

PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA

July 18, 2022

7:00 p.m.

1. Call to Order
2. Pledge
3. Roll Call
4. Approve Agenda
5. Brief Citizen Comments (For Agenda Items Only)
6. Conflict of Interest
7. Consent Agenda
 - a. Approval of Meeting Minutes: Planning Commission Regular Meeting May 16, 2022 and June 20, 2022
8. Reports and Updates
 - a. Non-motorized Committee (Shipman)
9. Business
 - a. Lemanski Bed and Breakfast SUP #141 – Public Hearing and Findings of Fact and Conditions (550 Camino Maria Drive, Traverse City, MI 49686)
 - b. Cooley Bed and Breakfast SUP #142 - Introduction (6901 Mission Ridge, Traverse City, MI 49686)
 - c. Structure Definition – Policy Discussion Continued
10. Public Comments
11. Other Matters or Comments by Planning Commission Members
12. Adjournment

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the clerk.

Minutes

PENINSULA TOWNSHIP
13235 Center Road, Traverse City MI 49686
Ph: 231.223.7322
Planning Commission Regular Meeting

May 16, 2022 7:00 p.m.

1. Call to Order: 7:00 p.m. by Hall

2. Pledge

3. Roll Call: Present: Wunsch, Alexander, Hall, Hornberger, Couture, Dloski; absent: Shipman; also present: Planner Jenn Cram, Attorney Greg Meihn via phone, Township Zoning Administrator, Christina Deeren, and Recording Secretary, Beth Chan

4. Approve agenda:

Hall: recommends a change for agenda item number five, which currently reads *for public comment for agenda items only*; the change is *to items not on the agenda* according to the bylaws section 2.8.

Moved by Dloski to modify item five on the agenda moving forward to agenda items not on the agenda, seconded by Alexander

approved by consensus

Cram: makes two changes: first add item d. to 8. Reports for an update on the Seven Hills development and add an item to Other Matters or Comments by Planning Commission Members at the end of the meeting for future dates and training.

Moved by Dloski to approve agenda, as amended, seconded by Wunsch

approved by consensus

5. Brief Citizen Comments: (for agenda items only)

Discussion and clarification of citizen comments change

Nancy Heller, 3091 Blue Water Road: commented on the change for public comment and wanted to clarify that any items on the agenda can be commented on by the audience in the beginning. Seeing a big difficulty in what was just presented.

Couture: clarified that public comment (on agenda items) will take place after the business section of the meeting.

Cram: summarized meeting procedure, the only change is reducing duplication of public comments on agenda items.

Hall: this is important, directed audience to ask questions about the meeting procedure

Lou Santucci, 12602 Center Road: asked for clarification on commenting on several items in a group and asked if he can speak to each one of the items separately. This is hard to do in a three-minute time frame. Asked for the items to be separated.

Hall: There is a lot on the agenda, it is a goal to keep public comments to three minutes, but more flexibility will be offered.

Dave Edmondson, 12414 Center Road: Asked about reports and updates in the packet and when did they change to a verbal presentation? Will minutes be taken?

Cram: minutes will be taken

Edmondson: one of my farmer, agriculture counterparts (Tabone) is being harassed by the zoning department, he has the right to sell products from other growers. This is a disservice to the community. We need support, not aggravation. We need to embrace the right to farm act.

6. Review for Conflict of Interest: None

7. Consent Agenda:

Moved by Hornberger to approve consent agenda, as presented, seconded by Alexander

approved by consensus

8. Reports and Updates:

a. PDR Ordinance Re-write (Cram)

Cram: that will be heard before the township board on June 14th and a revised red-line version will be posted online. Technical changes are being made related to accounting processes.

b. Bella Vue SUP #137 (Cram)

Cram: this application has been pending for over two years. The township board allowed the applicant to move through the PUD process instead of the standard land division. It does not meet the requirement of having a minimum of twenty acres, so it did require board approval to move through the planning commission process. Trees were removed from the property and the application was looked into. It was found that six units were requested on 4.5 acres which exceeds the zoning ordinance; the most they could request is four units. It is more realistic to have three units. A complete application needs to be submitted, and it needs to be determined if the applicant wants to move forward with the PUD process or a standard land division and withdraw the application.

c. New B & B application at 550 Camino Maria Drive (Cram)

Cram: There is a new B and B application, review has begun; suggested an introduction and public hearing for June. In the future, would like to streamline the process and have the introduction and public hearing in the same meeting

d. Seven Hills update (Cram)

Cram: there are two plans, an original and an updated plan. The applicant has reduced the footprint, and all of the uses are consistent with what was approved. The maximum capacity of thirty-two patrons remains in effect. The original approval did not allow for outdoor uses. Will take minor modification to the Township Board for approval on June 14, 2022.

9. Business:

a. Zoning Ordinance Re-write-Proposed Modifications to November 16, 2021, Draft-Public Hearing

Cram: gave a historical summary of the zoning ordinance rewrite for the last six years found in the May 11, 2022 memo found in the packet.

Board discussion on the flow of the public hearing

Cram: summarized the proposed modifications to the zoning ordinance noted in the May 11, 2022 memo found in the packet. For the most part the language that is in the current rewrite will be removed from certain Sections as noted and will be replaced with the original language in the 1972 existing zoning ordinance. In addition, a few words have been deleted to clarify intent. Items one through six were covered in the last meeting. Then the floor will be opened for public comment.

1. Section 1.05-Conflicting Regulations (Page 1-2)
2. Section 2.02-Definitions (Pages 2-1--2-17)
3. Section 6.15-Hotels and Motels (Pages 6-9--6-10)
4. Section 6.24-Rental of Dwellings (Page 6-19)
5. Section 6.25- Roadside Stands (Page 6-19)
6. Winery-Chateaus 6.34 (Page 6-32)
7. Section 3.13-Great Lakes Shoreline Regulations (pages 3-11--3-19)
8. Section 8.04-Soil Erosion and Sedimentation Control and Protection of Steep Slopes

Wunsch: will the requirement for a roadside stand to have fifty percent of the product be grown on the farm?

Cram: future policy direction includes the fifty percent requirement as is consistent with the Right to farm GAAMPS for Farm Markets.

Hornberger: wanted clarification that this is going back to the original language.

Dloski: will the new language be available in June for roadside stands?

Cram: policy direction from the Citizens' Agricultural Committee will be presented in June

Dloski: is the policy direction going to be consistent with the right to farm act?

Cram: yes

Dloski: Under the GAAMPS for farm markets, roadside stands are under the umbrella of farm markets

Cram: a roadside stand is a type of farm market

Moved by Dloski to close the regular meeting and open the public hearing on items 1-6, seconded by Wunsch

approved by consensus

Curt Peterson, 1356 Buchan Drive: provided a handout (attached) to planning commission members. Summarized handout on the difference between rental of dwelling (short-term rental) and Home Sharing.

Lou Santucci: commented on the short-term rental, glad to hear the different views will be vetted. One cannot state that they are banned in all of the zones. For owner-occupied short-term rentals, there has never been a problem; we are here to support

them. Cherry farms are missing and this would give agricultural operators a leg up. Agriculture is changing, tourism is here to stay.

Cram: the Citizens' Agricultural Advisory Committee is not addressing short-term rentals. Home sharing is a bed and breakfast.

Marc Santucci, 11789 Center Road: read comments included in an attachment to the minutes.

Lou Santucci: commented on the farm market, it is not just fifty percent of total sales; it includes fifty percent of the floor area or the business plan. An easy fix is that the township will follow the right to farm act and GAAMPS. The township is trying to enforce an ordinance that does not comply with GAAMPS. The language should be fixed. Cites a case in Leelanau County where a farmer had built a building and the judge told the township they could not enforce a setback because it conflicts with the GAAMPS. There is no size requirement in the GAAMPS, there is a setback requirement. Our township needs to take note of the GAAMPS and follow them.

Dave Edmondson: Concurs with Lou and Marc. The right to farm is important to the agricultural community and will make life easier for legitimate farmers. The wineries are preserving the land, we need to embrace the wine community.

Hall: should we move forward with seven and eight?

Dloski: questioned one through six, proposed revisions; we are going to the original language?

Cram: roadside stands will be addressed in the future. The Citizens' Agricultural Advisory Committee is reviewing and will provide policy direction; the other items will be vetted through the planning commission. The list will come back one at a time for discussion and at that time will allow for public comment. Once completed, the township attorney and I will draft the verbiage. Every planning commission agenda will likely have an item for consideration.

Hall: if the planning commission concurs with staff recommendation on the zoning ordinance rewrite, we will have a motion to approve the rewrite to be sent to the township board. We should talk about seven and eight and then consider all items.

Wunsch: explains the process at the township board level when recommendations are sent from the planning commission

Cram: summarized item seven found in the May 11, 2022, Memo Re: Zoning Ordinance Re-write-Proposed Modifications the November 16, 2021 Draft, Great Lakes Shoreline Regulations. Notes that this is a priority moving forward due to the value of the graphics. Dock placement is a discussion for the future.

Hall: was staff going to accept the new language removing the language on shoreline vegetation?

Cram: heard from citizens about this topic, but a past planning commission member had said that a public hearing had not been held on this topic, they recommended removing and replacing.

Discussion on procedure

Couture: inclined to stay with the plan to go back to the original language

Wunsch: concurs

Monnie Peters, 1425 Neahtawanta Road: it is much better to go back to the old version and take a look at the new version.

McKenna helped with the diagrams and the drawings with the shoreline definition. We did not broach where you put the dock and how many hoists can be on the dock. We recognized at that point those were problematic. This section wasn't clear that those pages should be taken out. At this point, the old regulations are enforceable and pick up all of the shoreline regulations.

Dloski: is the intent for the planning commission to review the shoreline regulations in their meetings or would a subcommittee work for discussion?

Cram: a planning commission subcommittee will work on this

Dloski: a subcommittee is set up for zoning issues

Cram: Donna, Randy, and Larry make up the subcommittee

Discussion of priorities

Cram: summarized item eight found in the May 11, 2022, Memo Re: Zoning Ordinance Re-write-Proposed Modifications the November 16, 2021 Draft, Soil Erosion and Sedimentation Control and Protection of Steep Slopes.

Explained how the amendments were incorporated into the zoning ordinance.

Hall: asked for public comment on item eight

Hall closed the public hearing and opens the regular meeting

Hall: asked for a motion to approve the zoning ordinance rewrite with the amendments one through eight recommended by staff to approve this as amended to send to the township board for approval of the zoning ordinance rewrite

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, seconded by Alexander.

Discussion

Dloski: questioned that the roadside stand language is not enforceable

Hall: the statute quo on roadside stands may be inconsistent with the right to farm act and the GAAMPS

Meihn: ordinances that may have questionable issues on how they are thought of can be enforced in a manner that is compliant with GAAMPS.

b. Policy Recommendations from the Citizen's Agricultural Advisory Committee on Winery-Chateau and Farm Processing regulations-Discussion and Recommendation to Township Board

Cram: the Citizens' Agricultural Advisory Committee was created by the township board in light of the winery lawsuit with the intent of understanding current ordinances and recommending possible modifications to mediations of points outlined in the lawsuit. The township board appointed ten citizens to the committee so far. The wineries have not participated in an official capacity, three seats remain open. The last official meeting of the Citizens' Agricultural Advisory Committee was on April 28, 2022. The committee was interested in continuing to discuss zoning issues. Three additional seats were requested and approved for agricultural operators to be heard. The intent is for parity across all agricultural operators. This committee will meet at 10:00 a.m. on the fourth Thursday of the month. Reviewed the memo to the planning commission included in the packet dated May 11, 2022, Re: Winery Chateau and Farm Processing Policy Recommendations from the Citizens' Agricultural Advisory Committee. Reviewed the policy direction from the memo.

Alexander: asked what happens to a winery chateau in existence?

Cram: any winery chateau with an SUP will be grandfathered in under what was approved. Moving forward if a modification is requested, they will have to come through an amendment process. In the coming months, all SUPs in the township will be examined by the planner and the zoning administrator.

Hall: are these policy recommendations final at this point? Will the planning commission approve these tonight?

Cram: the planning commission is approving the policy direction, not the exact language. Staff and the Township attorney will draft the language.

Hall: comment can be heard tonight and also when the language is drafted.

Dloski: how does this relate to the lawsuit?

Cram: The Citizens' Agricultural Advisory Committee was formed as a result of the lawsuit. When they started to talk about the zoning ordinance, we realized it would be beneficial to look at future recommendations to address the zoning ordinance that would provide clarity, these are not specific to the lawsuit.

Dloski: what good is this? This could be negated by a judge.

Cram: we needed to look at the current zoning ordinance and the Citizens' Agricultural Advisory Committee decided during this process- did they agree or did they want to look at something else. What a judge would rule on is specific to the lawsuit, not necessarily our entire zoning ordinance.

Dloski: not prepared to vote on this tonight

Cram: there is a moratorium that ends on July first, the Township Board would like to update the zoning ordinance before that date.

