and (5) both sections will read "at any time". (Q) Language regarding Recreational Vehicles changed to reflect language in other sections. Page 6-42 Language in first paragraph to reflect grammar changes in Winery section.

Section 6.20--talk to attorney regarding need for Junk ordinance and Junk Yard ordinance??

Article 5 Section 5.01--Page 5-1 Intent statement is the same as (H)(2)(a); possibly separate intent and leave part of it in (A) and part in (H)(2)(a). Hayward to improve language. Page 5-2 (1) Remove "Provided that". Remove (4). Would like better standards for objectives. Will ask attorney for PUD language that we can review.

Section 5.02--Grammar corrected throughout. Page 5-8 (A) Change one family detached residential dwelling unit to Single-family dwelling; reflects definition and standard section. (2)(a) Elevational width should be changed to building width. Page 5-9 (4) Put in actual language from Subdivision Control Ordinance.

Article 4 Section 4.02 In chart (J) should be added under Area in A-1 Agricultural. In Section 4.03(B) grammatical correction. (C) "fishing, boating or swimming docks" was to be removed. (D) add the phrase "Planned Unit Development in" before Section 5.01. (E) Remove "Provided, however".

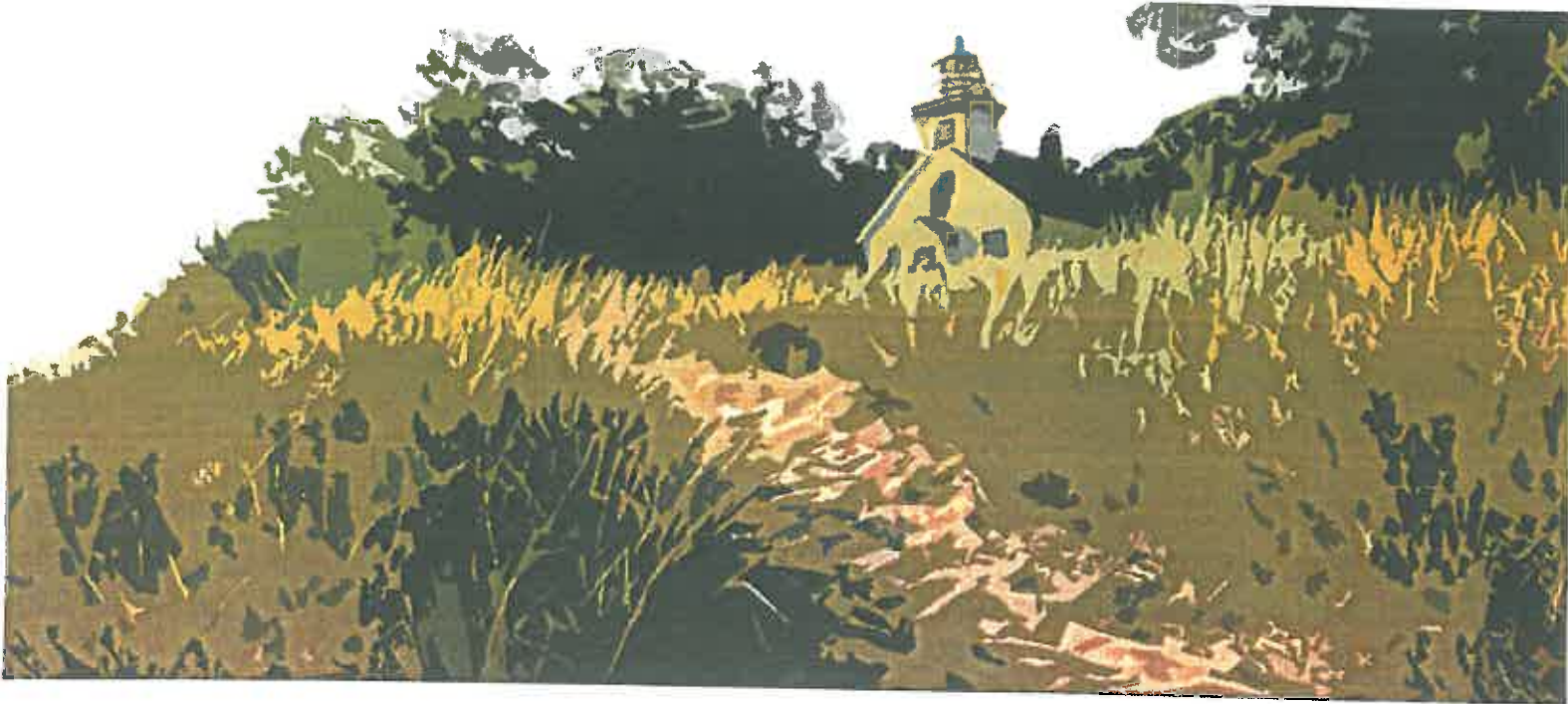
Table of Contents Delete Section 3.16. Section 6.10 moved to Winery/Food Processing Facility. Section 6.11 changed to "General Farming and Horticultural Uses Permitted by Right" to match standards title and be alphabetized. Section 6.15 should read Dwelling, Secondary and should be alphabetized. Article 7 will be alphabetized. Page numbers are wrong after 7-6. Article 13-- Sections were rearranged and renumbered.

Article 1 Add reference to Master Plan in either Section 1.01 or 1.02. Section 1.03 All bullet points will be capitalized. "To" and "moral" will be removed from (A).

