



PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA REGULAR MEETING

August 5, 2025

7:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments**
6. **Communications**
7. **Conflict of Interest**
8. **Approve Meeting Minutes**
 - a. Approval of Meeting Minutes: Planning Commission Special Meeting, July 10, 2025
9. **Planner Report**
10. **Business**
 - a. Seven Hills Special Use Permit Discussion
 - b. Motion to Create Zoning Rewrite Subcommittee
11. **Reports and Updates - Verbal**
 - a. Agricultural Advisory Committee (Beard)
 - b. Township Board (Alexander)
12. **Brief Citizen Comments**
13. **Other Matters or Comments by Planning Commission Members**
14. **Adjournment**

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

Approval of Meeting Minutes July 10, 2025 Special Meeting

PENINSULA TOWNSHIP

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49686 www.peninsulatownship.com

Planning Commission Special Meeting July 10, 2025, 7:00 p.m. Township Hall Minutes

1. Call to Order by Beard at 7:00 p.m.
2. Pledge
3. Roll Call – Present: Alexander, Beard, Dloski, Hall, Hornberger, Shanafelt; Township Planner: Elise Loud
4. Approve Agenda

Motion by Hornberger to approve the agenda as amended to allow to public comment on agenda items and non-agenda items, seconded by Shipman. Motion Passes

5. Brief Citizen Comments:

Jay Milliken, 13795 Seven Hills Road: thanks the Planning Commission and provides an update on the revisitation of their Special Use Permit (SUP). Reports having productive meetings since the last Township Board meeting with Dave Sanger, Julie Alexander, Becky Chown, the County Health Department, and the Road Commission, which help clarify various issues. Praises new township planner Elise for her competence, transparency, and strong communication, and express appreciation for the collaborative working relationship. Notes that they are available to answer questions and looks forward to resolving remaining items and express confidence that Elise will present strong recommendations on how to proceed with the SUP.

Sylvia Rombis, 10895 Peninsula Drive: speaks in opposition to the proposed increase in the number of boats and hoists allowed per shoreline frontage. Argues that tripling the current allowance would be a detriment to the lakeshore, resulting in more noise, pollution, and shoreline debris. Displays trash collected weekly from the beach and states that increased boat traffic will not lead to a cleaner or quieter lakefront. Urges the township to maintain the existing “one boat per 50 feet” rule and to improve enforcement. Cites a neighboring association with 330 feet of frontage, which should allow six boats under the current rule but currently has 13. Under the proposed change, that number could rise to 18, which she says would resemble a marina rather than a residential shoreline. Claims the proposed change would primarily benefit the 13 out of 33 shoreline associations that are currently non-compliant. References a 2020 survey in which 60% of respondents support the one-per-50 rule and its enforcement. Urges the township to uphold the current ordinance.

Jeff Spencer, 6450 Peregrine Court: Responds to the previous comment opposing increased boat and hoist allowances. Expresses sympathy regarding shoreline trash but emphasizes that litter is not the intent of those using the water. Notes that he personally helps care for the shoreline and does not condone negligent behavior. Describes driving down East Shore Road on a recent Tuesday evening and observing only one boat on the water despite ideal weather conditions. He says this suggests the bays are underutilized rather than overcrowded. He also questions the assumption that litter comes from hoist or dock users, noting that people can access the bays via public launches and that non-residents may also contribute to shoreline debris. Argues that shoreline owners care about and actively use their waterfronts and should not be solely blamed for pollution.

Lauri Gartner, 6262 East Shore Road: expresses strong opposition to increasing allowable boat hoists, citing long-standing issues with the Hidden Ridge subdivision. She explains that residents opposed the original 2001 development due to environmental concerns but were assured the Special Use Permit (SUP) would limit density and beach usage. After Hidden Ridge expanded its frontage, the number of boat hoists grew beyond what was permitted. Describes years of unsuccessful enforcement efforts, including repeated complaints to the township and citations issued without lasting impact. She recounts a direct conversation with a Hidden Ridge representative who refuses to remove hoists and warns that challenging them legally would fail due to their financial resources. She concludes by urging the township not to increase hoist limits, citing the failure to enforce existing rules.

Kip Nickel, 1014 Quaker Valley Drive: supports the Shoreline Regulation Study Group's recommendation to allow three boats per 50 feet of frontage, calling it a well-reasoned compromise. Notes the prior regulation was outdated and largely unenforced. Explains the study group focused on safety, responsible shoreline management, and dispute resolution, and emphasizes that the proposed change would not increase the number of boats at most properties. Criticizes claims of a dramatic increase as inaccurate and urges respect for the study group's 18 months of work. Addressing prior comments about shoreline trash, he says his nearby beach does not have the same issue, and his neighbors are responsible about cleanup and waste disposal.

Tom Barnhart, 10895 Peninsula Drive: opposes increasing the boat hoist limit from one to three per 50 feet, arguing it contradicts the stated goals of the township's shoreline regulations, including protecting water quality, ecological health, and scenic views. Describes the issue as narrow but loud, noting that the majority of shoreline associations are already compliant and that changing the rule to accommodate 13 non-compliant groups is excessive. Questions the effectiveness of the proposed change, pointing out that some associations—like Hidden Ridge—already exceed current limits and dispute township jurisdiction beyond the shoreline. Warns that such groups may not comply even if the rules are changed. Concludes by emphasizing that Peninsula Township is a bay community with diverse recreational uses beyond boating and urges the committee to maintain existing regulations and focus on enforcement.

George Weber, 10846 Peninsula Drive: expresses support for boat hoists and challenges claims made by previous speakers about shoreline pollution. He states he has lived next to the referenced property for nearly 50 years, participates in annual beach cleanups, and does not observe the level of debris described. Emphasizes that hoists in his neighborhood are set over 300 feet from the beach and do not interfere with public access or enjoyment. Argues that, given population growth on the peninsula, a 50-year-old ordinance should be updated to remain relevant. Criticizes what he sees as hypocrisy from opponents, pointing to a large, environmentally disruptive home built on the water's edge with a bright, glassed-in light fixture. Questions the sincerity of ecological concerns raised by those objecting to the hoist increase.