Discussion on the Policy Recommendations from the Citizens' Advisory Committee dates moving forward

Cram: recaps recommendations included in the packet dated May 11, 2022, Re: Winery Chateau and Farm Processing Policy Recommendations from the Citizens' Agricultural Advisory Committee

Hall closes the regular meeting and opens the public hearing

Marc Santucci: states he does not believe there is a member on the agricultural committee that is growing grapes. The three Protect The Peninsula members have publicly spoken against wineries. There are three citizens. These members have been picked by the township board. For the SUPs, all bets are off.

Cram: All SUPs are grandfathered with original approvals.

Marc Santucci: Disagrees with the change in the rules where the grapes and cherries come from, under these rules, you are limited to a twenty percent limit. Disagrees with the additional land requirement. For the rules on food, what reason for the prepared versus made from scratch food? Can't use the vegetables grown on-site because it has to be prepared and can be heated but not cooked. This is NIMBY. The wineries will go to the state to get the rules changed. There are two proposed wineries that want to come in and the township is blocking them from coming in on the existing rules. Disagrees with the committee makeup and was not allowed to participate, because he was not in Traverse City at the time. The members of the wineries were not allowed to participate.

Lou Santucci: Challenges the planning commission in passing the policy recommendations. Feels they will trap a future winery. An existing winery with a change to their SUP will be subject to the new rules. He did not have input and two days is not enough to consider these recommendations. Feels the process was not transparent. Challenges the committee and the results of the committee. Recommends that this is tabled.

Chris Baldyga, 9707 Montague Road: echoes the comments on the makeup of the committee. Feels like it was not a balanced group. The first recommendation made was to sunset the winery chateau ordinance and the remote tasting room ordinance. Questions the invalidation of the work put into these ordinances in the past. Commented on the farm processing language: it doubles it to from forty to eighty acres with sixty-five percent of acreage covered in crops. The size of the parcel doubles and is five times the amount of acreage required. There are no incentives mentioned, instead more restrictions for small farms. The language holds back Old Mission agriculture.

Dave Edmondson: concurs with his counterparts. He participated in this committee. There were three agriculture operators and they were outvoted. Most of these items the agriculture participants did not want. Need more participation from agriculture. Need all sides and feels it does not represent this. The township needs to work for the agricultural community.

Todd Oosterhouse, 7700 Peninsula Drive: appreciates the re-write as it was time, it was non-ag-centered people. Why rush something so important to the community. Gives examples that he feels do not represent parity. Feels it is limiting the growth of a winery, once the land is maxed at eighty percent, that is as high as it can go.

Cram: what is proposed is more flexible

Todd Oosterhouse: it says from your own land. Make the committee top-heavy on the agriculture side.

Nancy Heller, 3091 Blue Water Road: asks that when going through the policy recommendations, how realistic was placement? Asks about do-ability because of the unique shape of these properties. Mentions that comments tonight about staff were not fair. Feels haste makes waste.

Curt Peterson: there are unintended consequences with not serving meals. Right now, groups go through the wineries sampling the wine. By not allowing meals, unwanted activity remains. Cited an example of restaurants in New Zealand wine county.

Lew Siebold, 3195 Cherry Hill Road: not all farmers agree with one another and farms are very different. It is not only grapes and cherries. Need something general enough for each farm's intention. He is a member of the committee; there has been good discussion. There are different interests, good general input brings clear ideas to move forward. Cooperation is needed. Unsure of the future, but appeals to all to look at this objectively to make the peninsula the best place to live.

Dennis Arouca, 850 Neatawanta Road: commented about economic development and serves on the board of directors of GTEDC, Grand Traverse Economic Development Corporation. On a personal level, Old Mission is rural and agricultural, a key tenant is to enhance the assets we already have. In this case, it is the rural and agricultural character. Another is balance. Do not destroy the assets for growth. The Citizens' Agricultural Advisory Committee seems to be moving in the right direction, a reset of appropriate balance among the competing interests that preserves what makes our peninsula great and allows for enhanced economic development in the agricultural community.

Rudy Rudolf, 4784 Forest Avenue: serves on the agricultural committee. Clarified that the grape growers chose not to serve on the committee, however, they were in the audience and had the opportunity to comment. Early in the process, heard from agricultural operators (not from wineries) who felt they did not have the same footing on the peninsula and felt the zoning ordinance favored wineries. As a result, one of the first actions was the winery chateau ordinance was sunsetted to put energy back into making a good farm processing ordinance that benefitted all operators. Winery operations are more intense than regular agriculture. That is why a scaled approach was recommended for farm processing. Regular agriculture is not dead, there are many acres planted with new trees: 300 acres of orchards in the last few years. Concerned about the request by the wineries to bring in outside juice to process from outside the area. Agriculturally zoned land is for agricultural purposes. Unlimited amounts of juice being brought in should be on industrial zoned land. The same for commercial establishments. Finally, mentioned provisions due to a problem due to climate, additional materials can be brought in and are on the books.

John Wunsch, 17881 Center Road: is on the committee. The planner did not feed the committee information. The attacks on the planner's process are unfounded. There is a myth that orchards are not viable, 300 acres were planted in the last five years. Commented on imbalance, when restaurants raise the price of land value. A balance should be made. Scaling allows smaller agricultural operations to get going. Thinks that make it easier for all farmers. The lawsuit allowed for reexamination. If the balance is tipping to large operations that are not farming, then it is time for a reset. Wineries are not bad, but there were over a thousand complaints against wineries in the last year. Commented that bringing in juice does not support agriculture. Move forward with the policy recommendations.

Cram: the Citizens' Agricultural Advisory Committee was created for balance. When they first started meeting, the recommendation came out to sunset the winery chateau ordinance. Took the group through an exercise to compare the winery chateau to farm processing for pros and cons. For fifty acres in ownership and seventy-five percent must be planted, there are acres preserved in agriculture. The other growers wanted what they perceived the wineries had. Looked at what should a true farm processing operation as a use by right look like. Requested three more agricultural operators to bring back policy that promotes agriculture. For a farm market, it allows for limited processing. This is a part of the puzzle that has been elevated as a result of the lawsuit. This committee is not a decision-making body. The meetings were open and comments were accepted in writing. It was an open process.

Planning Commission Regular Meeting

May 16, 2022

Beth Chan, Recording Secretary

Michelle Zebel, 2616 Bowers Harbor Road: observed that farmers are critical and will become more important in the future. Having local experts is critical. The farmers and farmland are precious and they have a passion.

Hall closes the public hearing and opens the regular meeting.

Dloski: not comfortable making a recommendation on a policy statement not in the form of an ordinance; wants to review it more thoroughly.

Cram: the goal was to see if it is headed in the right direction

Hall: does not have the background of the discussion

Dloski: table it to the next meeting

Meihn: can call a special meeting, the planning commission does not have to be pushed to make a decision

Wunsch: committee put in over thirty hours to develop these recommendations. Should direct the planner to start draft language for discussion

Discussion of a special meeting

Motion by Dloski to table the discussion of the Winery Chateau and Farm Processing Recommendations from the Citizens' Agricultural Advisory Committee to Monday, May 23, 2022, special planning commission meeting, seconded by Wunsch.

Roll Call

approved unanimously

c. Future dates (Cram)

Cram: meet with Greg Meihn on the process and protocol and look at the by-laws. There should be training and onboarding for new planning commission members. Secondly, would like to streamline the process for the applicant

10. Public Comments:

Marc Santucci: Commented on the December mediation, Protect the Peninsula discussion. Wanted to participate in the Citizens' Agricultural Advisory Committee but it was not open to everyone. For the 300 acres of planted trees, in 2001, 850,000 2021, 130,000 took out trees because it was not profitable. His pick your own business is profitable. Spoke about buying land for a vineyard or winery. Spoke of the costs to plant a vineyard, a multi-million investment.

Lou Santucci: wanted to participate via YouTube for the Citizens' Agricultural Advisory Committee but was not allowed. This was not an open process.

Todd Oosterhouse: why are we taking things away, why can't cherry farmers do what wineries do?

Dave Edmondson: the committee voted for YouTube, but the clerk said it was unavailable.

11. Other Matters or Comments by Planning Commission Members:

Wunsch: stated his actions have been mischaracterized. The decision to not use YouTube was consistent with other subcommittee actions, felt it was an open process.

12. Adjournment:

Moved by Dloski to adjourn, seconded by Wunsch

approved by consensus

Adjournment at 10:05 p.m.

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 Neahtawanta 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 14th 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 14th 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 14th 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 14th 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 14th. 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 14th 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 14th, 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 5th. Greg Meihn has resigned as general counsel effective June 28th, 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 14th 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 14th 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 14th 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

Reports and Updates

All reports and updates will be verbal.

Business

SUP #141, Lemanski B&B

Peninsula Township Planning & Zoning Department
13235 Center Road
Traverse City, MI 49686

SPECIAL USE PERMIT (SUP)
FINDINGS OF FACT
SUP #141 Lemanski Bed and Breakfast
July 18, 2022

PENINSULA TOWNSHIP BOARD

DECISION AND ORDER

Applicant: Mimi Lemanski
550 Camino Maria
Traverse City, Michigan 49686

Hearing Date(s): Planning Commission: June 20, 2022 (Introduction + Draft Findings of Fact)
Planning Commission: July 18, 2022 (Public Hearing and Recommendation on Findings of Fact)

PROPERTY DESCRIPTION

Parcel ID#: 28-11-018-006-02
Property Address: 550 Camino Maria
Zoning: R-1A – Rural and Hillside Residential

GENERAL INTRODUCTION AND BACKGROUND

The applicant requests the approval of a Special Use Permit to allow a Bed and Breakfast use in the existing residence. Rental of two bedrooms for up to four (4) guests is proposed. No exterior improvements or change in character to the single-family residence are proposed. Required parking for the proposed use will be accommodated in an existing garage and driveway. Adequate water and sewage disposal also exist for the existing residence and proposed bed and breakfast use.

The submitted application is provided in **EXHIBIT 1**. A plot plan and floorplan have been included.

SECTION 8.1.3 BASIS FOR DETERMINATIONS

FINDINGS - SECTION 8.1.3 (1) GENERAL STANDARDS

General Standards. *The Peninsula Township Board of Trustees shall review each application for the purpose of determining that each proposed use meets the following standards, and, in addition, shall find adequate evidence that each use on the proposed location will:*

- a) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

The character of the area surrounding the proposed bed and breakfast is primarily rural residential. There are no changes proposed to the exterior of the existing residence and attached garage in order to accommodate the use. The required additional parking (two spaces) can be accommodated in the existing garage and driveway. Thus, the visual character of the area will not change as a result of the use.

- b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

Per Section 8.7.2. (9). A bed and breakfast establishment is a use permitted in residential and agricultural zone districts. Per Section 8.7.3. (6). (b). 3. The residence shall be the principal dwelling unit on the property and shall be owner-occupied at all times. Thus, the use is a permitted use and disturbance will be minimized based on the fact that the owner shall be present at all times. The use will have no greater impacts than if the owners had family or friends visiting.

- c) Be served adequately by essential facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.

The proposed bed and breakfast use will be served adequately by essential services. The proposed use does not place any additional burden on adjacent roadways, public emergency services, public utilities, or schools.

The fire department has visited the property and has worked with the property owner to meet the Fire Code. A letter from the Fire Chief, Fred Gilstrorff, dated March 15, 2022 is included in the packet in (EXHIBIT 1). Conditions of approval will be proposed to address the requirements to meet fire code.

The property owner has included a copy of the certificate of occupancy for the residence. Staff has spoken with the Chief Building Official for the Grand Traverse County Building Department to confirm that a bed and breakfast use is reviewed under the same building code as a single-family residence. A copy of the certificate of occupancy and applicable building code are included in (EXHIBIT 2).

A well and septic status form has been completed by the Grand Traverse County Health Department. The property has adequate service for four (4) bedrooms. This is adequate to serve the two (2) rental bedrooms and two (2) additional bedrooms in the residence. A copy of the approved status form is included in (EXHIBIT 1). A condition of approval has also been included for staff to verify the 4 total bedrooms prior to the commencement of the bed and breakfast use.

- d) Not create excessive additional requirements at public cost for public facilities and services.

The proposed bed and breakfast use does not create excessive additional requirements at public cost as the use will operate in an existing private residence with adequate facilities (access, parking, water and sewage disposal). Thus, the proposed use will not create the need for additional public facilities or services.

- e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.

The proposed bed and breakfast use does not include uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare, or odors.

As noted above, the use requires it be owner-occupied. It is not anticipated that the proposed impacts would be greater than if family and friends were visiting.

FINDINGS - SECTION 8.1.3(3) SPECIFIC REQUIREMENTS:

***Specific Requirements.** In reviewing an impact assessment and site plan, the town board and the planning commission shall consider the following standards:*

- (a) That the applicant may legally apply for site plan review. **The applicant is the owner of the property for the subject bed and breakfast use and has applied for a Special Use Permit. A plot plan and floorplan have been provided as part of the application that shows clearly where the proposed use is located on the property and the details including dimensions of the proposed rooms for rent within the existing residence.**
- (b) That all required information has been provided. **All required information is provided as part of this application. (EXHIBIT 1).**
- (c) That the proposed development conforms to all regulations of the zoning district in which it is located. **The proposed development conforms to regulations of the R-1A zoning district.**
- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services. **Gourdie-Fraser, Inc., Township Engineer has reviewed the submitted plans. Because the residence is existing, no review of grading or drainage is required by the Township Engineer. A copy of the email from Jennifer Hodges, Township Engineer is included for reference (EXHIBIT**

3). A Proposed condition of approval will be included to address Fire Department comments.

