



Memorandum

TO: Peninsula Township Planning Commission
 Christopher Khorey, AICP

FROM: Brad Misner, AICP, NCI
 Ethan Senti, Assistant Planner

SUBJECT: **2019 Draft Comparison Overview**

DATE: July 10, 2025

This memo provides an overview of the differences between the 2019 Draft zoning ordinance and the current ordinance, with an emphasis on key topics prioritized by the Zoning Ordinance Rewrite Subcommittee. It's intended to identify differences between the two documents for planning commissioners and planning team members as we build on existing work to address issues that have arisen in the intervening five years. These include regulations related to signage, shoreline use, short-term rentals, agricultural structures, land use categories, and overall development standards.

CONTENTS

Document Structure	2
Signage	3
Shoreline Regulations	4
Short-term Rentals	4
Land Use	5
Exterior Lighting and Dark Sky	7
Schedule of Regulations	7
Parking, Loading, and Access Management	7
Landscaping and Screening	8
Accessory Buildings	8
Alternative Energy	8
Site Condominiums	8



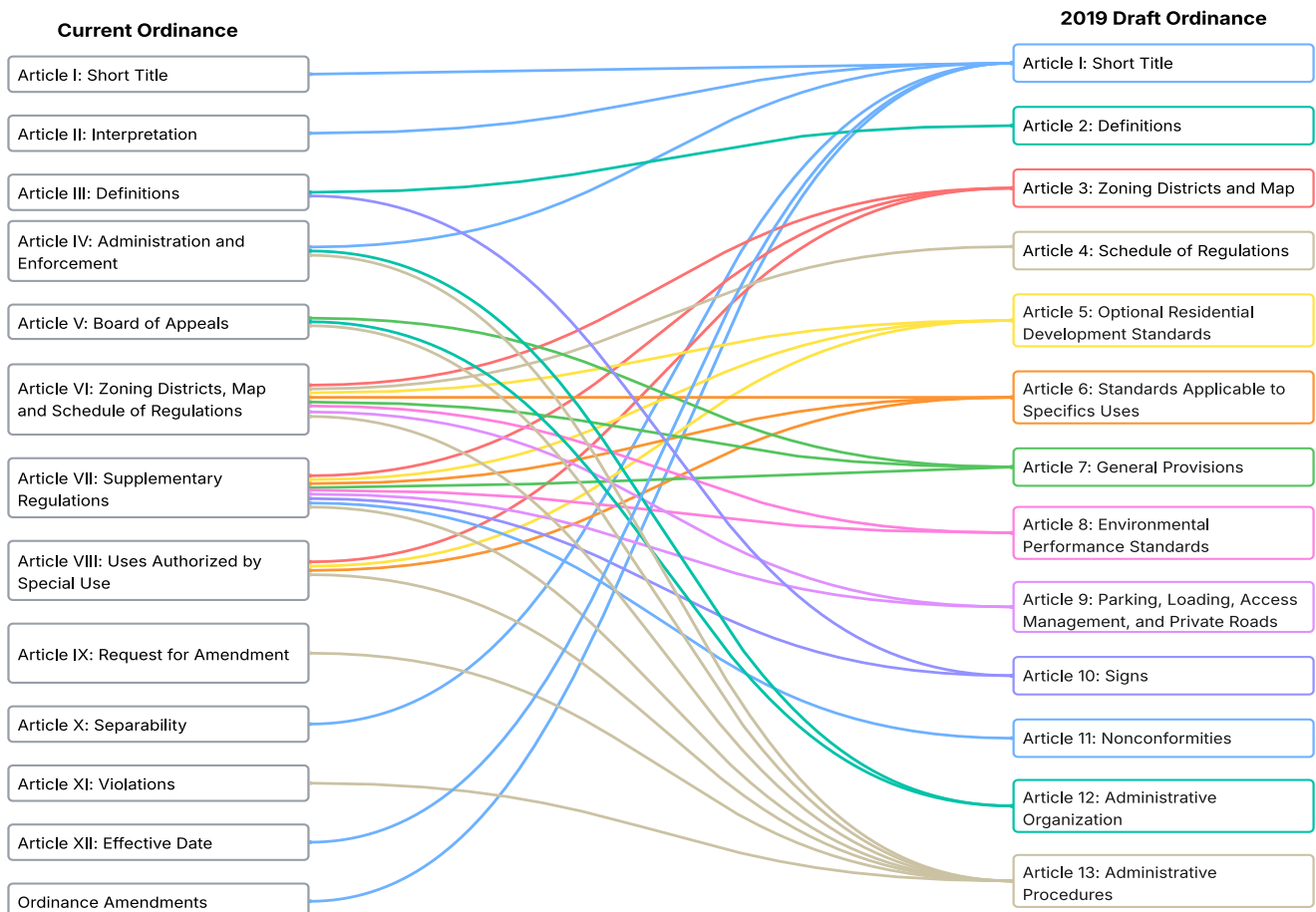
DOCUMENT STRUCTURE

Table of Contents

One of the major challenges with most zoning ordinances is the lack of a coherent organizational structure. Related content is often scattered across multiple sections, requiring users to sift through the document to locate applicable regulations. The 2019 Draft was restructured to improve usability; principal changes include:

- Consolidation of scattered introductory and administrative provisions into Article 1: Short Title
- Consolidation of scattered administrative and enforcement procedures into Article 13: Administrative Procedures
- Consolidation of scattered residential standards into Article 5: Optional Residential Development Standards
- Consolidation of scattered specific use standards into Article 6: Standards Applicable to Specific Uses.
- Consolidation of scattered general provisions into Article 7: General Provisions.
- Creation of standalone Article 10: Signs, and Article 11: Nonconformities, to house regulations formerly included in the Supplementary Regulations Chapter.

The chart below outlines how the 2019 Draft reorganizes existing content into a clearer, more logical structure. The draft also includes internal hyperlinks to improve navigation, as well as temporary reference notes, such as “Currently Article 10” or “Currently Section 4.2.2,” to indicate where each section originated in the current ordinance and to assist with the editing process. New sections are marked as such.





Zoning District Summaries

In addition to the land use table, each zoning district now has a 1-page zoning district summary, which includes the district purpose, permitted and special land uses, dimensional standards from the Schedule of Regulations, and clickable links to general standards sections of the Zoning Ordinance that apply (e.g., landscaping, lighting, signs, etc.).

SIGNAGE