Next meeting June 6th from 3-5 PM. Agenda includes Article 1, 2, 3

Adjourned: 5:05 PM

5/30/18 laws



Planning and Zoning Organization and Operation Recommendations

for Peninsula Township

May 29, 2018

Prepared by



**Networks
Northwest**

Talent / Business / Community

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Introduction

In May, 2018, Networks Northwest was retained by Peninsula Township to conduct an evaluation of its planning and zoning organization and operations for the purpose of improving communication, establishing consistent and effective processes, and increasing efficiency. The analysis includes an organizational review and evaluation of the Township's planning and zoning processes. In this report, we deliver a series of organizational, operational, and strategic recommendations that may be applied in their entirety or at the discretion of the Township. Consideration should be taken that these recommendations require changes to processes and practices which have been conducted in their current manner for a long-time. Change will require the understanding and cooperation of the elected officials and the staff of the Township with support of the public.

May 29, 2018

This report was prepared by:

Kathy Egan, Community Planner

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Current Assessment

Networks Northwest conducted a series of interviews, reviewed existing plans and ordinances, studied meeting agendas and minutes, and sought other sources to make its assessment of the current planning and zoning operations of Peninsula Township. This assessment was necessary to support and provide additional guidance for the Township in improving its planning and zoning organization and operations, particularly in light of retaining a new Planning Director and Assistant Planner. Networks Northwest planners drew on their own experience and observations; considered comparison with best practices conducted by communities across Michigan; and acknowledged the requirements of the Michigan Planning Enabling Act and the Zoning Enabling Act.

Key Findings

Key findings of the current assessment are as follows:

- An unclear priority of planning projects has led to the starting of multiple efforts coinciding at the same time. A lack of prioritization and who is responsible for managing tasks has created a situation where many of these efforts started but have difficulty in being concluded.
- The Township Zoning Ordinance does not have well-defined processes and consistent standards for development reviews. The lack of charted processes used by Township staff lends to incomplete applications and haphazard follow-through of projects. In some cases, this has led to litigation.
- Lack of clear project tracking and an easily accessible filing system precludes timely access to project information and site histories.
- Unidentified roles and responsibilities leads to poor communication and lack of assurance that projects are appropriately guided through to completion. Consistent leadership and coordination of planning and zoning operations is absent.

Based on our assessment, we offer the following recommendations to be considered by the Township. Recommendations are broken down into the following categories: Organizational, Operational, Strategic, and Additional Recommendations. Organizational recommendations cover the structure needed for planning and zoning activities to function effectively and efficiently. Operational recommendations pertain to process and the flow of activities within the organization. Strategic recommendations offer the prioritization of Township activities based on the community's values, interest, and support. Additional recommendations are a couple of key considerations related to immediate activities.

Organizational Recommendations

Various roles and responsibilities must be in place in order to adequately and consistently conduct planning and zoning studies and processes. The following descriptions offer a brief overview of each role while also commenting on the important relationships between the roles.

Township Board

The Township Board provides essential leadership and oversight for the Township. Township Board members appear to have a good understanding of planning and zoning principles and value the importance of community planning. Their interest is to improve and elevate the overall planning and zoning program to better meet the expectations of the community.

The Township Board appoints several boards and commissions to carry out various functions of the Township. For the purpose of this report, the focus of organization was centered on the two primary boards affiliated with planning and zoning: the Planning Commission and the Zoning Board of Appeals. The Planning Commission is far reaching as it functions in the areas of policy and technical reviews, decisions, and recommendations. The Zoning Board of Appeals is limited and focused on its quasi-judiciary role in considering appeals and interpretations. These two boards are supported by the Planning and Zoning Departments which are supervised by the Township Board.

The Planning Commission

The Planning Commission acts as an advisory board to the Township Board on all planning and development issues and activities, including the following functions:

- Develop, adopt, and oversees implementation of the Master Plan
- Review and study opportunities and issues pertinent to the Township
- Be pro-active and innovative in the researching of all possible options for action
- Instruct the Planning Director to conduct research and draft zoning ordinance amendments
- Recommend a zoning ordinance and any subsequent amendments
- Perform site plan reviews
- Conduct special land use reviews
- Set priorities that will guide the Township toward the goals of the Master Plan

- Follow-through on other possible directives from Township Board such as Capital Improvement Plan (CIP) review, parks and recreation plan review, Purchase of Development Rights (PDR) review, etc.
- Maintain communication with other committees and boards
- Attend training sessions as applicable

The Township Planning Commission needs to be supported and provided with consistent professional planning expertise. Information such as applications when presented to the Planning Commission must be complete and thorough. Actions and communications of the Planning Commission must be carried by staff to the Township Board.

The Zoning Board of Appeals

The Zoning Board of Appeals exists to make quasi-judicial zoning decisions. Specific functions include:

- Work with and support the Zoning Administrator in enforcement of the Zoning Ordinance
- Hear appeals of administrative decisions
- Decide on variance requests
- Provide Zoning Ordinance interpretations for the text and map
- Suggest Zoning Ordinance amendments to the Planning Commission
- Attend training sessions as applicable

Planning and Zoning Departments

The Township recently divided the planning and zoning functions into two separate departments. This configuration may work currently. However, since there is considerable overlap in the mission and purpose of these functions, it is recommended that this configuration be reviewed in the future to determine if reuniting the two functions would result in improved coordination, operations, and service. For the time being, defining the mission and purpose of each department is important to understand the role of each department and their associated interaction.

Planning Department

The Planning Department provides:

- Administrative support to property owners, the Planning Commission, the Zoning Board of Appeals, and the Township Board
- The Planning Director serves as the project point person and guides a project through the required township process
- Accurate, fair, and consistent plan and project reviews
- Studies and reports on various issues related to land and development
- Exemplary customer service

Zoning Department

The Zoning Department provides:

- Uniform enforcement of the Township Zoning Ordinance

- Issuance of permits
- Guidance through the land division process
- Exemplary customer service

Coordination between Planning and Zoning Departments

It is essential that there be coordination and collaboration between the Planning Department and the Zoning Department. For instance, as a Planning Commission prepares zoning text with technical assistance from the Planning Director, the Zoning Administrator can provide insight into practical applications of zoning regulations. In the case of site plan review, the Planning Department coordinates application and plan review with the Planning Commission while the Zoning Department reviews built developments to ensure compliance with plan approval. The two departments must maintain regular communication and establish a shared filing system that tracks applications based on property or parcel number.