Louis Santucci, 12602 Center Road: expresses appreciation for the Planning Commission's flexibility in allowing public comment. Recounts a township board meeting where he says he was nearly removed for requesting to speak on a related agenda item. Shares his view that Peninsula Township is a water community and says he enjoys seeing boats and docks in use, noting surprise that there aren't more boats on the water. Voices general support for the Seven Hills development and encourages a resolution that allows the project to move forward. Calls for a more collaborative and constructive tone in township affairs, urging the community and officials to shift toward asking, "How can we help?"—whether the concern is from a homeowner or a business.

Sally Erickson, 2228 Kaukauna Court: commends the Shoreline Study Group for its work but expresses concern about the proposed increase from one to three boats per 50 feet. Notes that, under the new rule, her property could accommodate nine boats and questions whether non-compliant associations like Hidden Ridge would follow the new regulations, given their past disregard for both township and Army Corps permits. Raises concerns about visual impact, describing how the spacing of boats and piers could create a boardwalk-like effect along the shoreline. While emphasizing that she is a boater herself, she stresses the importance of balance and mutual respect—highlighted, she says, by adhering to established rules.

Jeff Spencer, 6450 Peregrine Court: responds to prior comments about his development. He asserts that Hidden Ridge is not intentionally violating regulations and states that the association is compliant with its Army Corps of Engineers permit, as recently confirmed by the Corps. He questions the township's authority to regulate below the ordinary high-water mark and notes that the ordinance does not address moorings, raising concerns about enforcement clarity. Explains that homeowners in the development added boats based on a 2016 township memo—issued in consultation with legal counsel—that stated the township lacked jurisdiction over bottom lands. Emphasizes that this reliance persisted until enforcement actions resumed under a new administration five years later. Attributes confusion to changes in township leadership and staff and argues that current Hidden Ridge residents are not expanding hoist use but maintaining what was previously allowed.

Notes widespread ordinance violations elsewhere on the shoreline and warns that if township rules remain unclear or overly restrictive, residents may turn to moorings, leading to cluttered waterfronts.

Frank Bennett, 9662 Center Road: shares that his family has lived on East Bay for decades and expresses concern about the impact of nearby dock systems. Explains that since a 1973 subdivision of neighboring land, he now faces a dock setup with 12 boats, jet skis, and sun decks, which blocks his view and limits his use of the water—despite paying taxes for waterfront access. Urges the township to implement stricter controls on dock placement to prevent encroachment on neighboring views and property lines. Suggests counting large decking areas as part of a hoist system, noting that some docks extend 20–30 feet and are used like patios.

Lauri Gartner, 6262 East Shore Road: expresses frustration with the lack of enforcement of Special Use Permits (SUPs), specifically regarding the Hidden Ridge development. She says neighbors were promised protections through the SUP, but over time, those conditions have been violated. Emphasizes that the resulting dock system now obstructs their view and feels the township has failed to uphold its commitments.

6. Conflict of Interest: none

7. Approve Meeting Minutes

Motion by Hornberger to approve Minutes of the Town Board, Planning Commission, and Park Joint Special Meeting with Old Mission Peninsula Historical Society, Peter Dougherty Society, and Mission Point Lighthouse Keepers Association, on May 27, 2025, seconded by Alexander. Motion Passes

Motion by Dloski to approve the Planning Commission Regular Meeting, June 3, 2025 minutes with a correction by Shipman of the reference to a joint meeting with the "Historic District Commission". Should instead read "Old Mission Peninsula Historical Society", seconded by Hornberger. Motion Passes

8. Planner Report

Loud: announces the relaunch of the zoning ordinance rewrite and notes upcoming training for the online permitting system, set to launch this fall. An update on zoning map digitization is pending. The commission will discuss expiring member terms, review the Seven Hills SUP in response to Township Board concerns, consider a draft zoning rewrite timeline, and provide feedback on revised shoreline zoning policies.

9. Communications

- a. Memorandum from Chris Patterson (Fahey Schultz Burzych Rhodes)
- b. Letter from George Weber regarding shoreline
- c. Email from Scott Duensing regarding shoreline
- d. Letter from Shelly Houchins regarding Seven Hills Development
- e.

10. Business

a. Planning Commission Terms Expiring August 31, 2025

Discussion of upcoming expiration of terms for Commissioners Shanafelt and Shipman. Both express willingness to continue serving and wish to be reappointed. The planner is asked to forward this to the Township Board for formal action. The group is also reminded that officer elections (chair, vice chair, secretary) will take place at the September meeting, as outlined in the bylaws.

b. **Seven Hills Special Use Permit Discussion**

Loud leads an initial discussion on potential SUP violations at Seven Hills, including parking, noise, and occupancy concerns. She emphasizes the need to distinguish between allegations and confirmed violations and proposes preparing a detailed memo to support the Planning Commission's review. Commissioners agree their role is advisory, not enforcement-based, and request further information before taking action. Dloski and Shipman volunteer to assist with fact-finding. The matter is tabled until the August meeting.

Motion by Dloski to table action related to Business Item 10b until the August meeting, seconded by Hall.

Motion Passes

Motion by Beard to appoint Commissioners Dloski and Shipman to a subcommittee whose function is to work with Planner Loud and Seven Hills to bring information back to Planning Commission, seconded by Alexander.

Motion Passes

Jay Milliken, 13795 Seven Hills Road: offers to promptly share documentation previously provided to township staff and the board, expressing surprise that the Planning Commission had not yet received it. He acknowledges inaccuracies discussed at the recent board meeting and clarifies that past guidance on occupancy limits was incorrect, as the county does not set such limits. Milliken admits frustration with the distinction between alleged complaints and violations and expresses willingness to work collaboratively with Elise, Shipman, and Dloski to move the process forward.