- (e) That the plan meets the standards of other governmental agencies, where applicable, and that the approval of these agencies has been obtained or is assured. **The proposed use, along with plans and relevant information, have been supplied to the necessary governmental agencies for review and approval. Communication from the Grand Traverse County Building Department and Environmental Health Department are provided (EXHIBITS 1 & 2).**
- (f) That natural resources will be preserved to a maximum feasible extent and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se. **As noted above, the property has already been developed with a single-family residence and attached garage. Parking for the existing residence and bed and breakfast use already exist in the garage and driveway. Thus, no additional disturbance is needed for the proposed use.**
- (g) That the proposed development property respects floodways and floodplains on or in the vicinity of the subject property. **There are no floodways or floodplains in the vicinity of this site.**
- (h) That the soil conditions are suitable for excavation and site preparation and that organic, wet, or other soils that are not suitable for development will either be undisturbed or modified in an acceptable manner. **Soil conditions were suitable for the construction of a single-family residence. A bed and breakfast is a use allowed within a single-family residence with the approval of a Special Use Permit.**
- (i) That the proposed development will not cause soil erosion or sedimentation problems. **As noted above, the property has already been developed with a single-family residence and attached garage. A bed and breakfast is a use allowed in a single-family residence with the approval of a special use permit. The proposed use will not cause soil erosion or sedimentation problems.**
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area. **The proposed use will not cause any increase in off-site storm water runoff as discussed above.**
- (k) That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties. **No grading is proposed as a result of the proposed use.**
- (l) That structures, landscaping, landfills, or other land uses will not disrupt air drainage systems necessary for agricultural uses. **The proposed use within an existing single-family residence with attached garage will not change the cold air drainage flow of the site.**
- (m) That phases of development are in a logical sequence so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage, or erosion control. **This project will not be developed in phases. The existing residence with attached garage does not require any modification to accommodate the proposed use.**

- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water sewage facilities. **No expansion of public streets, drainage systems, or utility systems is proposed.**
- (o) That landscaping, fences, or walls may be required by the town board and planning commission in pursuance of the objectives of this ordinance. **No additional landscaping is proposed or required for the proposed use. The property is surrounded by mature trees on three sides.**
- (p) That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. **As noted above the required parking is located in an existing garage and driveway. Access is from Camino Maria. Trips generated by the proposed use are similar to that of a single-family residence with visits from family and friends.**
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient. **Vehicular traffic will enter and exit the property from Camino Maria.**
- (r) That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties. **The applicant has noted that garbage containers are stored in the garage out of view.**
- (s) That the proposed site is in accord with the spirit and purpose of this ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this ordinance and the principles of sound planning. **The proposed development meets the objectives of the ordinance and the principles of sound planning by maintaining the existing character of the subject parcel while providing opportunities for visitors to experience Old Mission Peninsula in a manner that is respectful to neighbors.**

FINDINGS - SECTION 8.7.3(6) (b) SPECIFIC REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS:

1. The minimum lot size shall be one (1) acre. **The property is 2.74 acres according to the Assessor's records.**
2. Off-street parking shall be provided in accordance with Sections 7.6.3. and 7.6.4. of this Ordinance. **Per Section 7.6.3. (7) a proposed bed and breakfast requires one (1) space per rental sleeping room in addition to the two (2) spaces required for owner/occupant. The application provides the minimum of four (4) required parking spaces and can actually accommodate additional cars easily in the existing driveway. All parking spaces meet the dimensional requirements noted in Section 7.6.4. as well.**
3. The residence shall be the principal dwelling unit on the property and shall be owner-occupied at all times. **The existing residence on the property is the principal dwelling unit. The applicant/owner has noted that the bed and breakfast use will only take place when she and her husband the property owners are present. A general condition of approval is also included.**

4. The residence shall have at least two (2) exits to the outdoors. **The area proposed for rental as part of the bed and breakfast use are located in the existing residence. The two required exits are a door to the outdoors and a bedroom window that meets egress requirements. The Fire Department has inspected the property and proposed area for the bed and breakfast use and has found that it meets this requirement provided certain conditions are met including providing an approved emergency exit plan and providing rescue ladders for emergency exiting from egress windows. Thus, the requirement of the zoning ordinance has been met and approved by the Fire Chief, Fred Gilstorff. This and other items noted in the letter from the Fire Chief will be included as a condition of approval.**
5. No more than three (3) sleeping rooms in the residence may be used for rental purposes. **As noted, two (2) sleeping rooms are proposed for rental purposes.**
6. Not more than eight (8) overnight guests may be accommodated at any time. **The applicant is requesting a maximum occupancy of four (4) guests for the two rental sleeping rooms.**
7. The rooms utilized for sleeping shall be part of a dwelling that has received an occupancy permit prior to the application for a bed and breakfast. **The applicant has provided a copy of the certificate of occupancy for the existing residence proposed for the bed and breakfast use. In addition, staff has confirmed with the Grand Traverse County Building Department that the building code for a single-family residence and bed and breakfast are the same.**
8. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room. **The floor plan indicates that the two sleeping rooms are approximately 135 square feet and 320 square feet.**
9. Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by the owner/occupant. **As noted, the applicant has provided the signed and approved Well and Septic Status Form from the Grand Traverse County Environmental Health Department for 4 bedrooms.**
10. The Township Board shall require that a floor plan drawn to an architectural scale of not less than 1/8" = 1 foot be on file with the Fire Department. **The applicant has provided a floor plan meeting these requirements that will be on file with the Fire Department and part of the public record for the application.**

Each owner/operator of a bed and breakfast establishment shall keep a guest registry which shall be available for inspecting by the Zoning Administrator, and police and fire officials at any time. **The applicant has agreed to this and a general condition of approval will be included.**
11. The length of stay for each guest shall not exceed seven (7) days within a thirty (30) day period. **Again, the applicant has agreed to this and a condition of approval will be included.**
12. In the event that the Township Board determines that noise generation may be disturbing to

neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained. **The existing residence meets required setbacks and there is mature vegetation on three sides. It is not anticipated that the proposed bed and breakfast use in this location will generate a noise disturbance or encourage trespass. No fencing or landscaping is proposed or required at this time.**

13. Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited. **The applicant has noted that they understand this and will comply.**
14. A special use permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the bed and breakfast use. **As discussed above, the residential character of the existing single-family residence will not change as a part of the proposed use as a bed and breakfast. Traffic will be similar to that of the existing residence with visiting family and friends.**
15. Breakfasts shall be the only meals served to transient tenants. **The applicant agrees and a general condition of approval will be included.**

COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

The petitioner shall comply with all state, county, township, and other governmental regulations relative to the establishment of the special use for a parcel zoned R-1A, which includes meeting the requirements of the Michigan Department of Transportation (MDOT), the Grand Traverse County Drain Commissioner (GTCDC), the Grand Traverse County Road Commission (GTCRC), and the Grand Traverse County Environmental Health Department (GTCHD). Zoning compliance is based on the governing special land use permit document, approved site plan, and Articles 6 and 8 of the Peninsula Township Zoning Ordinance.

APPROVAL CONDITIONS AND SAFEGUARDS:

Pursuant to Section 8.1.3 (2), the board may require such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of the ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted. Specific conditions and requirements for a land use permit include:

- 1) The use approved as part of this Special Use Permit shall be conducted within the existing residence with a maximum guest occupancy of four (4) in two (2) sleeping rooms.
- 2) Continued compliance with permitting necessary with the Grand Traverse County Environmental Health Department and Construction Code are required.
- 3) Prior to issuance of a Land Use Permit, staff shall verify that the residence has no more than 4 bedrooms.

- 4) There shall be no more than four (4) bedrooms on the property served by the existing well and on-site septic system.
- 5) No external illumination as part of the bed and breakfast use is allowed other than fixtures attached to the exterior of the building and compliant with Section 7.14.
- 6) The Bed and Breakfast use shall be in full compliance with all fire department review requirements stipulated in the letter dated March 15, 2022.
- 7) The Bed and Breakfast use shall be in full compliance with all standards of Section 8.7.3.(6) (b) as discussed above.
- 8) Any proposed signage shall meet the requirements of Section 7.11.
- 9) The applicant shall obtain a Land Use Permit for the change in occupancy prior to commencement of the bed and breakfast use.

The commencement and completion of special land uses are governed by Section 8.1.2(5) of the Peninsula Township Zoning Ordinance. Violations of the special land use permit and accompanying site plan are enforceable, and remedies are available under Section 3.2 of the zoning ordinance.

STAFF FINDINGS AND RECOMMENDATION:

As outlined above, staff finds that the Lemanski Bed and Breakfast SUP #141 located at 550 Camino Maria meets all standards of the Peninsula Township Zoning Ordinance and has provided evidence that it is in compliance with other review agencies with the conditions proposed above. Staff recommends that the Planning Commission recommend approval to the Township Board of Trustees.

EXHIBITS:

1. Application with Site Plan and Floorplan, Letter from Fire Chief and Well and Septic Status Form
2. Copy of Certificate of Occupancy and Construction Code
3. Email from Township Engineer, Jennifer Hodges
4. Public Comments

Exhibit 1

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

Parcel Code/s #28-11- - - .

Property Address: 550 CAMINO MARIA TRAVERSE CITY MI

Applicant Address: 550 CAMINO MARIA TRAVERSE CITY MI

[Signature]
Applicant's Signature

Review Fee _____ Check No. _____ Date _____

APPLICATION REQUIREMENTS

1. Each application is submitted through the Zoning Administrator, and shall be accompanied by a fee as established by the Peninsula Township Board.
2. The applicant will assume direct costs for any additional professional review determined necessary by the Planning Commission or the Township Board, subject to prior review and approval of the applicant.
3. No part of any fee is to be refundable and no portion of the fee covers the cost of any individual land use permit that may be issued on any of the building sites located in a Planned Unit Development.
4. Requirements for documents and information filled out in full by the applicant:
 - (a) A statement of supporting evidence showing compliance with the requirements of Section 8.1.3.
 - (b) Site plan, plot plan, development plan, drawn to scale (preferable 1"=50'), of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
 - (c) Preliminary plans and specifications of the proposed development.
5. This application, along with all required data shall be submitted to the Zoning Administrator.
 - (a) Upon receipt of a completed application and the required data by the Zoning Administrator, it is transmitted to the Township Planning Commission for review.
 - (b) The Planning Commission may hold a public hearing on the application.
 - (c) Following a study by the Planning Commission it is transmitted to the Township Board for consideration.
 - (d) The Township Board may deny, approve, or approve with conditions, a request for special land use approval.

6. **Specific Requirements:** In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

Ordinance Reference - Section 8.1.3

Include a statement of HOW the proposed project meets the standards:

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

- (1) **General Standards:** The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
 - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - (b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.
- (2) **Conditions and Safeguards:** The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (3) **Specific Requirements:** In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:
 - (a) That the applicant may legally apply for site plan review.
 - (b) That all required information has been provided.
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located.

- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- (e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- (f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- (g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- (h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- (i) That the proposed development will not cause soil erosion or sedimentation problems.
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- (l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- (m) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- (p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

- (r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - (s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.
8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Page 4 of 4

