

## PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322

### Planning Commission Regular Meeting

June 20, 2022 7:00 p.m.

**1. Call to Order:** 7:00 p.m. by Shipman

**2. Pledge**

**3. Roll Call:** Present: Hornberger, Alexander, Shipman, Wunsch, Hall; Absent: Dlsoki, Couture; Also present: Planner Jenn Cram, Recording Secretary Beth Chan

**4. Approve Agenda:**

**Moved by Hornberger to accept agenda as presented, seconded by Alexander**

**approved by consensus**

**5. Brief Citizen Comments (For Non-Agenda items Only):**

**Monnie Peters, 1425 Nehtawanta Road:** you have an opportunity as things change; I don't know whether Isaiah gets moved off of this board. With Jenn picking up all of those areas in the zoning ordinance that need work; I think there would be some value in creating something for the public that acknowledges that from day one when Donna, Alan, and I were on the board when we started with the zoning rewrite, we were not going to go into depth in all of the areas that we knew were bad. Now maybe the board will finally pass it. It was an easy yes in 2019, and here we are in 2022. It is now time to think about how you address all of the areas that need actual rewriting.

**Cram:** as you know, there are eight items that the township board asked the planning commission to look at based on public comments. We brought all of those back, and the planning commission discussed removing some of the sections and replacing them with language from the existing zoning ordinance or replacing a few words so that the intent of the existing ordinance is carried forward as needed. We will be bringing all of those sections back and digging in. Moving forward, every planning commission agenda will have a zoning ordinance section for planning commission input. The planning commission does not draft zoning ordinance language, they respond to staff and the township attorney to help assure it is headed in the right direction from a policy standpoint. Then the actual verbiage is drafted by staff and the attorney, then the planning commission will review and make recommendations to adopt as is or for changes via a motion to the township board.

**Peters:** previously, there was a subcommittee that worked with staff.

**Cram:** the first item for policy discussion tonight is structure.

**Curt Peterson, 1356 Buchan Drive:** passes a handout to the planning commission members. I am here tonight to give you a heads up so there is not going to be a real major problem at the June 14<sup>th</sup> township board meeting regarding the zoning rewrite. As of the last meeting, the planning commission voted unanimously to retain existing zoning language on eight issues, including the rental of dwellings.

**Cram:** the planning commission voted unanimously to adopt what was noted in the packet.

**Peterson:** the planning commission voted unanimously to retain or to have the existing language forwarded to the township board. Both Donna and I asked for clarification, we are going back to the existing language and what came back was, yes, we are going back to the existing language. You can see the minutes of 5-16-22 that will show exactly what occurred when Alan moved to adopt the eight changes and bring them back to the existing language of the current zoning ordinance and it passed unanimously. The township planner acknowledged that the current language on the eight items, would

indeed revert to the current language as voted on by the planning commission on that particular date, 5-16-22. The latest draft of the zoning ordinance rewrite, dated June 14<sup>th</sup> does not retain the language of 6.2.2(e), which is rental of a non-owner-occupied dwelling, as was directed by the planning commission on that particular night of 5-16-2022. The current draft dated June 14<sup>th</sup> does not put the language back into the R1-A zoning district where it resides currently. The township board cannot pass, this is why I have given you guys a heads up now while there is time to correct this, but the township board cannot pass the 6-14-2022 draft as is and be in compliance with the Michigan Zoning Enabling Act of 2006. That draft should be forwarded to them by you, the planning commission; you are the only authorized authority to do so. There are a few exceptions such as a township referendum and a judgment. What you voted on and ordered was not incorporated into the June 14<sup>th</sup> draft. There is time to correct this mistake and you need to do that to correct it. This mistake, 6.2.2(e) must be put back verbatim into the R-1A district zoning ordinance rewrite draft with a new date so that the residents, township board members, and planning commission members are not confused with the incorrect draft dated June 14, 2022.

**Cram:** the language that is proposed for adoption with the draft dated 6-14-2022 is exactly what the planning commission and township board have talked about at three meetings.