Discussion centers on clarifying occupancy limits at Seven Hills, with applicant stating past guidance was inaccurate and based on septic, not parking. Loud and PC emphasize focusing on verified facts and future solutions. Milliken reports progress on noise, occupancy, and parking issues and expresses commitment to amending the SUP to resolve gray areas and ensure compliance moving forward.

c. **Zoning Rewrite Project Plan Discussion**

Discussion: a phased, topic-by-topic zoning ordinance rewrite using 2019 McKenna draft as a starting point. Loud outlines a flexible timeline prioritizing clear policy areas first, with more complex topics to follow. Commissioners support the approach and emphasize the need for context and comparisons. Urgent items like the noise ordinance may proceed ahead of the full rewrite. Beard, Hornberger and Alexander serve on the working group, and public engagement will be integrated throughout.

No action taken.

d. **Shoreline Zoning Amendment Discussion**

Discussion: proposed updates to shoreline zoning, including optional shared docks, clarified dock placement to avoid side yard encroachment, lighting requirements, and a unified definition for hoists. The group agrees to drop a proposed annual registration for shared waterfronts, citing enforcement concerns. Discussion centers on whether to raise the hoist limit to 3 per 50 feet, with mixed views and calls for stronger justification. PC emphasizes balancing boating access with neighbor impacts and public concerns about shoreline crowding and safety. Group supports moving forward with draft ordinance language, referencing state and federal regulations without assigning township enforcement responsibility. Public hearing in the fall is proposed, with a possible second hearing in spring for broader input.

11. Reports and Updates - Verbal

a. **Agricultural Advisory Committee**

Beard: Committee continuing discussions on definitions related to agritourism. Submitted a recommendation to amend zoning regulations to allow processing operations on all parcels 40 acres or larger, regardless of current zoning distinctions. The committee believes this change would benefit smaller property owners. The Planning Commission will review the recommendation alongside staff.

b. **Survey Ad Hoc/Township Board**

Alexander: Survey Committee has been meeting weekly, apart from a holiday break. Received a draft survey from EPIC incorporating prior survey feedback, public-submitted questions, and committee revisions. Group is now reviewing, editing, and refining the questions—mainly adjusting language and semantics. Township Board,

recently discussed but chose not to take action on purchasing a new property for the fire station. Township may consider using its own land. A closed session will be held Monday to discuss a recent court ruling, with public comment allowed before and after.

12. Public Comment

Nancy Heller: urges the Planning Commission to consider that increasing the number of boat hoists will also increase the need for boat storage, which hasn't been fully discussed. Emphasizes support for private property rights, noting that waterfront owners pay a premium for their property and should be allowed to use it accordingly—adding that aesthetic objections from others should not override those rights.

Curt Peterson, 1358 Buchan: confirms that the zoning rewrite committee includes Donna, Elise, Julie, and Kevin. Notes that similar past subcommittee meetings were open and well-attended.

Loud clarified that the subcommittee meetings are not currently planned to be open to the public. However, all deliberations and decisions will take place at full Planning Commission meetings, which are always public.

Kip Nickel, 1015 Quaker Valley Drive: attended most shoreline study group meetings, emphasizes that the proposed limit of three hoists was not arbitrary. References Dave Sanger's survey showing that three hoists is already the average not an increase. The intent is to create clear, enforceable rules that reflect current conditions and bring properties into compliance, not to triple the number of boats. Encourages communicating this more clearly to the public.

Dave Murphy, 6943 East Shore: clarified that Dave Sanger's hoist count was informal, not a formal survey. He stressed that while the Planning Commission isn't an enforcement body, enforcement must be central to ordinance changes—especially in a growing, high-stakes community. Urges that any recommendations made must be enforceable.

Sylvia Rombis, 10895 Peninsula Drive: expresses concern about limited public awareness of proposed dock/hoist changes, noting only 2 of 11 lakefront neighbors she surveyed were informed. Opposes differing rules for shared vs. single properties and emphasized that most shoreline owners already have ample frontage for multiple hoists. Urges PC to consider impacts on quality of life and preserve the character of the shoreline.

Jeff Spencer, 6450 Peregrine Court: supports the shoreline work overall, especially shared dock infrastructure to reduce visual and physical impact. Favors flexibility over strict depth requirements due to water level changes. Acknowledges some residents dislike how docks look but questions whether views should be regulated under the township's public safety and welfare rationale. Raises enforcement concerns, noting that property lines do not extend into the Great Lakes, making dock setback enforcement complex and potentially contentious. Reminds the commission that bottomlands below the ordinary high-water mark are state-controlled and for public use—not private.

George Weber, 10846 Peninsula Drive: notes that about 2,200 residences—roughly 60% of Peninsula Township—currently have direct or shared water access. Suggest this marks a significant increase from 50 years ago and highlights the need for updated policies to reflect that change.

Sally Erickson, 2228 Kaukauna Court: expresses appreciation for the planning work and emphasizes the need for thoughtful solutions, especially in the East Beach/Hidden Ridge area, which faces challenges due to a curved shoreline and shifting islands that affect dock placement and boating safety. Supports T- or L-shaped docks to improve safety and avoid swimming areas. Concerned that increasing the limit from 1 to 3 hoists may lead to more boats. Commits to respecting any adopted rules and hope for mutual cooperation and compliance among neighbors.

13. Other Matters or Comments by Planning Commission Members

Peninsula Township
Planning Commission Special Meeting
Shaina LaFond, Recording Secretary

Shipman: update on non-motorized transportation planning effort. Highlights June 24 public workshop at OMPS that drew around 110 attendees. Public participation was strong and collaborative. Input gathered will inform next steps, with McKenna analyzing results for the working group to review. Susie is keeping the public updated

via the township website and encourages continued input from residents through posted materials and printable forms.

14. Adjournment

Motion by Dloski to adjourn this regular meeting of the Planning Commission, seconded by Hall.

Motion passed.

Meeting Adjourned at 9:28 p.m.