Roles and Responsibilities of Planning & Zoning Staff

With the new Planning Director and Assistant Planner, it will be important for the staff to possess a good understanding of the composition of a planning department and the expectations it must meet to function adequately. The following descriptions of key staff in the Planning and Zoning Departments are provided as suggested roles and responsibilities:

Planning Director

The Planning Director is often considered the point person in any planning and zoning operation. The Planning Director develops goals and policies, directs planning initiatives, supervises staff, manages the Planning Commission, and informs the elected officials and the community on issues and projects.

Responsibilities typically include:

- Performs and manages planning projects, research and analysis, including the development of plans and studies
- Support the ongoing operations of the Planning Commission with advice, analysis and assistance as needed and requested
- Researches and drafts amendment language for the Planning Commission
- Write reports and draft Findings of Facts for site plan reviews and special use permit applications
- Create and keep up to date a tracking system for all Zoning Ordinance amendments, site plan review and special use permits
- Set Planning Commission agendas with input from the chair
- Create and disseminate the Planning Commission meeting packets
- Support the work of the Zoning Board of Appeals and Township Board as needed
- Serve as point person with regards to projects before the Township, including being liaison to the public, township officials, and any media
- Bring information on emerging topics to the attention of the Township Board and the Planning Commission

- Conduct other planning-related project work (such as recreation plan review, CIP reports, etc.) for the Township Board as required
- Provide monthly reports of projects and progress made to the Planning Commission and Township Board
- Maintain an accurate file system
- Oversee the employment of all planning support staff and assign duties to other as sees fit

Assistant Planner

The Assistant Planner's primary role is to support the functions of the Planning Department as directed by the Planning Director. Responsibilities typically include:

- Develops planning studies and reports in support of new and updated plans, programs and regulations
- Assists in the review of development proposals and site plans for conformance with codes, plans, and regulations
- Collects a variety of statistical data and prepare reports and maps
- Assists in the evaluation of rezonings, ordinance amendments, site plans, special use permits, and other proposals
- Provides information to the public regarding development regulations
- Assists in resolving citizen and customer issues
- Conducts field evaluations and assessments
- Update and maintain the Department filing system

Zoning Administrator

The Zoning Administrator is the individual responsible for the day-to-day administration and enforcement of the zoning ordinance. The Zoning Administrator is also valuable support for the Zoning Board of Appeals (ZBA) by ensuring that all relevant materials are provided and advising on important factual matters pertaining to the requests before them. Responsibilities typically include:

- Interpret and enforce the Zoning Ordinance
- Receive and process land use permits, site plan reviews, and special use requests
- Assist and guide property owners through the zoning and appeal processes
- Work with ZBA Chair on meeting agendas
- Write reports and draft Findings of Facts for ZBA cases
- Create and disseminate the ZBA meeting packets
- Create and keep up to date record-keeping systems for all land use and special land use permits
- Track and retain records for all ZBA hearings
- Oversee code enforcement processes which includes:
 - Oversee employment of all code enforcement and zoning support staff
 - Creation and operation of a violations bureau
- Provide monthly reports of projects and progress made to the Planning Commission and Township Board