Peninsula Township Application for Special Use/Bed and Breakfast

Property Address: 550 Camino Maria Dr., Traverse City, MI 49686

Applicant Address: 550 Camino Maria Dr., Traverse City, MI 49686

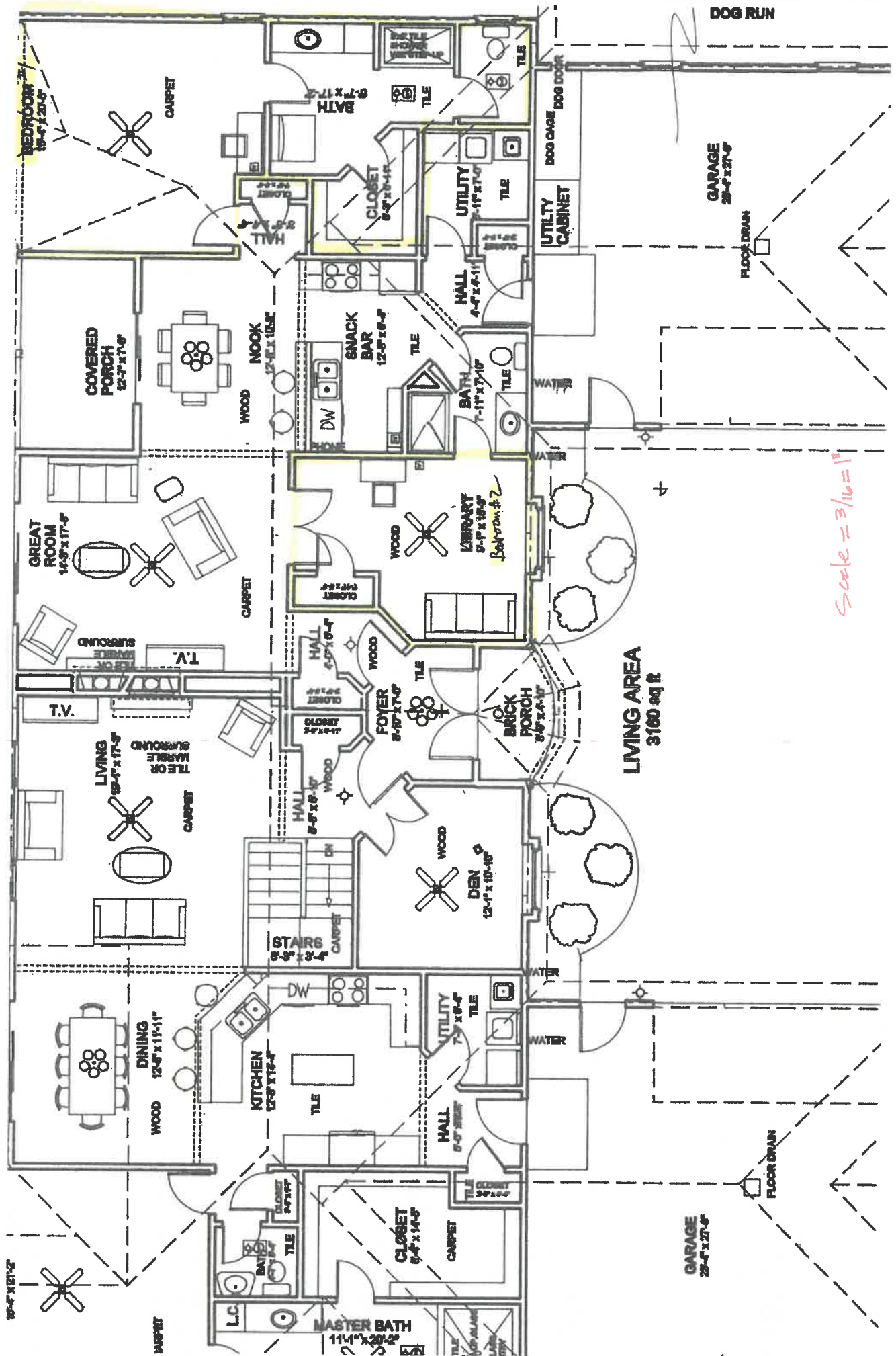
Requirements for documents and information filled out in full by the applicant:

- (a) A statement of supporting evidence showing compliance with the requirements of Section 8.1.3
We intend to offer two bedrooms, two bathrooms, a kitchen and a sitting space for short-term rentals. The space is fully integrated into our home and will not change the current appearance in any way. Guests will be limited to a maximum of 4 persons and parking will be available in our garage. Therefore, we do not believe there will be any impact to the character of the house or the general vicinity in any way.
- (b) Our home is the only house built on our street. The house is surrounded by trees on three sides. Access to the guest rooms is hidden by our garage and is not visible to the street. All parking and rental guest activity would primarily occur on the east side of the home which is not visible to any other residence. Therefore, there would be little to no impact to neighbors.
- (c) As mentioned above, this space is already fully integrated into the home. Therefore, essential facilities and services are already available and this plan is expected to have no impact to those services. In addition, we will meet the requirement to file a floor plan with the fire department.
- (d) There will be no additional requirements at public cost.
- (e) This request will not be detrimental to any persons, property or general welfare in any way.

Bed and Breakfast Requirements:

- 1. Minimum lot size shall be one (1) acre.
 - a. Our lot size is 3.75 acres
- 2. Off-street parking
 - a. As mentioned above in-garage parking will accommodate two additional vehicle(s). Any additional vehicles can park in our driveway overflow area designed for additional parking which is hidden from street view.
- 3. The residence shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
 - a. There is only one dwelling on the property and we intend to be in the residence during all of the rental periods.
- 4. The residence shall have at least two (2) exits to the outdoors.
 - a. There are three doors and 2 windows in the proposed rental space that would allow exit to the outdoors.
- 5. No more than three sleeping rooms may be used for rental purposes.
 - a. As mentioned, we intend to rent 2 bedrooms and a sitting space.
- 6. Not more than eight (8) overnight guests may be accommodated at any time.
 - a. We confirm, not more than 4 persons would be allowed at one time.

7. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
 - a. These rooms are already integrated into our home. They were not built for rental purposes. They were intended for in-laws who are not occupying the rooms.
8. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
 - a. Bedroom 1 is 145 sq ft, Bedroom 2 is 336 sq ft, sitting area is 250 sq ft (designations noted align with descriptions in the accompanying floorplan)
9. Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied.
 - a. Attached with this application
10. The Township Board shall require that a floor plan drawn to an architectural scale of not less than 1/8" = 1 foot be on file with the Fire Department
 - a. Completed - Letter from Fire Department attached. All recommendations implemented.
11. Each owner/operator of a Bed and Breakfast Establishment shall keep a guest registry which shall be available for inspecting by the Zoning Administrator, and fire and police officials at any time.
 - a. Understood and will implement upon approval
12. The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.
 - a. Understood and will comply
13. In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require fencing and/or planting buffer be constructed and maintained.
 - a. Understood
14. Rental of snowmobiles, ATBV's or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment is prohibited,
 - a. Understood and will comply
15. A Special Use Permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the bed and breakfast use.
 - a. Understood. As mentioned earlier there will be no change in character to our home.
16. Breakfasts shall be the only meals served to transient tenants.
 - a. Understood and will comply





Peninsula Township Fire Department
14247 Center Rd.
Traverse City, Michigan 49686
PH: 231-223-4443
fire@peninsulatownship.com



Re: 550 Camino Maria

March 15, 2022

Dear Township Planner and Planning Commission,

At the request of Mimi Lemanski, I have inspected her home for the proposed application to use it as a bed and breakfast. The proposed space is an in-law suite. After inspection, the following requirements are needed-

- Prepare an approved emergency plan for the entire space.
- Mount a 2A10 BC fire extinguisher in the kitchen.
- Provide emergency lighting in the common space, hallway and both bedrooms.
- Have an annual inspection of the area by the fire department.
- Limit amounts of combustible and flammable material in the garage.
- Perform regular checks of the smoke alarms and carbon monoxide alarm. Replace if over ten years old.
- Provide rescue ladders for emergency exiting from windows in front bedroom.

Once all the above conditions are met, the fire department will re-inspect. Any questions, please feel free to contact us.

Respectfully,

Fire Chief Fred Gilstorff



RECEIVED

MAR 16 2022

GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH WELL & SEPTIC STATUS FORM - \$25

Environmental Health

- ☐ DEMOLITION ☐ REMODEL/ ADDITION ☐ HOME REPLACEMENT
☐ CHANGE OF USE ☒ FILE REVIEW/OTHER SUP

Property Address: 550 CAMINO MARIA
Property Tax ID: 11-018-006-02 Township: PENINSULA
Owner's Name: GERARD LEWANSKI
Owner's Mailing Address: 550 CAMINO MARIA City, State, Zip: Traverse City, MI, 49686
Owner's Phone: 231 709 0807 Owner's email: glemanski@altatravels.com
Applicant (if other than owner): N/A
Applicant Address: _____ City, State, Zip: _____
Applicant Phone: _____ Applicant Email: _____

Brief summary of the proposed changes to the property: No changes prepared. As per Peninsula Township requirement for Per & Breakfast application we need to show Proof of Evaluation of well, septic by the Health Dept that we are in conformance with requirements.

☒ RESIDENTIAL

Current # of Bedrooms: 4 Current # of Bathrooms: 6
Proposed # of Bedrooms: 4 Proposed # of Bathrooms: 6
Garbage Disposal: ☒ YES ☐ NO
Other changes: No changes prepared.

☐ COMMERCIAL (please attach a brief business plan)

Type of Facility: _____
Current Max # of Employees: _____ Current # of Bathrooms: _____
Proposed Max # of Employees: _____ Proposed # of Bathrooms: _____
Max Customers Per Day: _____
Drinking Fountain: ☐ YES ☐ NO

Please note that additional information may be required depending on proposed change or use

22229
Signature of Owner/Contractor

3-14-22
Date

(TO BE COMPLETED BY SANITARIAN)

Grand Traverse County Environmental Health WELL & SEPTIC STATUS FORM

☒ EXISTING PERMIT AVAILABLE

PERMIT # 36837

DATE OF ISSUE: 9/24/03

☐ EXISTING PERMIT NOT AVAILABLE

☐ Well shall be properly plugged according to Part 127 of Act 368, P.A. 1978, as amended. Abandoned well plugging record shall be submitted to the Health Department. A new well may be required.

☐ Septic tank(s) and any other tank(s) associated with the wastewater system shall be pumped by a licensed septage hauler, crushed, and filled or removed. A new wastewater system may be required.

☒ Existing well meets current well construction code requirements and is approved for use as an:

☒ Private Residential Well

☐ Irrigation Well

☐ Public Well circle type: TYPE II TYPE III

☒ Existing septic system meets current design requirements for proposed use and meets all isolation requirements. Tank(s) Size(s): 2000 DBL Final Disposal: 15' x 80'

Existing septic system will serve:

☒ Residential home with 4 bedrooms

Garbage Disposal: YES NO

☐ Commercial facility with design daily flow of _____ gal/day

☐ Other use with design daily flow of _____ gal/day

☐ Existing septic system does not meet current design requirements, but is considered "grand-fathered" for proposed use.

Comments: water tested, results for bacterial came back ND, results for
Nitrates were within limits.


Signature of Health Department Representative

3/18/22
Date

OFFICE USE ONLY

Receipt Date: 3/17/22

Receipt #: 54757

Initials: jm

Exhibit 2

**GRAND
TRAVERSE
COUNTY**

CONSTRUCTION CODE
2850 LAFRANIER ROAD
TRAVERSE CITY, MI 49686
(231) 985-6044

**CERTIFICATE
OF OCCUPANCY**

Building Permit

Permit #: 31473
Process Date 11/09/2004
Receipt #: 73943

**S
I
T
E**

550 CAMINO MARIA
TRAVERSE CITY MI 49686

Township: PENINSULA Property #: 28-11-018-006-02

Description:

CONSTRUCT A 1 STORY, 4 BEDROOM DWELLING ON A PARTIALLY FINISHED BASE-
MENT WITH A 248 SF DECK, 3 PORCHES & 2 ATTACHED GARAGES. IT IS A SINGLE

Use Group: SFD

Const Type: 5B

Proposed Use: 01 RESID-NEW
Area (SF): 5468

Estimated Cost: \$269,584 Permit Fee: \$1,708

FAMILY DWELLING, BUT HAS THE APPEARANCE OF A DUPLEX. ADDRESS CHANGED
11/18/2004. ADDRESS CHANGED AGAIN 06/09/2005

Signature:

Edwin Thome

**A
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T**

HARDWICK CONSTRUCTION
282 RASHO RD
TRAVERSE CITY MI 49686

**O
W
N
E
R**

THOME, EDWIN
6844 DEEPWATER POINT RD
WILLIAMSBURG MI 49690

DEPARTMENTAL APPROVAL FOR CERTIFICATE OF OCCUPANCY and COMPLIANCE

To be filled in by each division indicated hereon upon completion of its final inspection.

TYPE	PERMIT #	APPROVED	DATE	REMARKS
BUILDING	31473	DR. WILSON	8-24-05	
PLUMBING	10380	Mike Attehl	8-17-05	
ELECTRICAL	12624	MARK RUSSELL	8-19-05	
MECHANICAL	15253	Ken Corwin	8-17-05	
Mech	15357	Ken Corwin	8-17-05	
Mech	15369	Ken Corwin	8-17-05	
P/BG	11243	Mike Attehl	8-19-05	

Mailed 8-24-05

(8) Before the Michigan building code, the Michigan residential code, the Michigan plumbing code, the Michigan mechanical code, the Michigan uniform energy code, and the Michigan rehabilitation code may be enforced, the director shall make each Michigan-specific code available to the general public for at least 45 days in printed, electronic, or other form that does not require the user to purchase additional documents or data in any form in order to have an updated complete version of each specific code, excluding other referenced standards within each code. This subsection does not apply to any code effective before April 1, 2005. If the Michigan residential code is updated on a 6-year cycle, then use of a material, product, method of manufacture, or method or manner of construction or installation provided for in an interim edition of the international residential code is authorized throughout this state and shall be permitted, but shall not be mandated, by an enforcing agency or its building official or inspectors. However, the enforcing agency or its building official or inspectors may require that if such a material, product, method of manufacture, or method or manner of construction or installation provided for in an interim edition of the international residential code is used, the use shall comply with all applicable requirements set forth in the interim edition of the international residential code.

History: 1972, Act 230, Eff. Jan. 1, 1973;—Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978;—Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980;—Am. 1995, Act 270, Imd. Eff. Jan. 8, 1996;—Am. 1999, Act 245, Imd. Eff. Dec. 28, 1999;—Am. 2004, Act 584, Imd. Eff. Jan. 4, 2005;—Am. 2012, Act 504, Eff. Mar. 28, 2013.

Popular name: Act 230

Popular name: Uniform Construction Code

Administrative rules: R 408.30101 et seq.; R 408.31070; R 408.31087 et seq. of the Michigan Administrative Code.