**Peterson:** shows paper to the planning commission: here above the black line is 6.2.2 (e). and here is what is in the 6-14-2022 draft. These two things are not the same and this is what you voted on at the last meeting- verbatim you said, this has to go back exactly as it's in the existing ordinance. This is the existing ordinance, and this is not the existing ordinance.

**Cram:** the packet contains what was voted on; you should go back and look at it.

**Peterson:** they voted on retaining, the existing language; I can give it to you verbatim, it is on my phone. I know what you voted on. Alan made the motion, Julie seconded it, and it was a unanimous decision.

**Lou Santucci, 12602 Center Road:** agrees with Peterson. If you look at your minutes, you will see that what Curt said is correct; I spent time looking at the tape of the meeting and that will back up what Curt says as well. I do not know what is going on in the township, it has me befuddled because it seems like the township is bent to create more lawsuits. My suggestion is that you look at the minutes and go back and look at the tape and if in fact which I believe is true what Curt said, I think the planning commission should write a letter to the township and say that they are not following your directions. You put a lot of time into this commission. I hope that you guys will take a look at your minutes and realize what Curt says is true. Also, I wanted to bring up this moratorium that was passed recently by the township board. It did not come before you to give your opinion on it. It is an ordinance. According to the Zoning Enabling Act, an ordinance is supposed to come before the planning commission to get your views and also to have a hearing on it. Again, we have a situation where the township has pushed an ordinance through, that did not come before this commission. This commission has a responsibility to take a look at what the township is doing and how they are bypassing you and, the responsibilities that you have as a planning commission. Concerning both things, I think the township has made a grave error. I do not know if they are bent on getting more lawsuits or what, but it just does not make sense to me.

**Peterson:** I have the exact language of the last meeting. I beg to differ with your viewpoint here tonight from the 5-16-2022 planning commission meeting: The existing language of 6.2.2 (e), rental of non-owner-occupied dwellings was mentioned. The chairperson asked the planning commission members if they want to discuss items one through six. Hornberger asked, and I quote, "I just want clarification that we are not changing anything, you are not just going back to the original language." That is a quote. Cram said, "that is the plan." Then, I as a resident, Curt Peterson, asked during public discussion, Donna

asked, quote, Donna asked this question and I would like to ask it again. "So, Jenn, you are saying, we are going back to 6.2.2(e) and that is going to stay."

**Cram:** yes, we are going back to the intent of what was noted in Section 6.2.2(e).

**Hall:** this seems to be something that we are not going to resolve tonight. Suggests to look at this to determine whether there is a process error. And if there is, do we still have time to correct it?

**Cram:** yes, we have time to correct this, and if those were the actual minutes, then I misspoke. With regard to section, 2.2.2 (e) we were never intending to go back to the exact language verbatim. We did go back to the intent of that language as represented in the re-write draft. The exact change was to remove a few words from the beginning of the sentence, "except in the A1 zone district". The township board and the planning commission discussed this at their joint meeting on March 14<sup>th</sup>. We discussed it again at the April meeting and at the May Planning Commission meetings. The information that the planning commission received was consistent throughout all packets, and that is the information that is in the current draft that you recommended for adoption. I can speak to our legal counsel to see if we need to change the motion but there have been no shenanigans, nothing has been changed behind the scenes. I trust that Curt has listened carefully to the minutes and I should have been clearer. When I answered your question, Donna, I should have made it clear that the intent is the same, but the language is slightly different, because the areas in the existing zoning ordinance that is currently under R-1A and carries through to all other residential zone districts is in there-write draft under a different section specific to the rental of dwellings. The new Section encompasses all of the zoning districts that allow for residential uses. My apologies to Curt, and to anyone else that may have been confused; we have time to fix it.

**Hornberger:** I do not believe there is anything to fix. I have the original 6.2.2 (e) in front of me, it is indeed awkwardly framed; for you to frame it more clearly is perfectly okay. I think that we never intended for A-1 Ag to be exempt in this ever. We were pulling that out and not having it in there.