In the 2019 Draft, the primary goal of the revisions to the signage regulations was to address concerns related to the 2015 Supreme Court *Reed v. Town of Gilbert* decision, which held a municipality's sign ordinance to be unconstitutional because it violated the First Amendment. While the signs at issue were noncommercial signs (temporary directional signs, ideological signs, and political signs), the Court's decision impacted many other types of signs. The following changes were made to address these concerns and others:

- **New Standalone Article was created.** A new Article 10: Signs, was created by pulling sign standards and definitions out of the current Ordinance's definitions and supplementary regulations articles.
- **Intent was expanded.** Section 10.01: Purpose broadens the intent to emphasize constitutional protections, design standards, and compatibility.
- **Nonconforming Signs section was added.** Section 10.11: Nonconforming Signs was added, dealing with removal of nonconforming signs, lawful existing signs, continuance, and alteration.
- **Content Neutrality of standards was reviewed.** Standards regulating the content of signs, which can be a violation of the First Amendment, based on review and feedback from the Township attorney were reviewed, and modified to be based on type (window sign, temporary noncommercial sign) rather than content (real estate, farm processing facility, construction site).
- **Substitution Clause was added.** A substitution clause was added in Section 10.03, which allows any commercial copy to be substituted with non-commercial copy on a lawful sign structure and allows any sign permitted by the Zoning Ordinance to have a non-commercial message.
- **Illumination Standards were added.** Illumination standards were included from the Exterior Lighting Regulations section.
- **Prohibited Signs were changed.** New prohibitions were added to Section 10.06: Prohibited Signs for the following sign types: off-premises commercial signs, signs violating building or electrical code, banner signs (separate from pennants), tripods or sandwich boards (listed independently), automated changeable message boards (distinct category), on-site directional signs (unless specifically allowed), signs in a Clear Vision Area, signs attached to street furniture (e.g., benches, trash cans), projected image signs.
- **Signs Permitted in All Districts.**
 - New additions to 10.07: Signs Permitted in All Districts include on-premise identification signs, on-premise safety signs, incidental signs, flags or insignia (clarified), signs carried by a person in ROW
 - Specific, content-based types were removed from this section: include agricultural product signs, church/non-profit/government signs, construction site signs, entrance way signs, event signs, directional event signs, informational signs, name plate signs, real estate signs, roadside stand signs, subdivision development signs, yard/garage sale signs, signs approved via Special Use Permit
- **Sign Types by Zoning District.** For sign types and areas by zoning district, a table was developed that distills several pages of existing text into a 1-page, easy-to-read table that clearly communicates the signage requirements for each district.