125.1504a Repealed. 1985, Act 220, Eff. Jan. 13, 1988.

Compiler's note: The report of the advisory committee's actions and recommendations, required by this section, was transmitted by the Director of the Department of Labor to the Clerk of the House of Representatives and the Secretary of the Senate by letters dated January 5, 1988. 1988 Journal of the House 9 (No. 1, January 13, 1988) and 1988 Journal of the Senate 5 (No. 1, January 13, 1988).

Popular name: Act 230

Popular name: Uniform Construction Code

125.1504b Bed and breakfast.

Sec. 4b. (1) A bed and breakfast is considered under the code to be a single family residential structure and shall not be treated as a hotel or other facility serving transient tenants. This section is effective throughout the state without local modification, notwithstanding the exemption provisions of section 8.

(2) This section does not affect local zoning, fire safety, or housing regulations.

(3) As used in this section, "bed and breakfast" means a single family residential structure that meets all of the following criteria:

(a) Has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.

(b) Serves meals at no extra cost to its transient tenants.

(c) Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

History: Add. 1987, Act 112, Imd. Eff. July 13, 1987;—Am. 1996, Act 292, Imd. Eff. June 19, 1996.

Popular name: Act 230

Popular name: Uniform Construction Code

125.1504c Installation of smoke alarms in existing buildings or structures; promulgation of rules required.

Sec. 4c. (1) Beginning 1 year after the effective date of the rules promulgated under subsection (2), the owner of an existing building or structure constructed before November 6, 1974 shall install 1 or more smoke alarms in that building or structure, as provided in those rules.

(2) The director shall promulgate rules that establish standards and requirements for the installation of smoke alarms in a building or structure described in subsection (1). The rules shall include both of the following:

(a) For a single family dwelling, 1 or 2 family detached dwelling, or multiple family dwelling, a requirement for the installation of at least 1 single-station smoke alarm in each dwelling unit.

(b) For a building or structure that is not a single family dwelling, 1 or 2 family detached dwelling, or multiple family dwelling, a requirement for the installation of smoke alarms as provided in the code.

(3) A building that is renovated, reconstructed, or added to or whose use or occupancy is changed shall meet the requirements contained in the code for installation of smoke alarms.

Rendered Wednesday, December 5, 2018

Page 6

Michigan Compiled Laws Complete Through PA 357 & Includes
Initiated Law 1 of 2018

Exhibit 3

Peninsula Township Planning

From: Jennifer Hodges <jennifer@gfa.tc>
Sent: Friday, April 29, 2022 1:02 PM
To: Jenn Cram
Cc: zoning@peninsulatownship.com; Rob Manigold
Subject: RE: New SUP Application for B&B at 550 Camino Maria

Sorry for delay, have been out of town at a conference.

Per our previous phone conversation, I do not anticipate any review by GFA will be needed e.g. escrow

Thanks!

From: Jenn Cram <planner@peninsulatownship.com>
Sent: Thursday, April 21, 2022 11:52 AM
To: Jennifer Hodges <jennifer@gfa.tc>
Cc: zoning@peninsulatownship.com; Rob Manigold <supervisor@peninsulatownship.com>
Subject: New SUP Application for B&B at 550 Camino Maria

Jennifer, attached is an application for the Lemanski Bed and Breakfast, SUP #141. I have hard copies that I can get to you as well. The plot plan and floorplan are 18x24 and so I apologize for the funky copies attached.

They have paid the \$730 permit fee.

Please review and follow up with your estimate for required services as the Township Engineer for Escrow. Please let me know if you have any questions.

Once we have the Escrow in place, I will get this ready for an Introduction to the Planning Commission.

Thanks!

Jenn Cram
Peninsula Township Director of Planning
13235 Center Road
Traverse City MI 49686
phone - 231-223-7314
fax - 231-223-7117
planner@peninsulatownship.com

Office Hours: Mondays 7:30 am to 6:30 pm, Tuesdays – Thursdays 7:30 am to 5 pm and closed Friday – Sunday and Holidays.

Exhibit 4



July 05, 2022

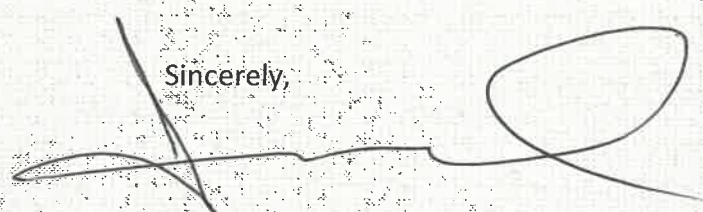
Peninsula Township Planning Department
13235 Center Rd.
Traverse City, MI 49686

Ref: Parcel#28-11-018-006-02 for a Special Use Permit (SUP) to establish a new Bed and Breakfast establishment located at 550 Camino Maria, Traverse City, MI 49686

To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county, and state to do all we can to improve and promote in any ways possible.

Sincerely,



John Haggard

Haggard's Plumbing & Heating

July 10, 2022

Peninsula Township Planning Commission
13235 Center Road
Traverse City, MI 49686

Re: Special Use Permit (SUP) #141

To Whom It May Concern:

I am writing in support of granting the request for Special Use Permit (SUP) #141 to operate a bed & breakfast establishment at 550 Camino Maria Traverse City, MI 49686. The property-in-question is adjacent to our property which is located at 1000 Camino Maria.

The individuals requesting SUP #141, the Lemanski's, are supportive of local businesses and kind & courteous property owners who are respectful of their neighbors. I believe the B&B would be beneficial to the immediate area. As such, I fully support their request for a SUP.

Respectfully,

A handwritten signature in dark ink, appearing to read 'William G. Maier', with a stylized flourish at the end.

William G. Maier
Chief Operating Officer
Montague Development, LLC

SUP #142, Cooley B&B

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

Parcel Code/s #28-11-031-005-10

Property Address: 6901 Mission Ridge, Traverse City, MI 49686

Applicant Address: 6901 Mission Ridge

Elmer Cooley
Applicant's Signature

Review Fee \$130⁰⁰ 1154 6-1-22
Check No. Date

APPLICATION REQUIREMENTS

1. Each application is submitted through the Zoning Administrator, and shall be accompanied by a fee as established by the Peninsula Township Board.
2. The applicant will assume direct costs for any additional professional review determined necessary by the Planning Commission or the Township Board, subject to prior review and approval of the applicant.
3. No part of any fee is be refundable and no portion of the fee covers the cost of any individual land use permit that may be issued on any of the building sites located in a Planned Unit Development.
4. Requirements for documents and information filled out in full by the applicant:
 - (a) A statement of supporting evidence showing compliance with the requirements of Section 8.1.3.
 - (b) Site plan, plot plan, development plan, drawn to scale (preferable 1"=50'), of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
 - (c) Preliminary plans and specifications of the proposed development.
5. This application, along with all required data shall be submitted to the Zoning Administrator.
 - (a) Upon receipt of a completed application and the required data by the Zoning Administrator, it is transmitted to the Township Planning Commission for review.
 - (b) The Planning Commission may hold a public hearing on the application.
 - (c) Following a study by the Planning Commission it is transmitted to the Township Board for consideration.
 - (d) The Township Board may deny, approve, or approve with conditions, a request for special land use approval.

6. **Specific Requirements:** In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

Ordinance Reference - Section 8.1.3

Include a statement of HOW the proposed project meets the standards:

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

- (1) **General Standards:** The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
 - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - (b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.
- (2) **Conditions and Safeguards:** The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (3) **Specific Requirements:** In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:
 - (a) That the applicant may legally apply for site plan review.
 - (b) That all required information has been provided.
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located.

- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- (e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- (f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- (g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- (h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- (i) That the proposed development will not cause soil erosion or sedimentation problems.
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- (l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- (m) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- (p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

- (r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - (s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.
8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Page 4 of 4

PENINSULA TOWNSHIP FORM
REVISED 8/29/05

6901 Mission Ridge B&B Application

Statement from Applicant	1
General Special Use Permit Form	2
Statements of compliance with Section 8.1.3	2
Site plan	5
Preliminary plans and specifications of the proposed development	6
Bed and Breakfast Application Form Supplement to Special Use Permit Application	7
Appendices: Site Plan, Floor Plan, Well & Septic Evaluation	11

Statement from Applicant

My name is Erin Cooley and I am applying for a special use permit for my family's recently purchased home at 6901 Mission Ridge. We closed on this home on April 25, 2022. My husband is a coast guard helicopter pilot newly assigned to Traverse City. However, we intend to stay in Traverse City long term as he is set to retire in 1-3 years.

This property is unique because it was previously operating as an assisted living facility and lends itself seamlessly to bed and breakfast use. We would like to convert its use from a 10 bedroom assisted living facility to a single family home for ourselves and our 2 small children, with 3 bedroom spaces available for bed and breakfast use. I previously operated a bed and breakfast for approximately 5 years on the coast of Oregon and look forward to bringing my skills, experience, and love of hosting guests to this new special property. No changes to the structure or exterior are necessary.

Below, I have responded line by line to the General Special Use Permit Form and subsequently to the Bed and Breakfast Application Form Supplement to Special Use Permit Application. I have also attached documentation as appendices throughout to demonstrate satisfaction of conditions.

I am grateful for your consideration and am happy to provide any further information needed.

General Special Use Permit Form

Statements of compliance with Section 8.1.3

A statement of supporting evidence showing compliance with the requirements of Section 8.1.3. *Ordinance Reference - Section 8.1.3 Include a statement of HOW the proposed project meets the standards: Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.*

(1) General Standards:

The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

(a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

No structural changes proposed.

(b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

No impact on existing or future uses; proposal reflects a reduction in occupants.

(c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.

Conditions met by nature of the existing neighborhood, sewer, and water supply.

(d) Not create excessive additional requirements at public cost for public facilities and services.

Creates no additional requirements.

(e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.

No uses or operation conditions that would create any detrimental consequences.

(2) Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

Acknowledged.

(3) Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

(a) That the applicant may legally apply for site plan review.

Condition met.

(b) That all required information has been provided.

Supplied to the applicant's fullest knowledge.

(c) That the proposed development conforms to all regulations of the zoning district in which it is located.

Satisfied via R1-A zoning.

(d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.

Satisfied.

(e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

No other agency approval required.

(f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.

No construction proposed.

(g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.

No new development proposed.

(h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.

No new development proposed.

(i) That the proposed development will not cause soil erosion or sedimentation problems.

No new development proposed.

(j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

No new development proposed.

(k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.

No new development proposed.

(l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.

No new development proposed.

(m) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.

No new development proposed.

(n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.

No expansion proposed.

(o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.

Acknowledged.

(p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

No new development or parking proposed.

(q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

Acknowledged and satisfied.

(r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.

Acknowledged and satisfied.

(s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

Acknowledged.

7. A public hearing on a special land use request is held by the Township Board if: a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use. b. The decision on the special land use request is based on discretionary grounds.

Acknowledged.

8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Not applicable.

Site plan

Site plan, plot plan, development plan, drawn to scale (preferable 1"=50'), of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.

See appendices.

Preliminary plans and specifications of the proposed development

There is no additional development proposed. The proposal is to convert the existing special use of the existing structure from an assisted living facility to the proposed use of a single family primary residence plus a 3 bedroom bed and breakfast space.

Bed and Breakfast Application Form Supplement to Special Use Permit Application

Requirements for documents and information filled out in full by the applicant for the items listed in 8.7.3 (6)(b) below in addition to the requirements of Section 8.1.3. (Special Use Permits).

Satisfied in the current document (above and below).

Section 8.7.2 Special Uses that May be Permitted: The following land and structure uses may be permitted within the particular zone districts cited, PROVIDED that requirements specified in Section 8.1 and the applicable specified conditions established herein can be complied with: (9) Bed and Breakfast Establishments within the residential and agricultural zone districts. Section 8.7.3

Site Development Requirements: A special use permit shall not be issued for the occupancy or use of a structure or parcel of land, or for the erection, reconstruction or alteration of a structure unless complying with the following site development requirements. Without limiting the powers of the Township Board in any other Section of this Ordinance, the Township Board shall have the authority to revoke any special use permit when, after reasonable warning, the operator of any use permitted under this Section fail to comply with any of the requirements stipulated. In addition, the Township Board may, to prevent injury or damage to adjoining properties which may impair public health, welfare or safety, require additional conditions and safeguards:

(6) Bed and Breakfast Establishments:

(a) Statement of Intent: It is the intent of this subsection to establish reasonable standards for Bed and Breakfast Establishments to assure that:

1. The property is suitable for transient lodging facilities.

This property was under prior use as an assisted living facility and has the natural size and configuration to support bed and breakfast operation.

2. The use is compatible with other uses in the residential and agricultural districts.

Bed and breakfast use is allowable in R1-A zoning which is the zoning for this property.

3. Residential and agricultural lands shall not be subject to increased trespass.

Condition met.

4. The impact of the establishment is no greater than that of a private home with house guests.
Bed and Breakfast Application (in addition to Special Use Permit application)

Condition met.

(b) The following requirements for Bed and Breakfast establishments together with any other applicable requirements of this Ordinance shall be complied with:

1. The minimum lot size shall be one (1) acre.

Condition met. See appendices.