**Cram:** that is what was intended all along, removing a few words to go back to what the intent of the original zoning ordinance is.

**Hornberger:** I can see why you would reframe it; it is not particularly elegantly written in the original

**Cram:** I did not draft that language but inherited that language, and corrections were made based on comments that were received from the public and acknowledged by the township board. I followed the township board's direction and we went through the appropriate public meeting process.

**Hornberger:** I see no reason to go back and try to do anything; satisfied with the rephrasing that you presented to us last month.

**Cram:** I will be cautious knowing that there are sensitivities around these issues.

**Shipman:** The motion that Curt and Louis are referring to is "moved by Couture, to adopt the eight changes to the current recommended zoning ordinance revisions and the eight changes bringing back the current language and forward that to the township board. Alexander, discussion, roll call, unanimous." I was not at this meeting but I did watch the full video and I reviewed the packet, it is very clear what the changes are, the slight changes in there. I do think that when I was listening to Alan's motion, it did not seem unclear to me, but I do think that this motion is read, as written is just a little bit unclear. It might be a good idea for us to pull these minutes and go back to the tape on this.

**John Dalton 10862 Eagles Landing Drive:** I want to commend the board for the difficulty of this process. You have extracted those areas from the zoning ordinance that you felt did not get an adequate public hearing. You can see the outcome of feeling like we did not get an adequate public hearing. The section that I believe you are talking about did get the appropriate three-meeting public hearing. This means

folks who did have an opportunity to comment which then leaves it in your position to say, we recommend approval, as it now stands. I think that was appropriate; I think you guys are making an effort to take the more difficult areas of the ordinance, and allow appropriate discussion. There was a time when that was not the case and I think it is apparent that residents did not feel like they had the input that they desired. I think that was an excellent decision to do, despite the fact, that many of these things are taking longer than we feel they should.

#### **6. Conflict of Interest:**

**Shipman:** Do we have any members with a conflict of interest?

**Hornberger:** In reports and updates on the new B&B application, I live too close to that house to be impartial. When we vote on that and discuss it, I will leave the board for that discussion.

**Wunsch:** as township supervisor, that is a conflict of interest, and will abstain on any voting this evening

#### **7. Consent Agenda:**

a. Approval of Meeting Minutes: Planning Commission Regular Meeting, May 16, 2022

**Shipman:** business number seven is the approval of those meeting minutes. Do we want to construct the motion that tables those until the next meeting?

#### **Discussion**

**Moved by Hornberger to pull the approval of the meeting minutes and table them until the July meeting, seconded by Hall. approved by consensus**

**Wunsch abstained**

#### **8. Reports and Updates:**

##### **a. Township Board of Trustees Update (Wunsch)**

**Wunsch:** provided an update on the WOMP lawsuit: on June 14<sup>th</sup> the township board passed a motion to file an appeal from Judge Maloney's injunction on the enforcement of the zoning ordinance, secondly, to file a motion of stay of injunction, thirdly, to file a stay of the trial and finally to file a motion for reconsideration. I am sure everyone is aware that Rob Manigold stepped down from the supervisor role a week ago due to health issues. He is going to be available in both an official and an unofficial capacity to help the board. On June 14<sup>th</sup>, I was appointed as the new supervisor; I will be stepping down as the township board representative to the planning commission. The trustee position for the township has been advertised and letters of interest are being accepted through July 5<sup>th</sup>. Greg Meihn has resigned as general counsel effective June 28<sup>th</sup>, he will provide us with some support, through the end of the month. New township general counsel has been hired, Fahey, Schultz, Burzych, and Rhodes. They will also be co-counsel for the ongoing litigation We are not going to enforce the current zoning ordinance section. 6.7.2 (a) as it relates to roadside stands ordinance; this gives time to figure out discrepancies between the ordinance and the right to farm act. Jenn is gearing up to work on making sure that our ordinance language conforms to the right to farm act. In the meantime, we will suspend enforcement.