DRAFT

Planner Report

PLANNER REPORT

To: Peninsula Township Planning Commission
From: Elise Loud, Placecraft
Date: August 5, 2025
Re: Planning and Zoning Dept Update & August 5 Planning Commission Business

PLANNING AND ZONING DEPARTMENT UPDATES

2025 Department Priorities

- Re-Launch Zoning Ordinance Rewrite—In process and two key changes for your awareness: 1) we need to establish the subcommittee in compliance with the Open Meetings Act; and 2) the project rewrite plan was one month early. Based on when the subcommittee meets (2nd Monday of the month), the Planning Commission won't have the content for review until the next month. So, plan on tackling the first batch of content regarding signage, shoreline, short-term rentals, section 8.10 building height, and special use permits in September. See updated project plan enclosed for reference.
- Digitize Township Zoning Map—in-process. Target for completion: fall 2025.
- Explore EPIC-GT permitting platform to streamline & reduce administrative burdens for residents and staff. Target for platform launch: fall 2025.

Meeting Business Preview

Tonight, August 5, 2025, the Planning Commission is conducting the following business:

- **Discussion and schedule a public hearing regarding Seven Hills Special Use Permit (SUP):** At the June 9 board meeting, the Township Board directed the Planning Commission to review the Seven Hills SUP in response to potential non-compliance issues.

The Planning Commission discussed this item on July 10 and determined that the planner, joined by Commissioners Shipman and Dloski, would meet with Seven Hills to determine recommended next steps for Planning Commission review. These are included in your packet for discussion tonight.

Per the Township attorney, the Planning Commission should schedule a public hearing to officially deliberate on this issue and provide a recommendation to the Township Board.

- **Motion to formally create the Zoning Ordinance Rewrite Subcommittee.** We need to formalize the subcommittee membership and purpose. Sample motion:

Motion by [Commissioner's Name], supported by [Commissioner's Name], to approve the following: To establish a Zoning Ordinance Rewrite Subcommittee of the Peninsula Township Planning Commission. The purpose of this subcommittee is to support and guide the comprehensive review and revision of the Township's Zoning Ordinance. Commissioners Beard, Alexander, and Hornberger shall serve as members of the subcommittee, led by Township planning and zoning staff and supported by McKenna consultants. The subcommittee will report regularly to the full Planning Commission and operate in accordance with the Michigan Open Meetings Act.

Project Plan V4: Dated July 31, 2025

Planner Note: This plan could adjust as the Planning Commission moves along. Updated versions will be posted publicly, as available.

**PENINSULA TOWNSHIP
ZONING ORDINANCE REWRITE SUBCOMMITTEE
PROJECT PLAN**

Subcommittee Members

- Kevin Beard (Planning Commission Chair)
- Julie Alexander (Planning Commission and Township Board)
- Donna Hornberger (Planning Commission)
- Sara Kopriva (Zoning Administrator)
- Elise Loud (Planner)
- McKenna & Associates (Consulting Firm)

Project Process

The committee team will meet monthly (second Monday of the month from 1-3pm at the Peninsula Township Conference Room) to prepare draft recommendations for monthly Planning Commission discussion. The committee is an advisory working group led by Township staff.

Public Participation

- All subcommittee meetings and Planning Commission meetings are open to the public and will include time for public comment.
- We will host at least one public open house once the full ordinance draft is ready for review (tentatively planned for summer 2026).

Project Timeline

The project is anticipated to take 12-16 months to complete, from August 2025 through December 2026. Below is a monthly schedule for the Planning Commission. This details which zoning topics will be discussed at which Planning Commission meetings, to ensure the Planning Commission and public are prepared to participate.

September 2025

- Signage—overhaul Section 7.11 to be content-neutral as legally required. Incorporate suggestions from Agricultural Advisory Committee as best we can.
- Shoreline (Docks, Hoists, and Storage)—implement recommendations from shoreline advisory committee regarding dock location, increasing number of hoists, and storage locations.
- Short-term rentals—clarify that short-term rentals are not allowed in any non-commercial zoning district.
- Define and create process for “technical” amendments to Special Use Permits that does not require public review process.
- Clarify building height for Section 8.10 Hotel, Motel Tourist Courts.

Project Plan V4: Dated July 31, 2025

Planner Note: This plan could adjust as the Planning Commission moves along. Updated versions will be posted publicly, as available.

October 2025

- Begin land use standards. This is the big one! Review land uses by right, special land uses, and legally non-conforming land uses, and associated standards and approval processes, in all zoning districts. This includes recommendations from the Agricultural Advisory Committee regarding farm-processing land uses and agritourism.

November 2025

- Continue with land use standards.

December 2025

- Finish land use standards.

January 2026

- Community facilities. Create new zoning district for public land uses (Township Hall, fire/EMS, library, schools, parks, boat launches) and define uses allowed and standards.

February 2026

- Begin shoreline/floodplain. Post-holiday, dream about summertime and warm waters again. Tackle viewsheds, setbacks, landscaping, uses allowed within/along shoreline and floodplain.

March 2026

- Continue with shoreline/floodplain.

April 2026

- Finish shoreline/floodplain.
- Tackle loose ends—backyard chickens, etc.

May 2026

- Dark Night Sky. Consider necessary updates based on new lighting technology and uses.

June 2026

- Density. Review lot sizes in relation to public water and sewer. Consider urban services boundary to encourage relatively dense development towards the southern end of the peninsula.

July 2026

- Staff/consultant team codify ordinance text for review.

Project Plan V4: Dated July 31, 2025

Planner Note: This plan could adjust as the Planning Commission moves along. Updated versions will be posted publicly, as available.

- Plan public input event for August.