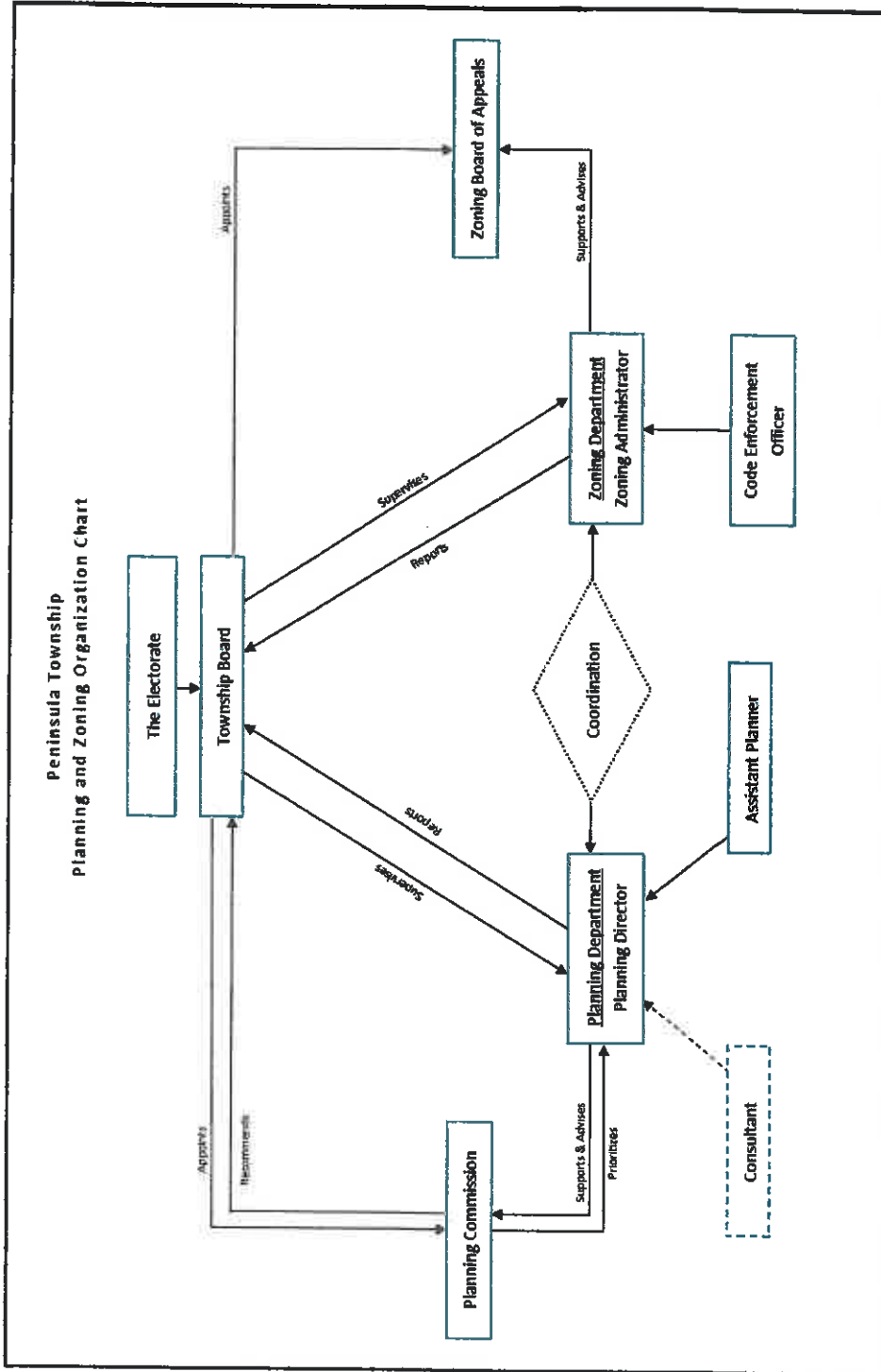
Consultants

There are two types of professional consultants that may be retained by the Township Board. Consultants such as attorneys and engineers are used on a daily or regular basis to provide continuous legal and technical services to the Township. These consultants also provide important expertise and assistance to planning and zoning operations. The Planning Director and Zoning Administrator should have regular communication with these consultants. Given the sensitive and unique landscape of Peninsula Township, the Township may want to consider utilizing an environmental consultant for development standards and reviews to ensure the application of best management practices for stormwater, coastlines, and other areas.

Other professional consultants may be used for specific projects. For example, a planning consultant may be retained to assist in developing a new master plan. For these project-based situations, the consultant should be under the supervision of the Planning Director. In essence, the consultants are providing added capacity to planning and zoning staff as well as additional technical expertise and resources.

Organization Chart

The following suggested organization chart with communication flow illustrates the roles and relationships amongst boards and officials.



Operational Recommendations

Once a community is organized for planning and zoning activities, its operations require accessibility, transparency, and integrity. The Planning and Zoning staff must utilize sound planning principles to guide land use proposals, develop and administer the regulatory process, and deliver responsive customer service by being accountable to the Township Board, the Planning Commission and constituents of the Township.

Planning Projects

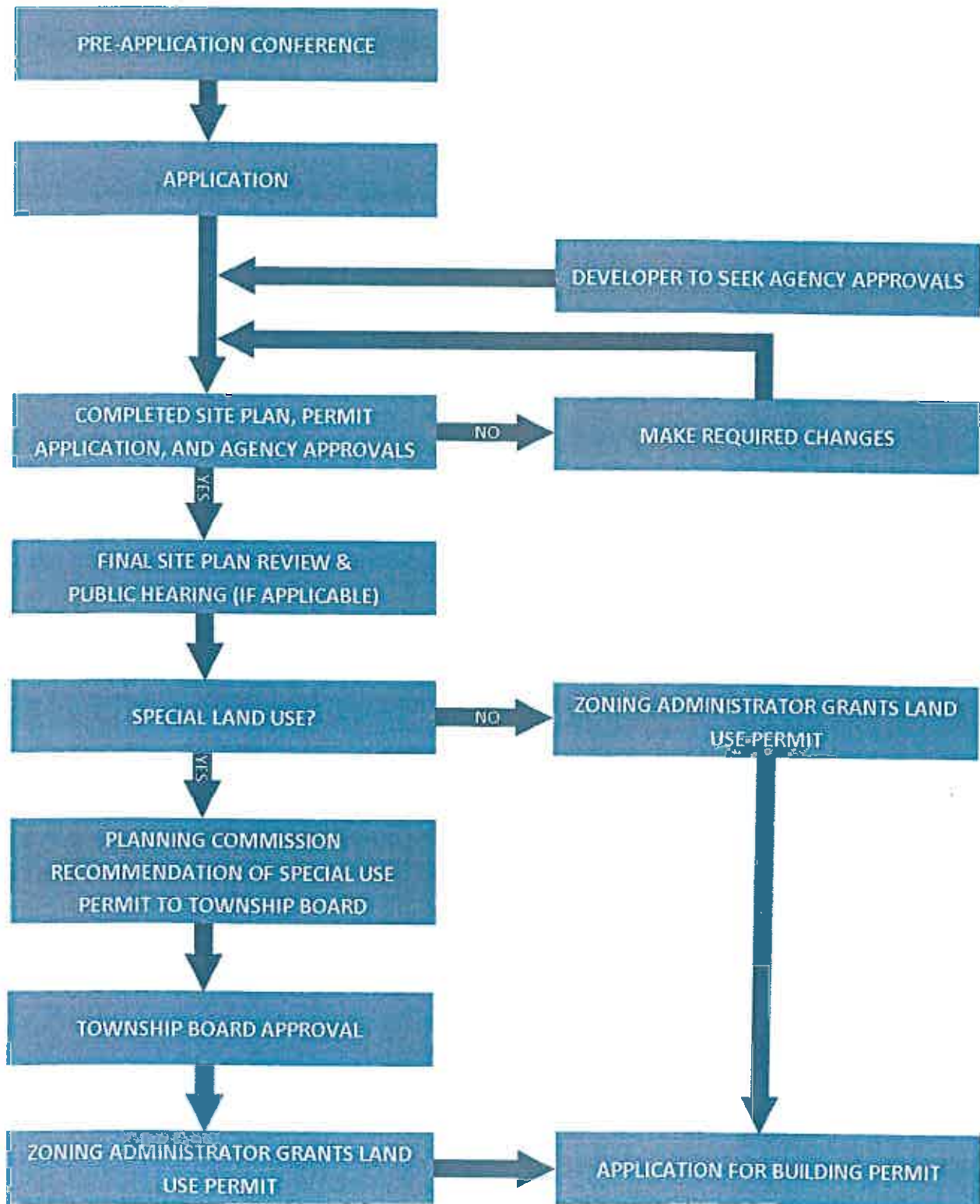
Planning projects conducted by the Township require professional management from the moment of initiation to their completion. The Planning Director is the lead coordinator and facilitator of the planning projects. The Planning Director, with support of staff, needs to utilize solid communication and strong organization skills, including the ability to coordinate and manage internal and external influences. Project management requires clear identification of scope, resources, and timeline.