**Cram:** consistent with the right to farm act is that any farm can have one roadside stand; it can be an area/outdoor area where transactions take place, or it can be a tent or a structure. If anybody comes in for a new roadside stand, we recommend that they pursue something of a temporary nature so that it is not non-conforming when we update our zoning ordinance. We are looking at current case law and working with the MSU extension and our attorney to draft the correct verbiage. Ultimately, once we

have the language drafted, we will have it reviewed by MDARD to get their blessing. There is an ability in the Michigan Right To Farm Act for us to ask MDARD to allow us to have something different than the Right to Farm GAAMPS. Those are two areas that we will be looking at specifically for health safety and welfare. During the discussions with the Citizens' Agriculture Advising Committee, we heard unanimously that setbacks are important and that you need to make sure that that roadside stand is outside of the road right away, so there is room for cars to get off the road. We want to make it easy and safe for farmers. Signage is one area in that we are consistent with Right to Farm. Currently, the zoning ordinance allows for one sign and that is consistent with Right to Farm. We will make sure that signage is consistent for the summer. This was discussed at the township board meeting on June 14<sup>th</sup> and we will likely be adopting a resolution to formalize this so there is a beginning and end date.

**Wunsch:** the Citizens Agricultural Advisory Committee passed a series of recommendations, which will eventually be turned into policy and move up to the township board. The committee will be on pause for several reasons: it is the farmer's busy season, and second, our new legal counsel is coming up to speed on both the zoning ordinance and trying to figure out where Judge Maloney would like us to go with re-writing the ordinance based on his decisions. We will probably suspend the work of the committee for the next three to five months. The moratorium on any new SUP or SUP amendments in the A-1 zone district was extended and the use by right farm processing facility was added for 180 days. The ordinance the township board passed on June 14<sup>th</sup> was a police powers ordinance, which is why it did not come before the planning commission. It will help the township navigate Judge Maloney's decision and nested non-conformities. Basically, we have a decision on the table; we need to figure out what that decision really means.

**Cram:** the moratorium approved on June 14<sup>th</sup> extended the existing moratorium that put a hold on any new special use permit or amendment to special use permits in the A1 zoning district. It also puts a moratorium on any new farm processing use by right specific to farm processing facilities so it should not hold up any farmer from coming in and applying for a permit to put up a barn or any other activities. It puts a pause on the actual farm processing. If you look at our zoning ordinance for farm processing right now, as it exists, it is pretty specific to wineries.

**Wunsch:** Finally, the zoning ordinance rewrite adoption has been postponed most likely for a month; we are trying to work with Judge Maloney, our new legal counsel, and Greg Meihn to figure out what we need to do to get the zoning ordinance rewrite passed that we have been working on for six years. Ideally, we will get that whole package pushed through and keep working on winery-related matters.

#### **b. New B&B application at 6901 Mission Ridge (Cram)**

**Cram:** An update for the new application at 6901 Mission Ridge. There will be an introduction at the next meeting. This residence operated as an adult foster care residence. I have been talking with the fire chief about how it meets the fire code. Also, there are questions on how does it meets the zoning ordinance.

### **9. Business:**

#### **a. Lemanski Bed and Breakfast SUP #141-Introduction 550 Camino Maria Drive, Traverse City, MI 49686**

**Cram:** have included draft findings of fact for the planning commission to see how it meets the zoning ordinance. It is zoned R-1A rural and hillside residential and it is 2.74 acres according to the assessor's record. It meets the minimum requirement of one acre. They are proposing to rent two bedrooms, for

up to four guests. The capacity would be four; the site plan and floor plan were provided in your packet. There no proposed changes to the exterior, to accommodate this use. The property is surrounded on three sides by mature vegetation, and the existing driveway and garage can accommodate the required parking. They meet the egress requirement. The fire chief has similar requirements to make sure that there is an escape ladder from the bedroom as we saw with the last B&B application. The findings of fact and conditions go through section 8.1.3 (1), general standards, and section. 8.1.3(3), the specific requirements for a special use permit as well as section. 8.7.3(6)(b), the specific requirements for a bed and breakfast establishment.