August 2026

- Public input event to review draft ordinance.
- Planning Commission Public Hearing #1

September 2026

- Planning Commission Public Hearing #2 & Recommendation to Township Board
- Township Board Public Hearing #1 (& potential decision)

By December 2026

- Township Board Decision

Business

Seven Hills Special Use Permit Discussion

MEMO

To: Peninsula Township Planning Commission

From: Elise Loud, Placecraft

Date: August 5, 2025

Re: Seven Hills Special Use Permit (SUP) Discussion for August 5 Meeting

Introduction

At the June 9 Township Board meeting, the Board requested via motion that the Planning Commission review SUP #35 for Seven Hills, LLC, in response to potential non-compliance issues. At the July 10 Planning Commission meeting, the Planning Commission asked the planner, joined by Commissioners Shipman and Dloski, to meet with Seven Hills to determine recommended next steps to achieve compliance with SUP #35. This meeting took place on July 15, and the Commissioners felt it beneficial to run the resulting recommendations by the Township Board team who had also met with Seven Hills for the same purpose. This combined group of Planning Commissioners, Township Board members, and staff—Susie Shipman (PC), Larry Dloski (PC), Julie Alexander (PC/TB), Dave Sanger (TB/Staff), Becky Chown (TB/Clerk), and Elise Loud (Planner), met with Seven Hills on July 22.

The group's consensus is to recommend that Seven Hills apply to amend SUP #35, consistent with Option 2 on page 5 of the Township Attorney's memo (enclosed). The proposed amendments are provided herein for Planning Commission review and discussion.

The intent of these recommendations is to align the SUP with 1) the zoning ordinance and 2) partner agencies' rules and regulations, resulting in a Township permit that sets reasonable, and consistent expectations to protect the health, safety, and welfare of Township residents.

There are two parallel processes occurring here:

- 1) The Planning Commission is responding to the directive of the Township board to assess the Seven Hills SUP regarding how to achieve compliance. The Township attorney recommends the Planning Commission hold a public hearing to formally deliberate on this matter; and
- 2) If the Planning Commission agrees that amending SUP #35 is the appropriate action, Seven Hills will need to apply to amend the SUP to formalize these recommendations. Providing feedback on these recommendations at the August 5

meeting does not alter SUP #35. It must be formally amended to incorporate these changes. That amendment will require review by the Planning Commission and the Township Board.

Recommended Amendments to SUP #35 Seven Hills (Summary):

- **Remove the specific occupancy limit (the SUP currently states 70) and instead note that the business must comply with all applicable regulating agencies for indoor and outdoor occupancy,** including the Peninsula Township Fire Department, Grand Traverse County Health Department, and Grand Traverse County Construction Code. This is a best practice employed by other Townships with similar land uses (e.g. Elmwood Township and Farm Club) and is similar to how we reference regulating agencies throughout most of the zoning ordinance. If, in the future, if one of these regulatory agencies again updates the occupancy requirements of Seven Hills (the Health Department and Fire Chief have already supported increasing the occupancy to 99 indoors), the Township permit would back that up, versus contradict. Further, the Township zoning ordinance does not currently regulate occupancy limits in the commercial zoning district.

If the Planning Commission is uncomfortable with removing the occupancy limit, the planner recommends tying the limit to a dimensional standard currently regulated via the zoning ordinance. For example, we could require that occupancy shall not exceed 4 people/parking space or the requirements of the health department, fire department, and construction code, whichever is less.

- **Remove the condition that states Seven Hills is responsible for no parking on Seven Hills.** Through various conversations between the Township, Seven Hills, and the Grand Traverse County Road Commission, it is clear that the Township is actually the responsible party for this condition. The Township Board will review and hold a public hearing regarding a draft parking ordinance (enclosed) to this effect at their August 12 meeting. Seven Hills is still responsible for their off-street parking, which is not proposed to change and meets the standards of the zoning ordinance (1 space for every seventy-five feet of floor area for restaurants/taverns/bars in business/commercial. Per the Code Enforcement officer, Seven Hills is required to have 21 parking spaces and currently provides 55 spaces). Clarify that Township-owned property (such as Bowers Harbor Park) cannot be used for off-street parking without express permission from the Township.
- **Remove the "reasonable person" noise condition and reference our noise ordinance, generally, while encouraging the Township Board to fast track a new noise ordinance.** Per the Township Code Enforcement Officer, the Grand Traverse County Sheriff responsible for enforcing the Township noise ordinance, has stated that the current Township noise ordinance, including the "reasonable person" provision within the Seven Hills SUP is unenforceable. This means the Township can

acknowledge noise complaints, but has no way to ascertain whether or not a violation is occurring. This is unfair to the party making a complaint, the party being complained about, and the Township staff moderating the matter. We need a new ordinance, and once we have one, SUP #35 should align with that ordinance.

- **Remove the provision that “all outdoor uses shall cease at 10 p.m. seven days a week.”** This is at the request of Seven Hills and their reasoning is this: as a commercially zoned business, does it matter if we have outdoor uses after 10pm if we are complying with the noise ordinance.
- **Adjust the condition that would require Seven Hills to pay for a future traffic study,** tying this condition specifically to a change in land use. This provides a reasonable way to connect new traffic impacts to Seven Hills specifically. Typically, traffic impacts studies are required when a new development is proposed that could result in significant trip generations and/or a redevelopment is proposed, resulting in a new land use or significantly more intense land use.

Recommended Amendments to SUP #35 Seven Hills (Specific)

Below is the list of 18 conditions and safeguards approved in SUP #35, Amendment #3 in January 2025. These are redlined to demonstrate how the above recommendations would be implemented in a future SUP amendment.

APPROVAL CONDITIONS AND SAFEGUARDS:

- 1) Uses approved as part of SUP amendments include only the following:
 - a. Restaurant/Coffee Shop with a Market/Retail
 - b. Tasting Room/Bar/Tavern
 - c. Professional Offices
 - d. Single Chair Salon
 - e. Artist Studio/Retail
 - f. The following outdoor uses: Seating/Consumption, Games, Fitness Classes, and Gathering, all with the potential for amplified sound that is compliant with Noise Ordinance #40, as may be amended from time to time.
 - g. Indoor storage of materials accessory to on-site uses
- 2) The approved uses above do not include the manufacturing of products under an MLCC license. The approved uses above may include processing under an MLCC license on site, only if the processing is limited to blending, bottling, and labeling of product brought in from an off-site bonded facility. The proposed uses shall not produce any offensive fumes or odors that are detectable beyond the property lines of the property.
- 3) The maximum number of patrons for the Restaurant/Coffee Shop with a Market/Retail space and Tasting Room/Bar/Tavern within the eastern building and

outdoor use areas, as depicted on the application site plan, at any time both indoors and outdoors ~~is seventy (70)~~ shall comply with all applicable regulating agencies, including the Peninsula Township Fire Department, Grand Traverse County Health Department, and Grand Traverse County Building Code. This condition will be monitored and enforced by an on-site manager.