2. Off-street parking shall be provided in accordance with Sections 7.6.3 and 7.6.4 of this Ordinance.

Condition met. 6 off-street parking spots are available for the property, excluding 2 additional spaces in the garage. 3 blacktop spaces will be dedicated to bed and breakfast use. See appendices.

3. The residence shall be the principal dwelling unit on the property and shall be owner-occupied at all times.

Condition met.

4. The residence shall have at least two (2) exits to the outdoors.

Condition met. See appendices.

5. No more than three (3) sleeping rooms in the residence may be used for rental purposes.

Condition met.

6. Not more than eight (8) overnight guests may be accommodated at any time. Acknowledged and will comply.

7. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.

Condition met.

8. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.

Condition met. See appendices.

9. Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by owner/occupant.

Condition met. See appendices.

10. The Township Board shall require that a floor plan drawn to an architectural scale of not less than 1/8" = 1 foot be on file with the Fire Department.

Satisfied. Applicant spoke to the Fire Chief about the B&B application and he is aware; floor plan is on file with the Fire Department. See appendices.

11. Each owner/operator of a Bed and Breakfast Establishment shall keep a guest registry which shall be available for inspecting by the Zoning Administrator, and police and fire officials at any time.

Acknowledged and will comply.

12. The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.

Acknowledged and will comply.

13. In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.

Acknowledged.

14. Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.

Acknowledged and will comply.

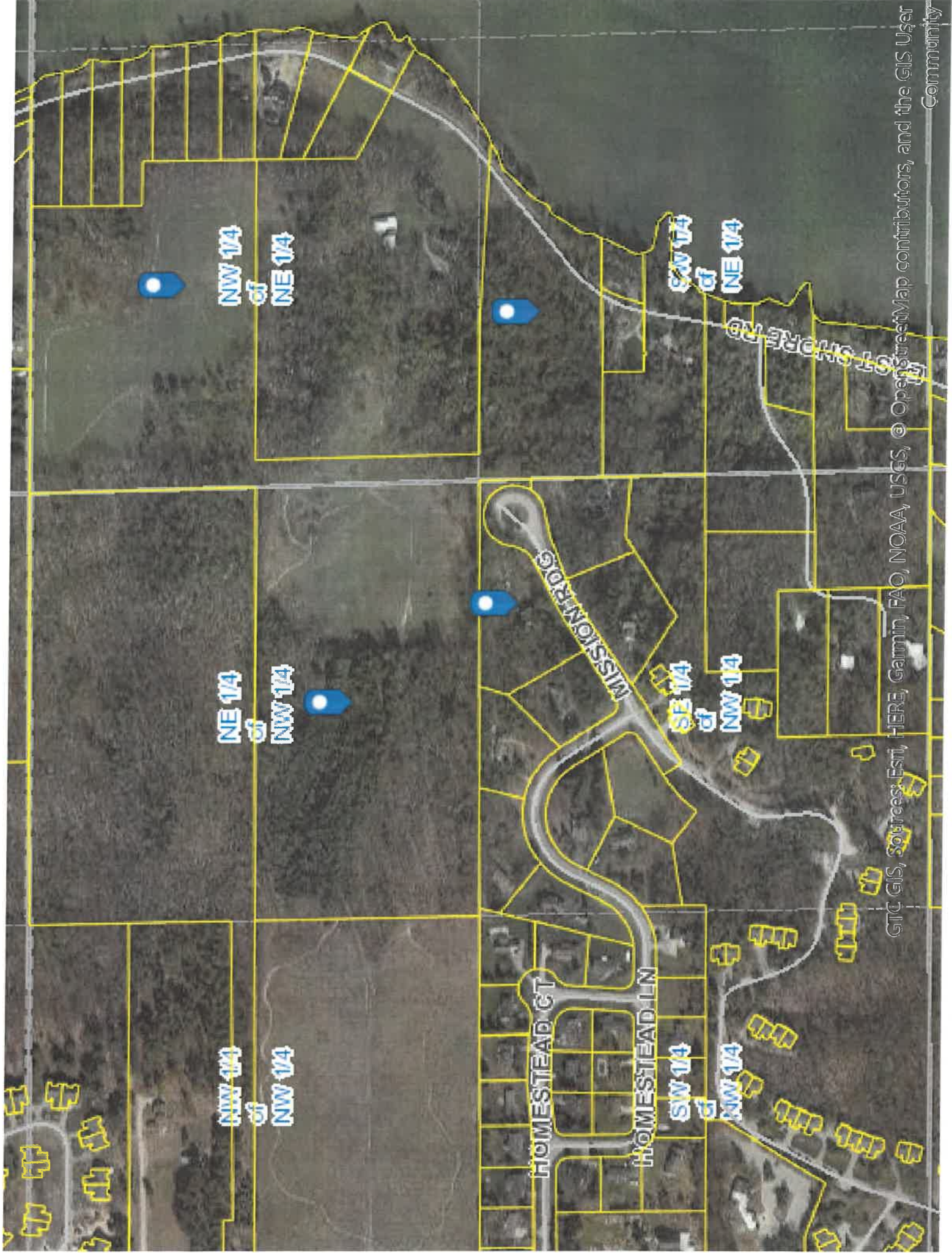
15. A special use permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the bed and breakfast use.

The essential character and structure to remain unchanged. The proposal reflects a conversion in use of a 10 bedroom assisted living facility to a primary family residence with 3 bedrooms available for bed and breakfast use.

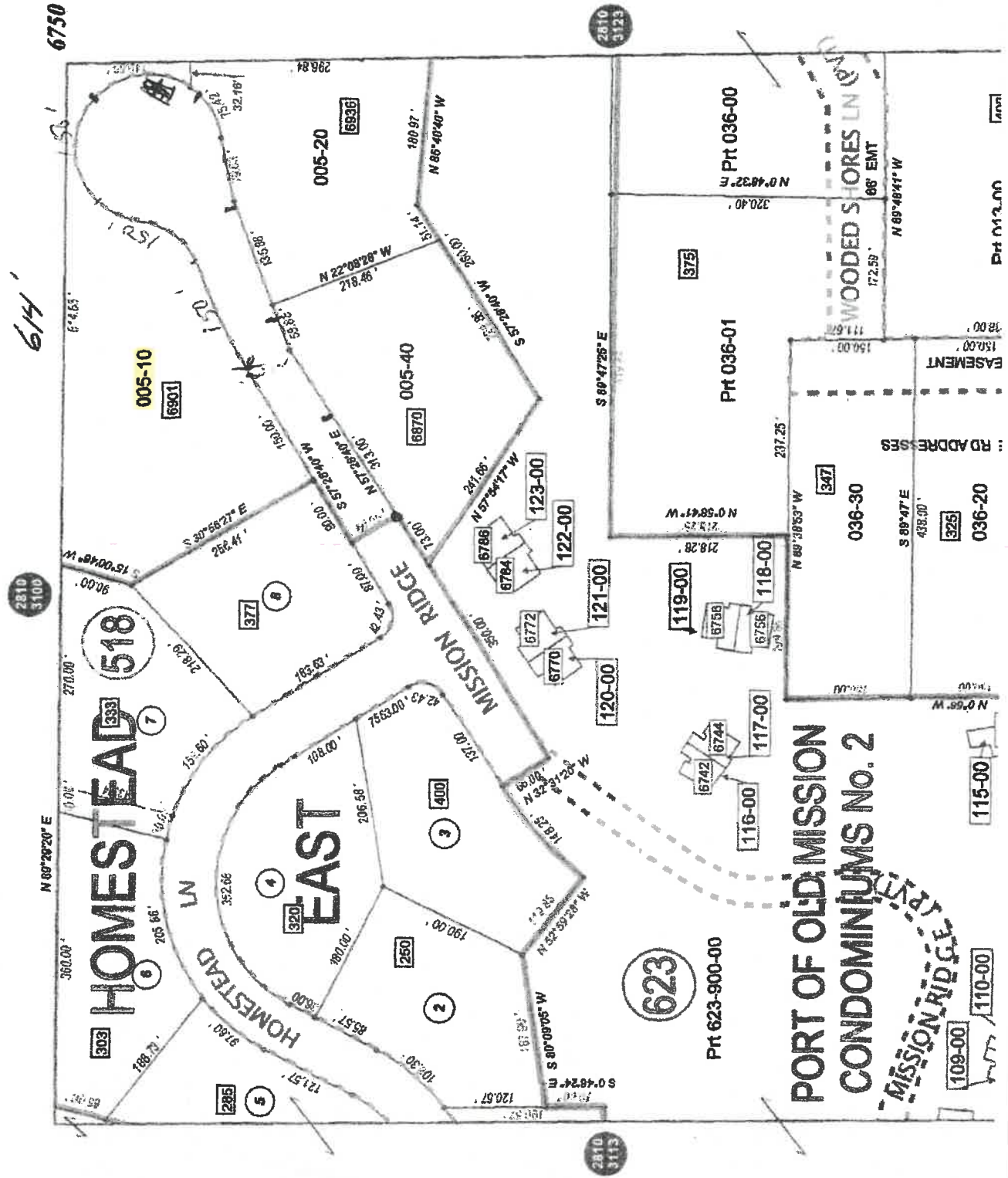
16. Breakfasts shall be the only meals served to transient tenants. (ADDED BY AMENDMENT 136)

Acknowledged and will comply.

Appendices: Site Plan, Floor Plan, Well & Septic Evaluation



Distance from B+B structure to: 377 Homestead Lane - 238 feet
 6936 Mission Ridge - 368 feet
 6870 Mission Ridge - 314 feet



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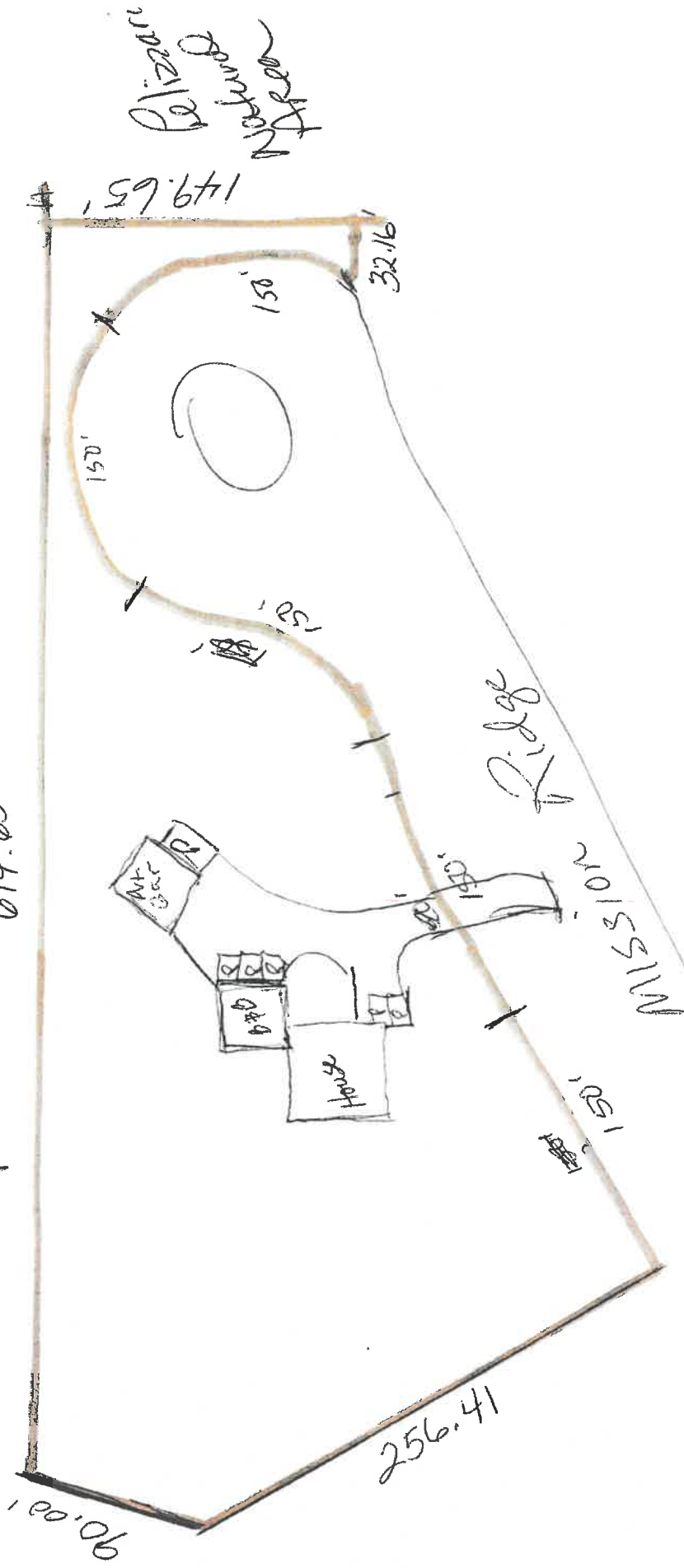
151

P = Parking Space

6 open black topped
spaces

	Distance from B3B to Mission Ridge	
	= 120 feet ⁺¹⁵	
	- 106 feet ⁺¹⁷	
	= 235 feet	
	- 368 feet	