SHORELINE REGULATIONS

Section 3.13: Great Lakes Shoreline Regulations was moved to Article 3: Zoning Districts and Map from its location in the current Ordinance in Article 7: Supplemental Regulations. This was likely in preparation for the creation of a Shoreline Overlay District, which was discussed during the 2019 drafting process and ultimately not undertaken in the 2019 Draft.

Other changes in this section include the following:

- **Land Use Management Best Practices were added.** These best practices outline recommended practices like using native vegetation, avoiding seawalls, limiting chemical use, and managing stormwater to preserve shoreline health and character. While not regulatory, it provides guidelines for environmentally responsible shoreline development, and offers more specific and actionable recommendations than the guidelines in the current Ordinance.
- **Great Lakes Coastal Marks and Lines and Regulated Areas were defined and illustrated.**
 - Waterfront/OHWM Regulated Area: Sixty (60) feet from the OHWM
 - Upland Regulated Areas:
 - Two Hundred (200) feet from the OHWM for grading, dredging, or filling and Commercial Forestry
 - Five Hundred (500) feet from the OHWM for regulating soil and for stormwater management
- **Portable Sanitary Facilities setbacks were adjusted** (from the OHWM) from 15 to 30 feet.
- **Decks and Storage.** The provisions for decks and storage for waterfront lots were previously in the R-1A District, even though the Schedule of Regulations (Section 6.8) implied that these provisions apply to all districts. For this reason, the regulations for decks and storage on waterfront lots were moved to the Great Lakes Shoreline Regulations Section (Article 3).
 - **Lot Coverage language was adjusted.** Same 10% max, but clarifies that this only applies to lots without a residence. Lots with a residence must comply with Zoning District coverage rules. Also adds that the deck must be removed if a residence is later built.
 - **Patio and other impervious structures were expressly prohibited** in the waterfront/OHWM setback area.
- **Removal of Shore Cover standards strengthened.**
 - Adjusted to require re-vegetation if cover will fall below 70%, and must be certified by a Registered Landscape Architect. Noncompliance must be justified by the professional.
 - Review authority changed from ZBA to Zoning Administrator of Planning Commission.
- **Michigan Water Resources Committee review requirement was removed.**
- **Boat Hoists and Docks provisions were relocated but are unchanged.** Provision for boat hoists and docks were previously in the R-1A district (Section 6.2.2(2)(c)) even though the Schedule of Regulations (Section 6.8) implied that these provisions apply to all districts. For this reason, they were relocated to Article 3.

SHORT-TERM RENTALS

Amendment 182 Rental of Non-owner Occupied Dwelling - Adopted by Township Board on June 9, 2009 Section 6.2.2 (2)(e) in the current ordinance expressly states that non-owner occupied dwellings may be rented for a minimum of 30 days:

"A property owner may rent a non-owner occupied dwelling, provided that the minimum length of time that the dwelling may be rented is 30 consecutive days.



This language persists in the 2019 Draft, although to clarify this applies to all districts, it has been relocated from the R1-A District to Article 6: Standards Applicable to Specific Uses. The land use has also been updated in all district summary tables to reflect the 30 day minimum: “Rental of Non-Owner Occupied Dwelling (30 days or more).”

LAND USE

In the current Ordinance, Each zoning district includes a long list of permitted and special land uses, which makes for several pages of duplicated and unnecessary text. To simplify the list of permitted and special land uses, a consolidated land use table was incorporated. Each use with specific development standards has a clickable hyperlink to the section of the Zoning Ordinance that contains the development standard.