- ~~4) Outdoor uses shall cease at 10 p.m. seven days a week.~~
- 5) All indoor and outdoor use of the property shall comply with the Peninsula Township Police Power Noise Ordinance #40, and as may be amended in the future. ~~OMP Seven Hills, LLC acknowledges that as part of the Board's prior approval of Amendment #1 to SUP #35, that the noise level at the property line was to be no greater than normal conversation as perceived by a reasonable person. OMP Seven Hills, LLC agrees that the noise condition of Amendment #1 carries through to the approval of this amendment, to the extent that noise levels at the edge of the property will not exceed normal conversation noise, as perceived by a reasonable person. This condition will be met by utilizing an on-site manager to monitor sound at the property line and reducing the volume as needed.~~
- 6) Continued compliance with permitting necessary with the Grand Traverse County Health Department and Construction Code is required, to include the absence of any manufacturing under an MLCC license. Additionally, Applicant must confirm with the Department of Health that the proposed "processing" on site under the MLCC license does not negatively impact the current septic capacity of the facility. If Applicant seeks to add any additional licenses or uses or expand any uses in a manner that might impact the current septic approval, Applicant is required to get an updated septic evaluation from the Health Department that shows septic capacity for those changes.
- 7) No outside storage of contractor equipment or construction materials is permitted.
- 8) All existing and proposed lighting shall be compliant with ~~Section 7.14 of the Township Zoning Ordinance.~~
- 9) Applicants/property owners will utilize an on-site manager to work with patrons when ~~should~~ on-site parking is full reach capacity. ~~to ensure that parking along Seven Hills Road does not occur. Township owned property shall not be used for off-street parking accessory to on-site activities, without express permission from Peninsula Township.~~
- ~~10) The applicants/property owners shall work with the Grand Traverse County Road Commission to install at their cost "no parking" signage along Seven Hills Road as recommended by the Peninsula Township Community Protection Officers with the Grand Traverse County Sheriff's Department.~~
- 11) Continued maintenance of approved landscaping. Five new evergreens were installed to provide additional buffers to adjacent properties.
- 12) The outdoor use areas shall continue to be clearly designated on site, to meet the requirements of the Michigan Liquor Control Commission (MLCC).
- 13) All storage space shown on the plans shall comply with all applicable OSHA regulations, EPA regulations, state of Michigan (EGLE) regulations, the International Fire Code and MLCC regulations.

- 14) Continued compliance with all Fire Department requirements.
- 15) Continuing to provide and accommodate access to the property to the south from the drive/parking area is required. Access to the property to the south was established from the drive/parking area pursuant to SUP #35 in order to eliminate the need for an additional access point on Seven Hills Road.
- 16) OMP Seven Hills, LLC understands, agrees, and acknowledges that as part of the board's approval of the requested amendment to SUP #35 that a **new traffic impact study may be required if there is a proposed change in land use** .any time it is determined by Peninsula Township that the impact and/or intensity of the use of the roads to and from 13795 Seven Hills Road has increased in a meaningful way as a result of the approved uses on the property, OMP Seven Hills, LLC or the subsequent owner of the property shall pay for an updated traffic study. OMP Seven Hills, LLC, or subsequent owner also understands, agrees and acknowledges that if the updated traffic study demonstrates that the intensity of the use of roads has increased from what was represented in the Fleis & Vandenbrink traffic study, reviewed and acknowledged as part of the approval of the first amendment of this SUP, that OMP Seven Hills, LLC or subsequent owner shall work with the township to reasonably mitigate and/or relieve the **traffic** impact and/or increase in intensity to the roads to and from the subject property.
- 17) This SUP amendment shall expire one year after the final date of approval unless a land use permit has been issued for the change of uses on the property.
- 18) If the applicants/property owners fail to comply with the special use permit and approved conditions of approval the Board may hold a public hearing to revoke the special use permit in part or in its entirety.

Enclosed

- Code Enforcement Officer Letter dated July 8, 2025
- Attorney Memo dated June 25, 2025
- Draft Parking Ordinance No. 60

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

To: Elise Craft, Township Planner

Subject: Notice of Compliance Concerns Regarding Old Mission Distilling activity at 13795 Seven Hills Road on May 25, 2025

From: David Sanger, Township Ordinance Enforcement Officer

Date: July 8, 2025

As we discussed, I am providing additional information regarding the event at OMP Distilling on Sunday, May 25, 2025.

Background

OMP Seven Hills Development operates under SUP 35, as amended, adopted by the Township Board on January 14, 2025.

On May 25, 2025, OMP Distilling, one of two businesses operating in the SUP, hosted an event featuring the Kenny Olson Cartel from 7:00PM to 9:00PM; the musical event was held outdoors, and patrons had access to food and liquor services inside the building. This event was one of many events planned for the summer (see attached schedule of events).

At approximately 7:00PM, I received information from Supervisor Sanders that she had observed 60 vehicles parked on Seven Hills Road; she also reported that she had received a complaint that the event was generating loud noise.

I wrote a memo to the Township Board with detailed information regarding this event and the observed violations of SUP 35 (attached). I sent a copy of the memo to the owners of OMP Seven Hills (Jay Milliken, Troy Daily, Brian Peace and Jordan Valdmanis).

Investigation

Trustee JP Milliken and I met on June 4th with Troy Daily and Jay Milliken to review the violations and discuss their explanation of the event.