Zoning Processes

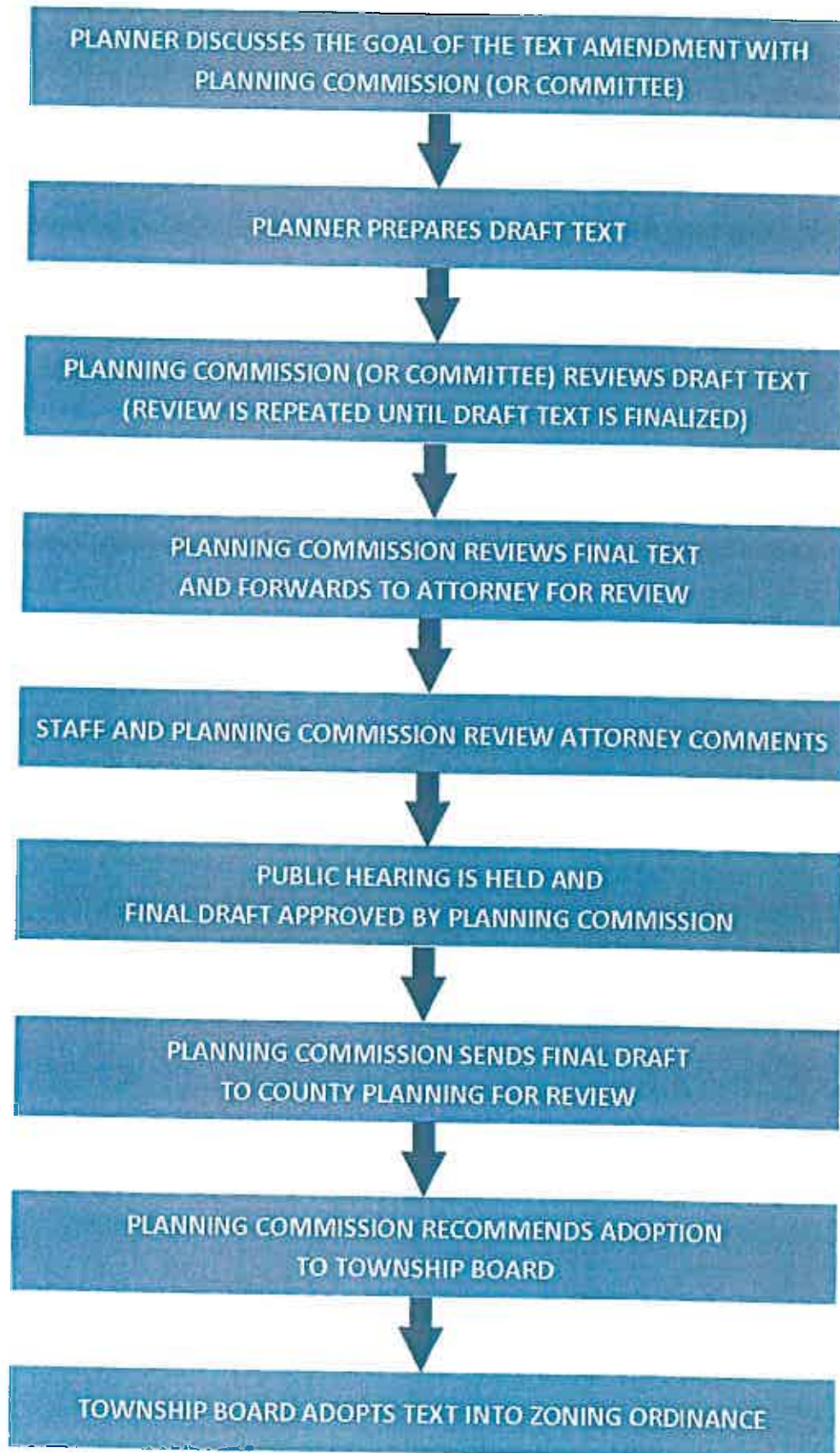
Zoning processes can be cumbersome, frustrating, and time consuming for those not familiar with the road map and nuances of the processes. Flow charts and checklists act as a quick reference for staff as well as educate individuals with the know-how needed to access critical information in the approval process. An understanding of the permitting and approval process will improve the efficiency of the process for both the private and public sector, in return creating a more successful project from the onset.