The following are the primary changes to the permitted uses by district, with removals called out in red and additions called out in green:

A-1, Agricultural District

- Uses Permitted by Right
 - “Adult Foster Care, Family Home,” and “Adult Foster Care, Small Group Home” was changed from a Special Use to a Use Permitted by Right.
 - “Dwelling, Secondary” (formerly guest house) was added.
 - “Essential Services” was added.
 - “Fences” was added.
 - “Keeping of Domestic Pets” was added.
 - “Pet Sitter” was added.
 - “Recreational Vehicle Storage” was added.
 - “Rental of Non-Owner Occupied Dwelling (30 days or more)” was added.
 - “Shoreline Uses” was added.
 - “Site Condominiums” was added.
 - “Solar Energy Systems, Ground-Mounted (10kW or less)” was added.
 - “Solar Energy Systems, Roof-Mounted” was added.
 - “Storage Outdoor” was added.
 - “Subdivision” was added.
 - “Swimming Pools” was added.
 - “Temporary Buildings” was added.
 - “Walls, including Retaining Walls” was added.
- Uses Permitted by Special Use Permit
 - “Dwelling, Multiple-Family” was changed from a Use Permitted by Right to a Special Use.
 - “Golf Courses and Country Clubs” was removed.
 - “Warehousing and Light Industrial” was removed.

R1-A, Rural and Hillside Residential District

- Uses Permitted by Right
 - “Guest Houses” was changed to “Dwelling, Secondary,” and the regulations are now located in Article 6: Standards Applicable to Specific Uses.
 - “Boat Hoists and Docks” and “Decks and Storage” were consolidated into “Shoreline Uses” and the regulations are now located in Section 3.13 Great Lakes Shoreline Regulations.
 - “Adult Foster Care, Family Home” was added.



- “Adult Foster Care, Small Group Home” was added.
- “Fences” was added.
- “Pet Sitter” was added.
- “Site Condominiums” was added.
- “Solar Energy Systems, Ground-Mounted (10kW or less)” was added.
- “Solar Energy Systems, Roof-Mounted” was added.
- “Storage Outdoor” was added.
- “Subdivision” was added.
- “Swimming Pools” was added.
- “Fencing and Walls, including Retaining Walls” was added.
- Uses Permitted Under Special Conditions
 - This section was removed, and the uses contained within it (Temporary Buildings, Home Occupations) were consolidated into Uses Permitted by Right. Any additional special conditions are now found in Article 6: Standards Applicable to Specific Uses and Article 7: General Provisions.
- Uses Permitted by Special Use Permit
 - “Special Open Spaces” was removed.
 - “Multiple-Family Dwelling” was added.
 - “Golf Courses and Country Clubs” was removed.

R1-B, Coastal Zone Residential District and R-1C Suburban Residential Development District

Identical to the changes shown for R1-A, in addition to:

- Uses Permitted by Special Use Permit
 - “Two-Family Dwelling” was changed to “Multiple-Family Dwelling” and moved from a Use Permitted by Right to a Special Use.

R1-D, Community Residential District

Identical to the changes for R1-B and R-1C, in addition to:

- Uses Permitted by Special Use Permit
 - “Mobile Home Park Developments” was added.

C-1, Commercial District

The current Ordinance provides no uses permitted by right, so the changes below reflect a significant changes in the 2019 Draft.

- Uses Permitted by Right
 - “Accessory Buildings and Structures” was added.
 - “Essential Services” was added.
 - “Fences” was added.
 - “Pet Sitter” was added.
 - “Shoreline Uses” was added.
 - “Solar Energy Systems, Ground-Mounted (10kW or less)” was added.
 - “Solar Energy Systems, Roof-Mounted” was added.
 - “Storage Outdoor” was added.



- “Swimming Pools” was added.
- “Temporary Buildings” was added.
- “Walls, including Retaining Walls” was added.

- Uses Permitted by Special Use Permit
 - “Child Care Centers” was added.
 - “Indoor Recreation” was added.
 - “Institutional Structures and Uses” was added.
 - “Junk Yards” was added.
 - “Sewage Treatment and Disposal Installations” was added.
 - “Warehousing and Light Industrial” was added.
 - “Wireless Communications Facilities” was added.