**Hornberger:** I did find a typo on page five. The minimum lot size should be one acre. The description of the property size is different from our description of the property size.

**Cram:** I verified that with the Assessor's records and the property owners to try to find where the discrepancy was.

**Shipman:** under approval conditions and safeguards right at the bottom three lines up; It says there should be no more than three and in brackets, it says four.

**Cram:** it should be four; if you look at the well and septic verification form, they are approved for four bedrooms total. When I review this application, I have to make sure that their on-site septic system is sized for both the existing residence, where they will be living because it has to be owner-occupied as well as the rooms that they are renting. This house was constructed with a mother-in-law suite; it is legal, and it is not a duplex. It functions as a single-family residence and that is how it was reviewed and approved by Grand Traverse County Building Department.

**Cram:** I would recommend that we bring this back to the July 18th meeting, as a public hearing and approval of the findings of fact and conditions. I would note that if we receive a lot of public comments or concerns that are relevant to zoning ordinance requirements you would have the ability to table that approval to another date so that we could address those. We could then move the applicant forward on a timely basis since everything seems to be in order at the introduction.

#### **Discussion**

**Moved by Alexander to submit the Lemanski Bed and Breakfast SUP #141 for a public hearing on July 18, 2022, seconded by Hall. approved by consensus**

**Wunsch abstained**

#### **b. Structure Definition-Policy Discussion**

**Cram:** the discussion will focus on structure: I have included the existing definition of a structure from the township zoning ordinance adopted in 1972. I have included what the proposed language was from the previous draft; there are additional things that would count as a structure which should be discussed. I wanted to show why we went back to the original definition. Also, the definition of a building is included because it is important- the two go together because a building is a structure. The important thing about structures is that is where setbacks are generally measured from. We need to know what it is and where we are measuring setbacks from. I also included some example definitions from the Bingham Township and Larimer County zoning ordinances. Larimer County is the municipality where I worked before coming to Peninsula Township; while I was there the definition of structure was updated. Secondly, I provided you page fifty of the existing zoning ordinance that shows what the setback requirements are. Where we are measuring our setbacks needs to be clarified. When a land-use permit comes in, Christina measures from the eaves. The only area in our zoning ordinance right now that talks about where we measure things is vague. One is under the definition of yard, where it says a

yard is an open space on the same lot with the building unoccupied and unobstructed from the ground upward except as otherwise provided herein; the measurement of the yard shall be construed as the minimum horizontal distance between the lot line and the building line. This needs further clarification. Referencing the Larimer County Zoning Ordinance, there is an entire section on measurements where things are measured to and from, and it allows for exceptions. I believe that there should be an exception for agricultural structures. For example, hoop houses and the environmental structures that farmers need to put up to protect their crops; crops are planted right to the property line generally because they are wanting you to use the most of that fertile land. Requiring a building setback for a structure such as a hoop house or something makes it very difficult for farmers to do what they need to do. It would be helpful to have a section that notes where setbacks are measured from and certain exceptions for different types of structures. It will allow us to have a zoning ordinance that is clear, yet flexible for the agricultural community here. One area in the proposed definition of structure from the ordinance rewrite, dated 11-16-21, notes that a patio is a structure. Generally speaking in, planning terms things that are at grade such as driveways walkways, things like that, we would not consider that to be a structure and we would not require them to meet setbacks. I would like to hear from the planning commission members as to what you think a structure is and is not, and we can use these definitions as reference. If an applicant were just to describe a structure on their property, what would you think of?

**Hall:** I think that this process should first involve a searchable document and we do a search for structure and we see every place where the word exists, this is just the starting point. You can't develop a definition unless you understand the context in which the definition is used. After all, there may be other sections or new sections that we would like where we would introduce the term structure. It is very difficult to do this without context because for example, we have a patio that might be a structure for some purposes. It is helpful to look at a sample ordinance to make sure the ordinance functions properly. A list would be helpful.