Gourdie-Fraser, Inc. (GFA) has provided flow charts for Site Plan Review (SPR) and zoning permits. Summarized flow charts are provided as a starting point for the purpose of informing applicants, officials, and the public. These flow charts include Site Plan Review (SPR)/Special Use Permit (SUP) Reviews and Zoning Ordinance Text/Map (Rezoning) Amendments.

Site Plan Review (SPR)/Special Use Permit (SUP) Review



Zoning Ordinance Text/Map (Rezoning) Amendment



Development Review Checklists

The Planning Department and the Zoning Department should develop and utilize checklists for the review and processing of project applications. GFA has provided a checklist for site plan/special use permit review. This checklist may be refined and improved as its applied on a regular basis. The checklist should become a part of the official file of each project application and posted on the Township website for use by those individuals submitting plans to review requirements that will be required and reviewed by staff. The following zoning ordinance amendment checklist illustrates one way of keeping track of all the details involved in making an amendment.

Zoning Ordinance Amendment Checklist	
_____	Title of Zoning Ordinance Amendment _____
_____	Township Ordinance Number
_____	Planning Commission Zoning Ordinance Amendment Number
_____	Legal Review
_____	Public Notice Publication Date
_____	Notices Mailed (Map Amendments)
_____	Public Hearing Posted
_____	Public Hearing Date
_____	Copy Available at Office
_____	Copy Available Online
_____	County Planning Commission Review
_____	Township Board Meeting
_____	Publication of Adoption
_____	Effective Date
_____	Copy of adopted ordinance to Township Clerk
_____	Official Zoning Ordinance Updated and Annotated
_____	Copies of new ZO pages to PC, ZBA, Staff, Legal Counsel
_____	Update website
_____	Store computer files
_____	Store paper files
_____	Ordinance Binder Updated

Filing System and Project Tracking

Records of activities and actions are essential to a sound planning and zoning operation. A centralized filing system makes operations be organized, systematic, efficient, and transparent. It also helps all people who should be able to access information to do so easily.

Peninsula Township needs a detailed, up to date filing system for all project applications and permits. This system should be shared by the Planning Department and Zoning Department with each project application receiving its own file and identification by property or parcel number. All staff and officials involved in the review of applications and permits should be able to fully and easily access the filing system.

The Township may investigate acquiring permitting software which improves project tracking, data collection and reporting, and may even provide online access to the public.

Monthly reports should be developed and distributed to the Township Board, Planning Commission, and posted on the Township website that summarizes the work activities of the Planning Department and the Zoning Department. The monthly report may include number of permits issued, status of planning projects, and any other pertinent information.

Strategic Recommendations

Strategic planning is an organizational management activity that is used to set priorities and focus energy and resources to ensure that work is moving toward common goals. A strategic plan is a document used to communicate the actions needed to achieve those goals. The Township should seriously consider developing a strategic plan. While such exercise applies to the entire Township organization, it does have direct benefit to the planning and zoning functions of the Township by gauging community interest and support on issues and prioritizing planning activities. By being performed on a regular basis it maximizes limited resources and provides clear communication of community-wide priorities.

Community Survey

A community survey gauges the interest level of the residents on a variety of issues. A community survey was last conducted by the Township in 2006. A new survey is needed to once again identify the priorities of the community and the level of support for various issues or initiatives. Furthermore, regularly scheduled surveys (i.e., every four years) would allow for trend data to be gathered and recognize the change in issues and opinions. A community survey provides the foundation for development of a strategic plan.

Strategic Plan

The strategic plan is an organizational proactive function led by the Township Board to organize Township government for operational efficiency and sets up a sense of direction by:

- Providing consensus on key issues and outlining strategies to address them
- Illustrating a commitment to, and capacity for, implementing the strategies
- Clearer communication of planning and zoning priorities internally within the Township operations and externally to the community
- Improves cooperation among those pursuing strategic objectives, particularly Township officials and staff
- Establishes more effective management control of strategic initiatives

Using the input from the community survey, the strategic plan can prioritize planning and zoning projects and related projects. The strategic plan is often linked to the budget process so that project priorities are appropriately funded. The plan may be updated annually or every two to three years. Gauging successful plan implementation can be accomplished through the following activities:

Monthly Reports

Monthly reports by the Planning Department and Zoning Department show how their activities support the strategic plan and result in implementation of the plan.

Capital Improvement Plan (CIP)

The Michigan Planning Enabling Act requires creation and adoption of a capital improvement plan (CIP) for any township, alone or jointly with one or more other local units of government that owns or operates a water supply or sewage disposal system. The Act directs that a planning commission, after

adoption of a master plan, shall annually prepare a capital improvements plan of public structures and improvements. The CIP shows the order of their priority, estimates of time and cost of the public structures and improvements within the ensuing 6-year period. The CIP may be used to prioritize specified planning projects that may require expenditures for a consultant or other resources not typically budgeted (i.e., master plan, corridor plan). Presently the Township does not have a CIP and needs to establish one in conformance with the Planning Enabling Act.

Meetings

It was observed that the Township relies on several committees and subcommittees to address a variety of issues and projects. While committees can facilitate dialogue and use the collective knowledge and judgement of a number of people on complex subjects, they can also become unwieldy without having specific tasks, deadlines, and defined support.

Before committees are appointed, there should be a written description of the purpose of the committee, specific duties of the committee, and the timeline of the committee. A good committee chair should be assigned that understands the content of the committee and leads the committee in working effectively in its meetings. The committee shall follow clearly defined agendas and its assigned timeline. In its work, the committee must maintain accountability and reporting to its board or commission.

To ensure effective meetings, all meeting packets should contain all appropriate and required information. If an application is incomplete, then it should not be placed on an agenda. Furthermore, the use of pre-application meetings and study sessions allow for more free flow of discussion on a topic before it is submitted for formal review.