Pelizzari Area
Natural



Suite 001

36.2'

10'

Kitchen

Bath

Bedroom

Dining

Living Room

Bedroom

Patio Door
Deck
13.2'

36.2'

13.0'

Deck

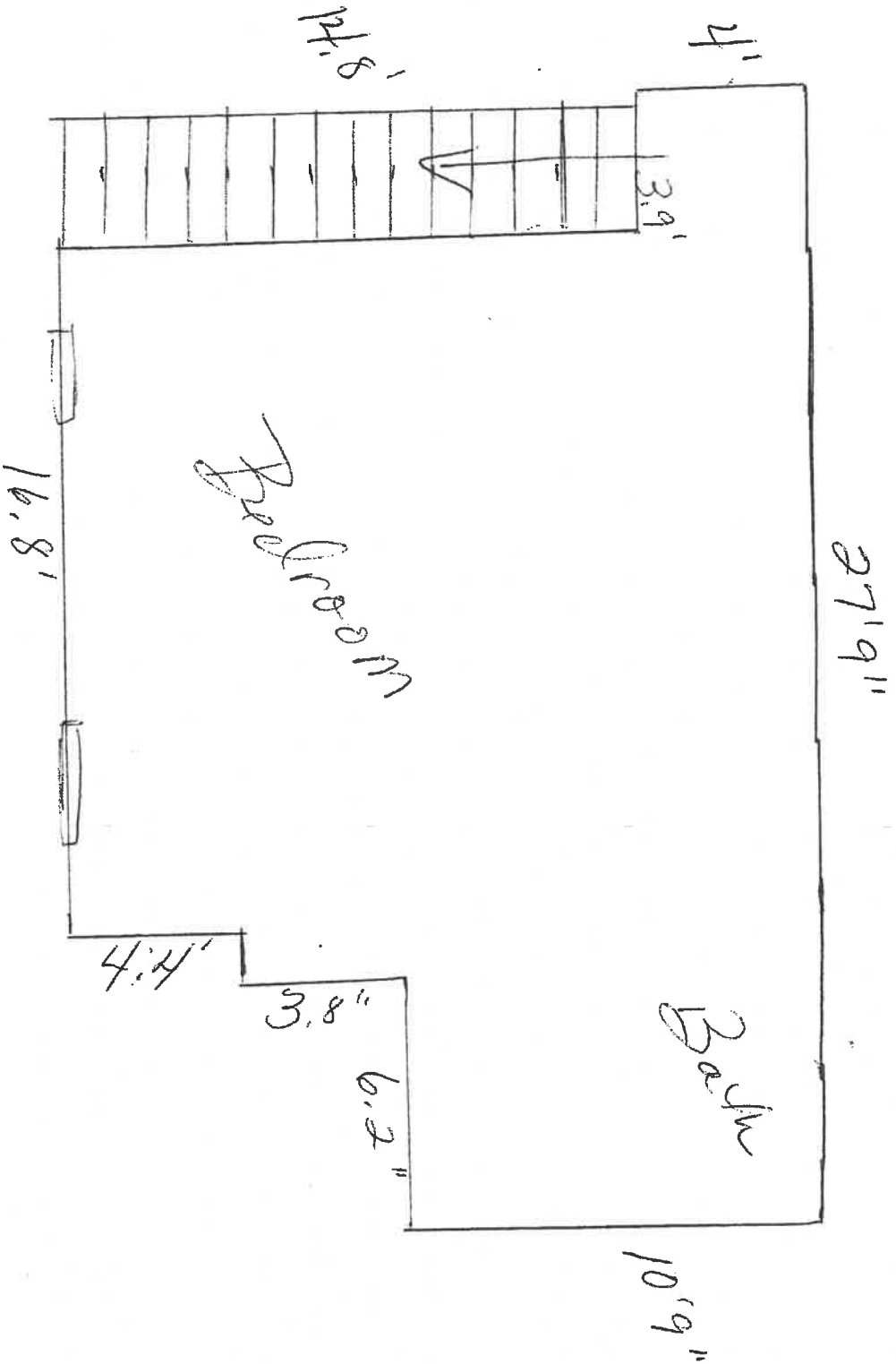
$\frac{1}{4}" = 1'0"$

entry

to suite 002

33.2'

Suite 002



$$\frac{1}{4}" = 1.0"$$



RECEIVED
MAY 03 2022

GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH WELL & SEPTIC STATUS FORM - \$25

☐ DEMOLITION
☒ CHANGE OF USE

☐ REMODEL/ ADDITION
☐ FILE REVIEW/OTHER

☐ HOME REPLACEMENT

Property Address: 6901 Misson Ridge

Property Tax ID: 281103100510

Township: Peninsula

Owner's Name: Erin Cooley

Owner's Mailing Address: 6901 Mission Ridge

City, State, Zip: Traverse City, MI 49686

Owner's Phone: 6084458726

Owner's email: ceatough@gmail.com

Applicant (if other than owner):

Applicant Address:

City, State, Zip:

Applicant Phone:

Applicant Email:

Brief summary of the proposed changes to the property: converting from assisted living facility use to bed and breakfast use

☒ RESIDENTIAL

Current # of Bedrooms: 10

Current # of Bathrooms: 6

Proposed # of Bedrooms: 8

Proposed # of Bathrooms: 6

Garbage Disposal: ☒ YES ☐ NO

Other changes: no changes to the structure, but changing the use from 10 assisted living rooms to 5 residential rooms and 3 bed and breakfast rooms

☐ COMMERCIAL (please attach a brief business plan)

Type of Facility:

Current Max # of Employees:

Current # of Bathrooms:

Proposed Max # of Employees:

Proposed # of Bathrooms:

Max Customers Per Day:

Drinking Fountain: ☐ YES ☐ NO

Please note that additional information may be required depending on proposed change or use

Erin Catough Cooley

5/2/2022

Signature of Owner/Contractor

Date

(TO BE COMPLETED BY SANITARIAN)

Grand Traverse County Environmental Health WELL & SEPTIC STATUS FORM

☒ EXISTING PERMIT AVAILABLE

PERMIT # 33419

DATE OF ISSUE: 11/28/06

☐ EXISTING PERMIT NOT AVAILABLE

☐ Well shall be properly plugged according to Part 127 of Act 368, P.A. 1978, as amended. Abandoned well plugging record shall be submitted to the Health Department. A new well may be required.

☐ Septic tank(s) and any other tank(s) associated with the wastewater system shall be pumped by a licensed septage hauler, crushed, and filled or removed. A new wastewater system may be required.

☐ Existing well meets current well construction code requirements and is approved for use as an:

☐ Private Residential Well

☐ Irrigation Well

☐ Public Well circle type: TYPE II TYPE III

☒ Existing septic system meets current design requirements for proposed use and meets all isolation requirements. Tank(s) Size(s): 1600 + (2) 1200 Final Disposal: 25x76 1900

Existing septic system will serve:

☒ Residential home with 8 bedrooms Garbage Disposal: YES NO

☐ Commercial facility with design daily flow of _____ gal/day

☐ Other use with design daily flow of _____ gal/day

☐ Existing septic system does not meet current design requirements, but is considered "grand-fathered" for proposed use.

Comments: home is on municipal water


Signature of Health Department Representative

5/4/22
Date

OFFICE USE ONLY

Receipt Date: 5/10/22

Receipt #: 55446

Initials: jm

Concrete Walls 410.0

WCP 501.0

2 S/B 1368.0

1S/C 496.0

1 1/2 S/S 730.0

TWD 361.5

Garage 766.0

Dimensions: 31', 18', 12', 16', 21', 15', 36', 7', 15/C 133.0, WGP 133.0, WPP 152.0, 8', 30', 8', 32', 28', 14', 15/C 102.0, TWD 9.0, 23', 16', 4', 2', 24', 2'

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Definition of Sculpture

Sign-Yard/Garage Sale/Personal Event: A temporary sign which is placed on the premises of a yard sale, garage sale or events such as family reunions or weddings.

Site Area: (includes the terms: Site, Site Area, Lot, Parcel Size and Parcel Area) - the total area within the property lines excluding road and street right-of-ways except as follows: Site Area, Parcel Area, and Parcel Size shall include road or street rights-of-way, provided both of the following are documented:

- a. The property legal description includes such right-of-way; and
- b. The property is being developed as a Planned Unit Development. **(REVISED BY AMENDMENT 158)**

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street: Provides direct access to individual abutting properties.

Street Line: The legal line of demarcation between a street and abutting land.

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, stand pipes; fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including: (a) a temporary fence; (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade. **(REVISED BY AMENDMENT 152)**

Tasting Room: A room in conjunction with a licensed winery premises, including a remote wine tasting room, where the following takes place; a) tasting of fresh and/or processed agricultural produce such as wine, fruit wines, and non-alcoholic fruit juices; b) retail sales of winery products by the bottle for off-premises consumption; and c) sales of wine by the glass for on-premises consumption. **(ADDED BY AMENDMENT NO 139A)(REVISED BY AMENDMENT NO 181)**

Township Board: Peninsula Township Board.

Trailer Coach: Mobile Home as defined herein.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

Wall: A structure, including gates when closed which has openings of fifty (50%) percent or less of each one square yard of surface area.

WECS: Shall be the approved form of abbreviation of "wind energy conversion system".

From:
Peninsula Township Zoning Ordinance adopted 1972

Article 2: Definitions

- shops, barber and beauty shops, photographic studios, and drop-off/pick-up dry cleaners provided no treatment of clothing or other material occurs on the property.
- (122) **Shared Waterfront Ownership.** Property containing no dwelling with frontage on Grand Traverse Bay that is owned by more than one family through deed, land contract, non-exclusive easement, or other form of ownership.
- (123) **Signs.** See definitions related to signs in [Section 10.02](#).
- (124) **Site Condominium Lot.** A parcel of land meeting the depth-to-width ratios and minimum lot area requirements of a lot within the zoning district in which it is located as part of a condominium development under Michigan's Condominium Act, being Public Act 59 of 1978 as amended. A "site condominium lot" shall be the same as a "site condominium unit."
- (125) **Slope.** An area of land with a grade that deviates from the horizontal plane calculated as the ratio of vertical rise divided by horizontal run and expressed in terms of a percentage. Slope is measured by the following formula: $\text{slope} = (V / H) \times 100$, where V = vertical distance between highest elevation and lowest elevation of a straight line drawn perpendicular to the sloping surface and H = horizontal distance of a straight line drawn perpendicular to the sloping surface. For example, a slope with a vertical distance of one foot and a horizontal distance of four feet is a 25 percent slope.
- (126) **Story.** A space in a building between the surface of any floor and the surface of the next floor above, or, if there is no floor above, then the space between such floor and the ceiling or roof above. However, where the finished floor level of the first story is at least five feet below the adjoining natural grade, the space shall be considered to be a basement and not counted as a story.
- (127) **Story, Half.** The uppermost story lying under a roof, the usable floor area of which does not exceed one half of the floor area of the uppermost full story.
- (128) **Structure.** A structure is any production of material artificially built up or composed of parts joined together in some definite manner; Anything constructed or erected using any materials. Structures shall include but not be limited to, any construction, buildings, including dwellings, garages, mobile homes, manufactured homes, recreational unit, decks, patios, sidewalks, driveways, sign(s) and sign boards, towers, poles, antennae(s), landfill, sea walls, retaining walls, riprap, weirs, jetties, swimming pools, hoop houses, greenhouses, high and low tunnels, caterpillar tunnels and pipes; fences over four feet in height above final grade, free-standing solar panels, towers and access steps required to negotiate changes in site elevation but shall not include landscape mounds, boat and jet ski holsts.
- (129) **Tasting Room.** A room in a licensed winery premises where tasting of fresh or processed agricultural produce such as wine, fruit wines, and non-alcoholic fruit juices takes place.
- (130) **Tenant House.** A house that is part of farm property for full-time farm employees associated with its principal use and subject to the same height and setback requirements as the principal dwelling.
- (131) **Tent.** A collapsible structure of canvas or other fabric stretched and sustained by poles.
- (132) **Township Board.** The Peninsula Township Board of Trustees.
- (133) **Use.** The purpose for which land or a building is arranged, designed, or intended or for which land or a building may be occupied.
- (134) **Wall.** A structural barrier, including gates when closed, constructed of masonry or other

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From:
Peninsula Township Zoning Ordinance Re-write dated 11/16/21

Boat House: An enclosed structure designed for the use and storage of private boats and marine equipment having a maximum height of eleven (11) feet and a maximum area of 300 square feet.

Boat Livery: A boat livery is hereby defined and declared to be any structure, site or tract of land utilized for the storage, servicing or rental of boats and for the sale of hunting and/or fishing tackle, equipment, boats and etc.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building Envelope - An area identified on a site plan within which a building or structure may be located. **(ADDED BY AMENDMENT 151)**

Building, Front line of: The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

Building, Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof.

Building Lines: A line defining the minimum front, side and rear yard requirement outside of which no building or structure may be located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Campground: Means any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

Cellar: A story having more than one-half (1/2) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement in stories.