**Cram:** That would be very easy. That document is a searchable PDF document; I could go through and highlight all the areas where structure is used and then bring that back to the planning commission.

#### **Discussion**

**Cram:** next time I will bring back the examples so that you can see that there is an entire table that deals with the type of feature, and the extent of the encroachment allowed. This goes back to something important: where do we measure the setback from- do you measure it from the eve, or do you measure it from the exterior wall? In Larimer County, the setbacks were measured to the eaves. However, eaves were allowed to encroach into a required setback up to two feet provided that they were never closer than five feet to the property line because that was the fire code and the building code. It allowed for some flexibility. I think it is something that we could clear up and would make it very helpful for the zoning board of appeals. It might minimize the number of setback variances that come forward, because it allows for a little more flexibility, but still allows for that separation of uses and privacy and fire code access, etc.

#### **10. Public Comments:**

**John Dolton, 10862 Eagles Landing Drive:** This is kind of a thorny issue, and one thing to think about is whether it is a structure or not. Not only are structures important, and setback requirements for the physical lot that we are talking about and buildings on the lot. Many property owners also own lakefront property. The question becomes what is a structure relevant to lakefront properties? Is a dock a defined

structure, a swim raft, a hoist, or someone mooring a swim raft that becomes the structure? Where can you place a swim raft? Can you place a swim raft in front of somebody's lakefront? And how does one control that? So should that be part of a structural definition, or should that be part of a particular section of the zoning ordinance that is specific to that? One of the issues we have had in the past is that we have tried to apply the setback requirements for example, a dock because, somehow, we felt that fell under structure and structures as the setback requirement, but a dock was never defined in our current ordinance as a structure. It is a very hard thing to enforce or defend. This is food for thought, how to deal with something like a temporary dock, which is going to go in and out because that is a structure.

### **Discussion**

**Nancy Heller, 3091 Blue Water Road:** I obtained a copy of Peninsula Township's permits. The only thing stated on the permit is accessory structures. As John said, I think you are going to have to bring in accessory structures right alongside structures. Because there is nothing mentioned about just straight structures. I have had a lot of discussions referencing the fee schedule I think there should be some thought put into if you are going to require a fee for use; it should be a graduated fee. Mainly because of the accessory structure, which is, sheds, porches decks, fences roadside stands, greenhouses, rip rap, seawalls, and solar panels. I think that would be rather steep for a lesser use. I do not have a problem as a resident having guidelines, but I do not care to pay a great amount of money for it. I know that there has been a lot of effort made (and appreciated) by the zoning department to try to make it a break-even situation. My expectations are what am I getting, other than being charged? And I think there may be increased participation in trying to follow the rules if it isn't so costly.

**Cram:** For example, if someone were to come in and apply for a land use permit for a roadside stand and they wanted to use a tent as a roadside stand, currently a land use permit is required. You believe that the fee for the tent because it is a temporary structure in nature, should be less than a permanent structure. Would that be a good example?

**Heller:** I know that those checks and balances cost money. Personally, I do not agree that every permit should pay for itself mainly because as a resident, the limited tax dollar that the township gets from me is very limited. It should be taken into consideration as some courtesies extended to a resident. I think people would be more willing to participate and follow guidelines at the fees weren't so terrific.

**Santucci:** I like your idea of saying what is not a structure. I have heard recently, and I do not know if it is true or not, that somebody who had low tunnels was cited for a zoning violation. I honestly do not know if that is true or not but that definition of structure is so broad that it could sweep in anything, including the things we put over our grapes when it is harvest time because it's more than two feet. Also, you said that a farmer could build this building, the moratorium does not apply to that, but let me just say maybe he can build the building but he cannot use it under special uses. One example is the storage of agricultural products, that is number twelve, so it is not true that that moratorium is not going to impact the farmers. Especially there are other things besides wineries that fall under food processing; if somebody wanted to start processing cherries that would fall into the farm processing facility as well. zoning ordinance For example, they want to make cherry concentrate. This six-month moratorium added to the six-month moratorium, that is already been in place, will affect farmers. Also, it is going to affect people that live in the agricultural zone and want to get something that they need an SUP for. I cannot even think of all the many examples of what you might need for an SUP. But this discrimination against the agricultural district bothers me. If you believe the rationale which I happen not to believe-we need time to redo the zoning ordinance. Well, if that is true then the special use permit prohibition