Additional Recommendations

Planning Staff Hiring

In the hiring of new planning staff, it is recommended that the hiring of the Planning Director be considered first. For those interviews, we recommend including the Planning Commission Chair and Zoning Administrator as those positions are key in their interaction with the Planning Director.

It is further recommended that the hiring of the Assistant Planner be delayed until the Planning Director is hired. As supervisor of the Planning Department staff and its operations, the Planning Director should be part of hiring decision for the Assistant Planner.

Zoning Ordinance Re-write

A re-write of the Township Zoning Ordinance has been underway for approximately two and a half years. A generalized timeline and process for completion has been defined by the Zoning Re-write Committee, however, there is some concern whether there is sufficient support to approve a complete revision of the Zoning Ordinance. At least a six-month moratorium on the zoning ordinance re-write is recommended until the new Planning Director acclimates to the Township organization and operations. Coordination by the new Planning Director and the current Zoning Administrator is imperative to ensure the new Zoning Ordinance is fully implemented and managed appropriately. This pause will allow for creation of a clearly supported completion plan to make the re-write fully successful.

Conclusion

The Planning Department and the Zoning Department are often the Township's most significant "public facing" service areas with planning and development projects that are highly visible in the community. Operations that reflect the priorities and values of the community are essential for the Township to meet the demand for development and to protect its unique qualities. The recommendations identified in this review are essential for consistent and efficient operations in planning and zoning. It is expected that the new Planning Director will be primarily responsible for implementing these changes with the continued support of the Township Board and other Township staff.

(19) Farm Processing Facility **(ADDED BY AMENDMENT 139B)**

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

(b) Farm Processing Facility is permitted in the Agricultural A-1 Zone subject to the following: **(REVISED BY AMENDMENT 181)**

1. Retail and Wholesale Sales - Retail and Wholesale Sales (including tasting) of fresh or processed agricultural produce is allowed subject to the requirements of subsection (b) 2 and further provided:
 - i. The Liquor Control Commission and the Michigan Department of Agriculture shall control licenses and compliance;
 - ii. Grape wine that is processed, tasted and sold in a Farm Processing Facility under this section is limited to "Old Mission Peninsula" appellation wine meaning 85% of the juice will be from fruit grown on Old Mission Peninsula;
 - iii. Fruit wine, other than grape wine, that is processed, tasted and sold in a Farm Processing Facility under this section is limited to wine bearing a label identifying that 85% of the juice is from fruit grown on Old Mission Peninsula;
 - iv. Sales of wine by the glass in a tasting room is allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture permits regarding the sales of limited food items for on-premises consumption; and
 - v. Logo merchandise may be sold provided:
 1. The logo merchandise is directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail;
 2. The logo is prominently displayed and permanently affixed to the merchandise;

3. Specifically allowed are: a) gift boxes/packaging containing the approved products for the specific farm operation; b) Wine Glasses; c) Corkscrews; d) Cherry Pitter; and e) Apple Peeler; and
 4. Specifically not allowed are unrelated ancillary merchandise such as: a) Clothing; b) Coffee Cups; c) Bumper Stickers.
2. Limitations on Sources of Produce
- I. Not less than 85 percent of all of the agricultural produce sold fresh or processed shall be grown on Old Mission Peninsula and a majority shall be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Farm Processing Facility.
 - II. If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may approve a larger proportion of produce grown off the land owned or leased for the specific farm operation by the same party owning and operating the Specific Farm Processing Facility for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the fruit growers of northwest Michigan that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five years.
 - III. Wine shall be produced and bottled in the winery and the label shall include "produced and bottled by" immediately preceding the place where bottled or packed in accordance with the Bureau of Alcohol, Tobacco and Firearms law, article 27CFR, paragraph 4.35 (a) (1) definition for "Produced and Bottled By", meaning 75% of such products will be fermented and clarified on the site (this requirement is intended to comply with federal regulations and does not supersede the requirements of 85% grown on Old Mission Peninsula). Sparkling wine or sparkling juices may be "finished" and bottled off site and so labeled.
 - IV. Any fruit beverage shall meet the same requirements as the wine in iii. above except for the labeling requirements.
 - V. Dried fruit, a minimum of 85% by weight which is grown on Old Mission Peninsula and a minimum of 50% by weight which is grown on the farm, may be dried off premises and sold in the Farm Processing Facility retail room, provided, no more than the amount of fruit sent out for this processing is returned for retail sale.
3. Participation in "Township Wide Events" such as "Blossom Days" as specifically approved by the Township Board shall be allowed.

4. Parcel requirements:
- I. A total of forty (40) acres of land are required to be devoted to the operation of a farm processing facility.
 - II. The forty (40) acres shall be located within Peninsula Township and shall be owned or leased for the specific farm operation by the same party owning the specific Farm Processing Facility.
 - III. The parcel containing the specific Farm Processing Facility shall have a minimum area of 20 acres and a minimum parcel width of 330 feet.
 - IV. The 20 acre minimum parcel (which may include public road rights-of-way) and the winery shall be owned by the same party. None of the 20 acres shall be alienable.
 - V. The 20 acre parcel may be one parcel or two contiguous parcels and the contiguous parcels may be separated by a road.
 - VI. There shall be no more than one house on the 20 acre parcel containing the Farm Processing Facility and no more than one house on the remaining required 20 acres.
 - VII. Up to twenty (20) of the forty (40) acres does not have to be contiguous and may be either owned by, or leased with exclusive control and use transferred to the operator of the Farm Processing Facility.
 - VIII. None of the minimum 40 acres shall be used to satisfy acreage density or open space requirement of any other food processing or other use in the Township while the farm processing facility use is in effect.
 - IX. The number of allowed dwellings which may be built on the total 40 acres dedicated to the Farm Processing Facility use, shall be to two. However, the right to build the remaining dwelling units may be extinguished by sale or donation, provided a permanent conservation easement to that effect is recorded with the County Register of Deeds. In addition the remaining dwelling units may be clustered on contiguous land, under the same ownership as the land from which the units are removed, providing that a permanent conservation easement is placed on the land from which the units are removed, in accordance with Section 8.3.6(3). The clustered dwelling units may not be placed on any part of the acreage which makes up the minimum 40 acres dedicated for the Farm Processing Facility use.
 - X. If property is leased, the lease shall be for a minimum of one year, and the lease shall be recorded with the Grand Traverse County

Register of Deeds.