Child Care Organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- (1) "Child care center" or "day care center" means a facility, other than a private residence, receiving more than 6 pre-school or school age children for group care for period of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

From:

Peninsula Township Zoning Ordinance adopted 1972

Article 2: Definitions

- (15) **Airport Outer Horizontal Surface.** The outer horizontal surface is the airport hazard area less the critical zone area beyond a three-mile distance of the inner horizontal surface area to the outer boundary of the airport overlay zone district.
- (16) **Alterations.** Any modification, addition, or change in construction or type of occupancy or any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.
- (17) **Basement.** A habitable area of a building where the finished floor level is five feet or more below natural grade on both of the side elevations of the building. A cellar or crawl space is uninhabitable space.
- (18) **Base Flood Elevation (BFE).** The computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations (BFEs) are shown on flood insurance rate maps (FIRMs) and on the flood profiles. The base flood is a flood having a one percent chance of being equaled or exceeded in any given year and is commonly known as a 100-year flood.
- (19) **Bed and Breakfast.** A private residence that offers sleeping accommodations to registered guests in rooms for rent, is the owner's residence in which the owner resides while renting the rooms to registered guests, and serves breakfasts at no extra cost to its registered guests.
- (20) **Board of Appeals.** Peninsula Township Zoning Board of Appeals.
- (21) **Boarding of Livestock.** Providing care, custody, and control of livestock for others.
- (22) **Boat Hoist.** A device to raise boats above or out of the water.
- (23) **Buffer Strip.** Open space, landscaped areas, fences, walls, berms, or a combination thereof used to physically and visually separate one use or property from another in order to mitigate potential land use impacts such as noise or levels of illumination.
- (24) **Building.** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind.
- (25) **Building Area.** See "Floor Area."
- (26) **Building Envelope.** An area identified on a site plan within which a building or structure may be located.
- (27) **Building Line.** A line formed by the exterior wall of the building.
- (28) **Building Setback.** See definition of "Setback" in [p. 4](#).
- (29) **Building Width.** The width of the building foundation as shown on elevation drawings, excluding porches, measured along the main foundation of the building on each side.
- (30) **Building, Height of.** The vertical distance measured from the natural grade of the ground intersecting the center of the building at its lowest point to the highest point of the roof (excluding chimneys). In the example below, the height of the building is indicated as "A." Building heights may also be limited by the number of stories, which are also computed from the natural grade as shown below.

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From:
Peninsula Township Zoning Ordinance Re-write dated 11/16/21

SMALL ANIMAL KENNEL: The keeping of small animals for a fee or compensation. Examples include domestic dogs, cats, ferrets, birds, reptiles, and pot bellied pigs but does not include farm animals or wild animals that would normally live in a natural, undomesticated state.
(Added by Amendment 05-003 effective on

SPECIAL LAND USE: See USE, SPECIAL.

STORAGE: See COMMERCIAL STORAGE.

STREET: Any public or private thoroughfare dedicated and maintained for the use and operation of vehicular traffic, which meets the minimum standards of construction of the County Road Commission.

STRUCTURE: Any construction or pieces of material artificially built up or composed of parts joined together in some definite manner, whether under or on the ground. Structures include, but are not limited to, buildings, decks, advertising signs and signboards, towers, poles, antennas, storage tanks above or below ground, and parking lots. Excluded are lot and parcel boundary fences, and driveways. Amended BTPCS-18-94, BTPC9-21-94 See DWELLING STRUCTURE.

STRUCTURE, ACCESSORY: A subordinate structure, which may or may not be attached to a principal building or structure, occupied by or devoted exclusively to a use which is accessory and clearly incidental to the principal permitted use.

STRUCTURE, NONCONFORMING: See NONCONFORMING BUILDING OR STRUCTURE.

TASTING ROOM: A building or place licensed to offer wine, cider, spirits, or beer that is produced by and primary ingredients grown by the operator of the establishment, and qualifies as a Farm Market under the jurisdiction of Michigan Right-To-Farm Act.
(Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

TOPOGRAPHIC MAP: A map showing the physical configuration and features of a tract of land, with contour lines at sufficient intervals to permit determination of grades and drainage patterns.

TOURIST HOME: A single family dwelling, identified as a tourist home by a sign, offering lodging for compensation, chiefly on an overnight basis to transients. Compare BED AND BREAKFAST, and ROOMING HOUSE.

TRACT: See LOT, PARCEL OR TRACT.

TRAILER HOME: See RECREATION VEHICLE.

AFC SMALL GROUP HOME: A facility licensed by the State Department of Social Services, where from seven (7) to (12) adults are receiving foster care.

AGRICULTURAL DISTRICT MARKET (OR EXPANDED FARM MARKET): A permanent, enclosed building or portion thereof used for the purpose of selling seasonal farm products, which sells products or services that exceed the definition of a Farm Market under the Michigan Right-To-Farm Act. (Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

AGRICULTURAL SUPPORT BUSINESS (ASB): A Business that provides goods and/or services primarily to the local agricultural community, not just the farm on which it operates. (Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

AGRICULTURAL SUPPORT INDUSTRY (A.S.I.):
(Annotation: Definition Deleted by Amendment 2008-002, effective 11-07-08)

AGRICULTURE: See FARM.

APARTMENT: See DWELLING UNIT.

APPLICANT: A person, firm, association, partnership, corporation, or combination of any of them which may be seeking approval from Bingham Township pursuant to the requirements of this Ordinance. Added by amendment BTPC12-7-94

BED AND BREAKFAST: A single family dwelling with bedroom(s) available for guest use for compensation and by prearrangement, having no external evidence that rooms are available. Compare TOURIST HOME.

BED AND BREAKFAST INN: An owner occupied private home with four or more bedrooms available for guest use for compensation and by prearrangement.

BLUFF: A cliff or hill with a slope in excess of thirty (30) percent, which terminates in Lake Michigan, Grand Traverse Bay, or any inland lake, or their beaches.

BOAT HOUSE: Any permanent structure erected on the shore of a lake or watercourse, used for the noncommercial storage of boat(s) and related equipment and supplies.

BUFFER: A strip of land, including plantings and/or structures which may be required to protect one type of land use from another, or to minimize or eliminate conflicts between them. Compare GREENBELT and SCREEN.

BUILD: See ERECT.

BUILDING: Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall

Street or Road

A general term denoting a public or private way for purposes of vehicular travel to two or more lots, including the entire area within the right-of-way (includes alleyways) and/or access easement.

Street Frontage

A property line that abuts a public right-of-way that provides public access to or visibility to the property.

Structure

Anything constructed or erected and that requires a permanent location on or in the ground or attachment to something having a permanent location on or in the ground, but not including fences, retaining walls four feet or less in height, irrigation facilities, poles, lines, cables, or other transmission or distribution facilities of public utilities. Landscape and associated nonliving ornamental landscape features or materials, such as rocks and edging, are excluded from this definition.

Sufficient

Having the information necessary to demonstrate compliance with this Code.

System

A wastewater system installed on a lot or parcel and designed to collect and treat wastewater generated from uses on that parcel.

Temporary

Existing for a fixed or limited time period but not exceeding 30 days in any 12-month period unless otherwise specified by this Code.

Tiny House on Wheels

A unit built on a permanent chassis, with no attached motor as the means of propulsion, constructed to ANSI RVIA standards or certified by a licensed professional structural engineer with the exterior appearance of a single-family dwelling unit.

Traffic-Generating Development

Land development, building construction, or activity designed or intended to permit a use of the land that will increase the generation of vehicular traffic over the existing traffic-generating development.

Traffic-Generating Development, Commencement of

Occurs upon the issuance of a final plat for land division, a special review approval, or the issuance of a building permit, whichever occurs first after the effective date of this regulation.

Traffic-Generating Development, Existing

The most intense use of land within the past ten years prior to the time of commencement of new traffic-generating development.

Transient

Lasting only for a short time; impermanent.

Trip

A one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Trip Generation

The attraction or production of trips caused by a certain type of land development.

Bees

Honey-producing insects of the genus apis, including all life stages.

Bedroom

A room in a dwelling designed and intended for sleeping in.

Billboard

See sign, off-premise.

Bird Hobby Breeder Facility

Any facility engaged in the operation of breeding and raising birds for the purpose of personal enjoyment that does not transfer more than 30 birds per year.

Block

A land area consisting of contiguous lots established by a recorded plat, usually bordered by streets, common areas, open space, rights-of-way, or other barriers to the continuity of development.

Board of County Commissioners

The Board of County Commissioners of Larimer County, including the term "County Commissioners" as referenced in this Code and those persons authorized to act on their behalf.

Boarded Horse

A horse that is kept for a fee, and/or an exchange of goods or services, and/or cared for by a party or entity other than its owner or lessee. A horse owned by the equestrian operation that is leased to another party but kept and/or cared for by the equestrian operation is considered to be a boarded horse.

Buffer

A combination of physical space and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and/or screen incompatible land uses from each other.

Building

Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or personal property of any kind.

Building, Principal

The primary structure located on a lot and designed for a permitted principal use in the zoning district applicable to the lot.

Building Frontage

he side of the building which is parallel to or most nearly parallel to a public street.

Building Permit

A development permit issued by the Larimer County Building Department or any other county office before any building or construction activity can be initiated on a land parcel.

Building Massing

The three-dimensional bulk of a building: height, width, and depth.

Business

An activity concerned with the supplying and distribution of goods and services. For purposes of this section, the term "business" shall not include an activity which is accessory to a residential use, such as a home occupation. The term "business" shall include principal agricultural uses. See also "Multi-tenant center" regarding two or more businesses located on a single property.

SECTION 8 SCHEDULE OF REGULATIONS (REVISED BY AMENDMENT 9 (AMENDMENT 107D))

The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning District.										
Zoning District	Minimum Zoning			Maximum Height of Structures	Minimum Yard Setback Per Lot in Feet from Each			Normal High Water Mark	Maximum % of lot area Covered by All Structures	Minimal Elevation of Principal Structure
	Area	Dwelling Unit	Lot Size Per Width in Feet		Front	Side	Rear			
				Stories Feet					Minimum Elevation of Principal Structure	
R-1A, Rural & Hillside	1 Acre	150 (b)	(e)	2 1/2 (c)	35	30 (j)	15 (j)	60 (d)	15	24'
R-1A, PUD; R-1B PUD	(e)	(e)	(e)	2 1/2 (c)	35	30 (e)	15 (e)	60 (d)	15	24'
R-1C, PUD; R-1D PUD	(e)	(e)	(e)	2 1/2 (c)	35	30 (e)	15 (e)	60 (d)	15	24'
R-1B, Coastal Zone										
Single and Two-Family	25,000	100 (b)		2 1/2 (c)	35	30 (j)	15 (j)	60 (d)	15	24'
R-1C, Suburban Residential										
Single and Two-Family	20,000	100 (b)		2 1/2 (c)	35	25 (j)	15 (j)	60 (d)	25	24'
R-1D, Community Residential										
Single and Two-Family	15,000	100 (b)		2 1/2 (c)	35	25 (j)	15 (j)	60 (d)	30	24'
C-1 Commercial	25,000	150		2 1/2 (c)	35	35	10	60 (d)	35	
A-1, Agricultural	5 A.	330 (g, h, i)		2 1/2 (c)	35	35 (j)	50 (f, g, h, i, j)	60 (d)		

Section 6.8.1 Schedule Limiting Height, Bulk, Density, and Area by Zoning District. Footnotes -- Additional Requirements

(b) In the case where curvilinear street pattern produces irregularly-shaped lots with nonparallel side lot lines, a lessor frontage width at the street line may be permitted provided that the lot width at the building line is equal to the lot width for that district.

(c) Allowable height variations are subject to the provisions of Article VII, Section 7.3

(d) Does not include fishing, boating or swimming docks, open decks, and boat hoists as provided in Section 6.2.2(2) (c) and 6.2.2(2) (d).

(e) As approved under Section 8.3.

(f) The minimum setback for other than residential structures shall be fifteen (15) feet. PROVIDED, HOWEVER, the minimum side yard setbacks for residences shall be fifteen (15) feet on lots of record with lot widths of one hundred ninety-nine (199) feet or less that were recorded prior to the adoption of Amendment No. 91 by the Township Board on June 9, 1992. (REVISED BY AMENDMENT 108)

(g) Where a lot in the Agricultural District has its access on a public road, the lot shall have a minimum lot width and frontage width of 330 feet. Where a lot in the Agricultural District has as its access a frontage road, that lot shall have a minimum lot width and frontage width of 100 feet and if the lot also abuts a public road, the lot shall also have a width of not less than 330 feet on the public road side of the lot. Where a lot has been created by Planned Unit Development, the minimum frontage width shall be that which is approved by the Township Board.

(h) **REQUIRED LOT SHAPE** A lot in the Agricultural District shall be of such shape that a square measuring 210 feet on a side can be located within the parcel. The square has no relevance to structure location or setbacks. (REVISED BY 107D)

(i) Access to residential building sites on farmland subject to a recorded Conservation Easement consistent with the intent of Ordinance No. 23 shall be regulated by the provisions of Section 6.7.5. (ADDED BY AMENDMENT 117B)

(j) See Section 7.7.1.1 for required setbacks of residences adjacent to agricultural lands. (ADDED BY AMENDMENT 138A)