EXTERIOR LIGHTING AND DARK SKY

This section is largely unchanged, but some adjustments were made:

- **Cutoff description was added.** Section 7.14, which regulated exterior lighting, was amended to describe what a full cutoff fixture is and include a graphic.
- **Illumination Level maximum added.** “...the light trespass from a property shall not exceed 0.5 foot candles at the property line, measured 5 feet from the ground.”
- **Standards moved to Article 8: Environmental Performance.**
- **Application/Review Procedures for Special Use Permits and Platted Subdivisions were removed.**

SCHEDULE OF REGULATIONS

Minimum lot sizes and other dimensional standards were left largely unchanged; several small modifications were made:

- Maximum height of structures was reduced from 38’ to 35’ across the board, and a “Number of Stories” column added.
- All R-1 District PUD requirements were consolidated (no changes).

PARKING, LOADING, AND ACCESS MANAGEMENT

- **Standard Location Consolidation.** All standards for parking, loading, driveways, and roads were consolidated into Article 9: Parking, Loading, Access Management, and Private Roads, and cross-referenced as necessary.
- **Joint Parking Standards were removed.**
- **Parking Space Requirements were modified.**
 - Uses were updated to match revised permitted use table. Uses not mentioned were added, and standards developed with guidance from the Parking Generation Manual.
 - Some requirements were adjusted according to the Parking Generation Manual.
- **Graphics were added throughout the chapter.**
- **Private Roads standards were revised.** New standards clarify timing of land use approvals and limit the use of private roads for higher-intensity land uses.



LANDSCAPING AND SCREENING

The landscaping and screening standards were scattered throughout various sections of the Zoning Ordinance (e.g., Sections 6.6.3(1), 7.2.6(2), and 7.6.4(3)), and were consolidated into the landscaping standards Article 8: Environmental Performance Standards. The following changes were made:

- **Required Landscaping sections were carried over.** For organizational purposes, a section for each of the following landscape design requirements from the current ordinance was created:
 - Street Trees
 - Frontage Landscaping
 - Buffer and Greenbelt Requirements
 - Parking Lot Landscaping
 - Loading Area Landscaping
 - Garbage and Dumpster Screening
 - Landscaping Applicable to Specific UsesBy having a section dedicated to each design requirement, the user can easily follow along with the requirements.
- **Graphics were added** to communicate the standards of the landscape requirements and provide an illustration of how landscaping enhances a site and its surrounding area.
- **Landscape Material Standards were added.** Provision to address minimum caliper and height standards, planting standards, replacement of dead, dying, or diseased landscaping, irrigation requirements, mechanical equipment screening, and foundation plantings (i.e., shrubs and ornamental trees along wide nonresidential buildings) were added.
- **Recommended and Prohibited Species Language was added.** No species list were added, but language allowing the Township to recommend or prohibit was included.

ACCESSORY BUILDINGS

In general, there are few restrictions on the size and location of accessory buildings in the current Ordinance. Standards were added in the General Provisions article to significantly expand the accessory building rules by requiring permits, defining attached vs. detached structures, adding spacing and height limits, prohibiting construction before a principal building (except on farms), restricting use to the site occupant, and allowing multiple accessory buildings if lot coverage is met.

ALTERNATIVE ENERGY

A new section, Section 6.30: Solar Energy Systems was added. It establishes standards for solar energy systems, allowing roof-mounted systems in all districts (limited to 3 feet above roofline), small ground-mounted systems (≤ 10 kW) as permitted accessory structures (with setback, height, screening, and lot coverage limits), and larger ground-mounted systems (> 10 kW) by special use in the A-1 district with added height, noise, and location restrictions. All systems require a land use permit (if ground-mounted), proper battery storage and disposal, and must be removed if inactive for over 12 months.

SITE CONDOMINIUMS

- Expandable and convertible condominium projects now require site plan review and approval before adding new phases.
- Monument standards were added, specifying materials, placement, and procedures for marking condominium boundaries.
- New provisions were added requiring condominium developments to comply with all local, state, and federal laws.



- New rules were added that prohibit encroachments between condominium lots and require such restrictions to be recorded in the master deed.
- Subdivisions of individual condominium lots must now meet zoning district standards and be reflected in the bylaws and master deed.
- Relocating boundaries between units must meet setback requirements and be approved by the Zoning Administrator.
- Final documents submission requirements were changed to require both physical (24x36 sheets) and digital formats.