Milliken and Daly explained that they had taken steps before the May 25th event to avoid violations:

1. They had posted no parking signs on Seven Hills Road prior to the event, but some patrons ignored the signs. Milliken disputed the number of 60 cars on the roadway.
2. They had issued 200 tickets for the event, in an attempt to limit the number of attendees in attendance at one time. When questioned about the number of tickets vs the maximum capacity of 70 allowed under the SUP, Milliken responded that they expected “no shows”.
3. Regarding the amplified voice and musical instruments, Milliken explained that they posted an employee with a decibel meter and that person monitored the sound level. Milliken stated that he believed the measured sound level at the property boundary was in compliance with the conditions in the SUP (and the Township Noise Ordinance).
4. When questioned about the apparent over capacity, Milliken explained that he had been in contact with the Health Department and that the maximum number of attendees of 70 was actually a variable number because the Health Department capacity of 70 was based on an average of 5 “turns” a day of patrons at the business, and not fixed number for every hour of operation.
5. Milliken explained that they had taken additional steps to maintain compliance with the terms of the SUP:
 - a. Extra staff was hired to monitor parking, guest behavior and safety.
 - b. Shuttle service was established (as the suggestion of the PC)
 - c. Portable toilets added to the property.
 - d. Septic flow meter voluntarily installed and results presented to the Health Department.
 - e. Decibel meter used to document sound levels.
 - f. “No Parking” signs posted on the roadway.

The results of the meeting with Milliken and Daily were presented to the Township Board at the June 10, 2025, meeting. The Board approved a Motion to send the matter to the Planning Commission for further action. Becky Chown requested permission from the Board to meet with the four owners to better understand the issues; that request was approved.

On June XX, Becky Chown, Julie Alexander and I met with Milliken, Daily, Peace and Valdmanis on site at OMP Seven Hills. We reviewed the status of the investigation and discussed the SUP.

The owners stated:

1. They are committed to complying with the terms and conditions of the SUP, as amended.
2. They believe that their business is an asset to the community, and they will do whatever is necessary to maintain good relationships.
3. They are concerned about the continued violation notices from the Township over the past 18 months (two for noise and parking and 2 for noise only). They want to resolve these issues and have asked for assistance from the Township.
4. They request help from the Township regarding the limitation on number of concurrent patrons, noise complaints, and parking on the roadway.

Analysis

Regarding capacity constraints contained in the SUP:

1. The SUP sets a limit of 70 concurrent patrons, with reference to capacity of the septic system. The owners are working with Brent Wheat, GT County Health Department Director, to take actions that will not create a failure of the septic system.
2. The owners have prepared a Life Safety Plan, as required by the State Fire Code. Based on the building design, the Plan sets a maximum capacity for the building at 99 people; as a note, if the building had a sprinkler system, the maximum capacity would be 193 people. The Plan sets no limits for people outside the building.
3. The Zoning Ordinance section 7.6.2 requires 1 parking space per 75 square feet of patron occupancy space. Based on 1,535 patron space in the Life Safety Plan, the required number of parking spaces is 21; the actual number of parking spaces is 55 – an excess of 34. The issue of parking for patrons outside the building (not addressed in the current ZO) should be investigated. There must be parking provided for outside patrons.
4. The owners have utilized an on-site manager to work with patrons when the on-site parking is full. They have utilized a private security guard to assist in

this effort during outside events. The owner have been unsuccessful in getting the GT County Road Department to install No Parking signs on the public roadway. It appears that a Resolution from the Board to the GT County Road Commission is required.

Regarding Noise Complaints

1. The Township Noise Ordinance 40, adopted in 2010, is based on a “disturbing the peace” of another person. That involves a subjective judgement that is difficult to determine and provide evidence and testimony in a Court hearing. Both of our Township Sheriff Deputies have stated that the Noise Ordinance, as written, cannot be enforced because of the subjective nature of the definition of the offense.
2. Analytical means of measuring sound are available today and can be included in an ordinance. A typical ordinance would set “quiet hours” and “specific decibel limits” that can be variable based on the time of day.

Summary and Recommendations

The Township and its SUP for this business should define measurable limits that are directly related to the health and safety of the business patrons and the community.

1. Regulate the capacity with parking regulations commensurate with Life Safety and Health Department constraints; let the County handle their responsibilities for health issues (water and septic, and food safety)
2. If on-street parking is a safety issue (and it has been a concern when the business is open during darkness hours), the Township should take an active role in placing No Parking signs by GTCRC.
3. Address the sound (“noise”) issue by adopting a Noise Ordinance that provides quiet hours and means of analytical measurement of sound during non-quiet hours, tailored to zoning districts.

In summary, the PC can help by setting constraints that are required to meet health and safety issues, and are measurable by analytical methods for enforcement.

MEMORANDUM

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

FROM: Christopher Patterson, Fahey Schultz Burzych Rhodes

DATE: June 25, 2025

RE: Process and Notice for Potential SUP Revocation

INTRODUCTION

Our understanding, in consultation with the Township, is that at the Township Board's June 9th, 2025 meeting, the Township Board made a motion to initiate the planning commission's review of all three amendments to Special Use Permit ("SUP") #35 for Seven Hills, LLC, in response to potential non-compliance issues.

The following memorandum outlines the process that the Township would follow in considering the potential revocation of an SUP, and the standards that would guide the Board's and Planning Commission's decisions. The process for SUP revocation is intended to closely mirror the process for SUP approval, guided by the standards initially approved as compared to the existing site conditions of the property. The following is intended to outline the proper process and procedure if Township decisionmakers pursued potential revocation of a development's SUP.

SUP REVOCATION UNDER THE ZONING ORDINANCE & SUP TERMS

If a development authorized by an SUP is potentially out of compliance with its terms of approval, pursuing SUP revocation with proper notice and process is one option available to the Township.¹ Revocation is authorized by Peninsula Township's zoning ordinance and by the SUP's text.

¹ See also *Systematic Recycling, LLC v. City of Detroit*, No. 09-11430, 2013 U.S. Dist. LEXIS 27781 (E.D. Mich. Jan. 24, 2013); *Grace Cmty. Church v. Lenox Twp.*, 544 F.3d 609 (6th Cir. 2008).