applies across the board. Why is it that just the agricultural district has this prohibition? This does have an impact on farmers and it's a negative impact if they want to do any of these things. Anyone who wanted to have a bed in breakfast would not be able to come to this group and ask for an SUP for bed and breakfast. There is a whole host of things that require an SUP. Again, it is not as simple as it is made out to be. Lastly, I am not going to argue legality here but the police power seems to me to be kind of used too often when it is unreasonable and that will be the test just as a judge in the federal case said you do a zoning ordinance, you have to show that it is reasonable and also that there are no less restrictive means of looking at it. That kind of thinking would apply to the police power as well. You cannot just say we are passing this under our police power because, in our opinion, it protects the public health, safety, and welfare. You have got to show why it protects the public health, safety, and welfare. I think you guys are doing a fabulous job, you give up your time and I think that is commendable.

**Peterson:** to reclarify, this is the current zoning 6.2.2.e This is what you voted on in the last meeting, the current language; this group, you have not voted on draft, 6-14-2022, article 6.24. None of you have voted on 6.24 and that's what you're about to forward to the township board. If they pass that illegally, going against the Michigan Zoning Enabling Act of 2006, you might want to jot these down section 125.33.05, Section 125.33.08. You are the only ones that can forward it to the township board a draft change of the zoning ordinance and you did not approve 6.24. Do not let this mistake occur, because if they pass something illegally then it might even validate the whole zoning ordinance.

**11. Other Matters or Comments by Planning Commission Members:**

**Cram:** I am looking into training with the Michigan, Township Association, APA, and as soon as our legal counsel is up to speed, they will be coming to talk to us.

**12. Adjournment:** @ 8:20 p.m.

**Moved by Hall to adjourn, seconded by Alexander**

**approved by consensus**

**Wunsch abstained**

**Subject: June 14th, 2022 Draft of Peninsula Twp Zoning Ordinance**

1. The Planning Commission voted unanimously to retain existing zoning ordinance language on eight issues including rental of dwellings.
2. See minutes of 5-16-2022 of the Planning Commission. Moved by Couture to adopt eight changes and bring them back to existing language of current zoning ordinance and passed unanimously.
3. Township Planner acknowledged at that meeting that the current language on the eight items would indeed revert to the current language as voted on by the Planning Commission.
4. The latest draft of the zoning ordinance rewrite dated June 14<sup>th</sup> 2022, does not retain that language of 6.2.2.2(e). (Rental of Non-owner Occupied Dwelling) as directed by the Planning Commission vote of 5-16-2022.
5. The June 14<sup>th</sup> draft does not put the language back into the R1A zoning district where it currently resides.
6. The Township Board cannot pass the 6-14-2022 draft as is and be in compliance with the Michigan Zoning Enabling Act of 2006 as this draft was not forwarded to them by you, the Planning Commission, the only authorized authority to do so ( with a few exceptions such as a resident referendum). What you voted on and ordered was not incorporated into the June 14<sup>th</sup> draft.
7. There is time to correct this mistake and still meet the scheduled Twp. Board meeting of July 14<sup>th</sup>, 2022 of the zoning ordinance rewrite.
8. To correct this mistake 6.2.2.2(e) must be put back verbatim into the R1A district zoning ordinance rewrite draft with a new draft date so that residents, Township Board members and Planning Commission members are not confused with the incorrect draft dated June 14<sup>th</sup>, 2022.

*Submitted by Curt Peterson 6/14/22  
PC Meeting 6/20/22*