- XI. There shall be a minimum of 5 acres of crops grown on the same parcel as the Farm Processing Facility.
5. Setbacks: The minimum setbacks for the Farm Processing Facility including retail areas and customer parking shall be:
 - I. Side and rear yard 100 feet;
 - II. Front yard 50 feet;
 - III. Minimum of 200 feet from any pre-existing residence on adjoining property.
6. Farm Processing Facility Size: The total floor area above finished grade (one or two stories) of the Farm Processing Facility including retail space room shall be no larger 6,000 square feet or .5% of the parcel size whichever is less. The retail space shall be a separate room and may be the greater of 500 square feet in area or 25% of the floor area above finished grade. The facility may consist of more than one building, however all buildings shall be located on the 20 acre minimum parcel that contains the Farm Processing Facility. Underground buildings are not limited to, and may be in addition to, the 6,000 square feet of floor area provided that it is below pre-existing ground level and has no more than one loading dock exposed.
7. Pre-existing buildings (built prior to this amendment) may be used for a Farm Processing Facility provided that if it is more than 6,000 square feet in size, the retail space room shall not be larger than 1,500 square feet. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners.
8. Vested Interest: There shall be no vested interest in non-agricultural uses of the structures. Structures shall only be used for allowed uses in the A-1Agriculture District in the event that the Farm Processing Facility use is abandoned.
9. Parking: A minimum of one parking space for each 150 square feet of floor area in the retail/tasting area. Parking shall comply with Section 7.6 of the Zoning Ordinance.
10. Lighting: All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**
11. Signs: A Farm Processing Facility sign meeting the standards of Section 7.11 is allowed with a Food Processing Facility. **(REVISED BY AMENDMENT 174)**

12. Access: A driveway permit from the County Road Commission or M.D.O.T. shall be required before a land use permit can be issued.
13. Data and Records:
- I. The owner of the specific Farm Processing Facility shall annually provide data and records to the Zoning Administrator showing that a majority of the products processed are grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific Farm Processing Facility. The data and records shall also document compliance with off-site processing requirements of this section.
 - II. An up to date record of land ownership or lease to comply with acreage requirements shall be provided to the Zoning Administrator.
 - III. The above data shall be supplied to the Township in a format or form approved by the Township Zoning Administrator.
 - IV. Any change in the above shall be submitted promptly in writing to the Zoning Administrator. Failure to submit such changes shall be considered a violation of the Ordinance.
14. Approval Process:
- I. A site plan drawn to scale (one or more sheets as appropriate) is submitted to the Zoning Administrator along with the appropriate permit fee as established by the Township Board.
 - II. The site plan shall include at least:
 1. the parcel;
 2. existing and proposed structures including setbacks from property lines;
 3. proposed parking and lighting;
 4. floor plan showing processing and retail areas;
 5. parcel numbers and/or legal description of the parcels making up all the minimum parcel requirements; and the name, address and phone number of the owner of the property.
 - III. A permit from Grand Traverse County Health Department is required before preliminary Farm Processing Facility permit can be issued.
 - IV. A preliminary Farm Processing Facility permit shall be issued by the Zoning Administrator upon a showing that the minimum requirements of parcel, building size, acreage requirement, setback and parking are met.
 - V. No processing or sales of products shall take place until a final Farm Processing Facility permit has been issued by the Zoning Administrator. Such final Farm Processing Facility permit shall not be issued until copies of all permits required by State, federal and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administrator has made an on-site inspection to verify compliance with all the requirements of the

Zoning Ordinance.

15. Any violation of the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for closing the retail operations, including tasting, portions of the use by the Township Board. In the event of any such alleged violation is made in writing to the Township Board, the Township shall give written notice of such alleged violation to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, then the Township Board shall require the owner to close all retail sales operations on the premises, after hearing, until such time as the Township Board removes the restriction. In the event a hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate.
16. Residence within a Farm Processing Facility. **(ADDED BY AMENDMENT NO 146)**
 - I. A single family dwelling may be allowed as part of a structure containing a Farm Processing Facility provided the following requirements are met:
 - II. The dwelling and Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above.
 - III. The dwelling shall be the only dwelling on the 20 acre parcel containing the farm processing facility.
 - IV. The maximum height of the structure shall be 35 feet or 2 ½ stories whichever is less.

Section 6.7.3 Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in any agricultural district by the application for and issuance of special use permit when all the procedural requirements specified in Article VIII, 8.1 "Uses Authorized by Special Use Permit: General Standards and Requirements" are satisfied together with any applicable requirements as outlined in the particular Articles and Sections cited:

- (1) Planned Unit Developments subject to all requirements of Article VIII, Section 8.3.
- (2) Special open space uses subject to all requirements of Article VIII, Section 8.7.3 (3).
- (3) Recreational Unit Park subject to all requirements of Article VIII, Section 8.4. **(REVISED BY AMENDMENT 114E)**
- (4) Food processing plants subject to all requirements of Article VIII, Section 8.5.
- (5) Institutional Structures subject to all requirements of Article VIII, Section 8.6.