Peninsula Township Zoning Ordinance, Section 8.1.3(2) states: “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 ensuring 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.**”

On February 9th, 1993, the initial SUP for the property now occupied by Seven Hills, LLC was approved. Within the site plan approval’s conditions, condition number 10, “Violations and Notice Requirements,” states that violation may be grounds for revocation:

Any violation of these conditions shall serve as grounds for revocation of this Special Use Permit by the Township Board. In the event of any such violation, the Township shall give written notice to the Applicant at the last address furnished to the Township by the Applicant. The notice shall state that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days from the date of the notice, then the Township Board may revoke this Special Use Permit after hearing. In the event the hearing becomes necessary, the Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Township Board may deem appropriate. After the hearing, if the Township Board revokes this Special Use Permit, then enforcement of the revocation may be made by application for appropriate relief in Grand Traverse County Circuit Court and the Township may recover all of the costs, including attorney fees, associated with or resulting from such violation or noncompliance.

NOTICE OF VIOLATION

The following section describes the recommended steps in the process of consideration of an SUP for potential revocation, providing proper notice of violation and opportunities for compliance.

- The proceedings will be as consistent as possible with the notification process identified in the SUP – in this case, the process identified in SUP #35. The Township will provide written notice of violations of the development’s SUP, identifying the specific standards of the SUP in violation and providing documentation of the potential violations, and ordering the operators to come into compliance. While the SUP indicates a violation invalidates the permit, we recommend that the Township provide due process to the SUP holder to determine and find that a violation of the SUP does exist prior to relying on the automatic revocation process set forth in the SUP.

- The written notice of violation will note that unless the violation is corrected or resolved to the satisfaction of the Township Board within 30 days of the notice, the Township Board may revoke the SUP after a public hearing.
- If compliance is not met, and the Board has referred the SUP to the Planning Commission, the Commission will need to send notice of the public hearing date, time, and the identified violations that were sent in the notice of violation by the Township.
- At the public hearing, the Commission will make findings and a recommendation to the Township Board based on the standards and available actions identified in this memorandum.
- Upon receipt of the Commission's recommendation, the Township may proceed and find that the development has successfully reached compliance and that revocation of the SUP will not be necessary, or that compliance has not been achieved and revoke the SUP.

NOTICE OF PUBLIC HEARING

If, after 30 days have passed since the written notice of violation, the Township still believes that a development is in non-compliance, legal counsel will prepare a proper public notice of the time, date, and location of a public hearing to potentially revoke the SUP. This notice will list all special use permits and amendments subject to consideration (for example, SUP #35 and all three amendments).

The notice would identify all alleged violations of the SUP conditions as issues addressed by the public hearing. The notice would provide a method for submission of written comments prior to the public hearing. The Michigan Zoning Enabling Act, MCL 125.3103, requires that notice of a public hearing occur "not less than 15 days before the date of the hearing." Notice must also be delivered to "the owners of property that is the subject of the request," and to the owners of land and occupants of structures within 300 feet of the subject property.

PUBLIC HEARING

At the public hearing, the planning commission would examine evidence of potential non-compliance and recommend the appropriate solution for compliance. The Township would also coordinate with the operators of the development to ensure clear expectations and understanding of the questions and information before the planning commission.

At a public hearing, the Township should have staff reports provided that would describe specific alleged violations of the development's SUP, and the planning commission would determine whether there is sufficient proof of violation to take action such as a recommendation of revocation of the

SUP. Prior to the public hearing, staff would compile relevant documents for the planning commission's examination. The planning commission should review the following documents in advance for familiarity prior to the public hearing:

- All SUP and approval language, including the initial resolutions to approve the development;
- Staff reports regarding documented violations and zoning enforcement communications, documenting known information about the development's alleged violations over time.

Staff would also present reports to the planning commission regarding the documented violations – including findings of fact regarding which permit requirements have been or have not been in compliance, and a code enforcement report. The staff report would also identify the options for the planning commission's potential recommendations. This presentation would primarily be done by the Township Planner and Ordinance Enforcement Officer, with assistance from the Zoning Administrator. Legal counsel could be present for any questions.

The public hearing would also provide an opportunity for public comment. The owners and operators of Seven Hills, LLC should be provided an opportunity to present any evidence that supports their position of no violation. The public would also be provided with an opportunity to speak.

STANDARDS FOR DELIBERATION

After the public hearing, the planning commission may deliberate on the appropriate option for compliance, or to postpone to a subsequent meeting if they feel they do not have sufficient information. The planning commission should review documentation of violations, and the testimony at the public hearing, to determine whether they are sufficiently convinced of the violations to take remedial action. To find that the development has been in violation of a permit condition, the planning commission should find by a "preponderance of the evidence," meaning that it is more likely than not, that a violation of the permit condition exists. The planning commission would examine the Approval Conditions and Safeguards for SUP #35 and its three amendments, and the Zoning Ordinance, and adopt findings of fact regarding whether the development's operations are in compliance.

OPTIONS FOR ACTION

Although the Township Board will make the final determination regarding revocation of an SUP, this decision will be informed by the factual determinations of the Planning Commission. The Planning Commission may make the following recommendations:

- 1) Recommend revocation of the development's SUP in its entirety, based on the items out of compliance referenced in the findings of fact.
- 2) Recommend that the owner/operator amend their SUP to bring the business into compliance.
- 3) Postpone their decision for more information.
- 4) Postpone their decision for the development operators to reach compliance.
- 5) Recommend no revocation of the SUP based on findings of fact, and a decision that compliance has been or will be obtained based on the development owner/operator's submitted information.

CONCLUSION

The importance of a decision of potential revocation of an SUP leads to the need to fully understand the process, and to enter any decision-making with great intentionality. The input and questions of the planning commission, the operator of the development, and the community will be required to reach the most appropriate decision to bring a development into compliance.

This memorandum is intended to provide clear expectations about what the process would look like. If the planning commission needs any additional information to make a fully informed decision about the status of a development's SUP, any member should reach out to Township staff.

**PENINSULA TOWNSHIP
GRAND TRAVERSE
COUNTY, MICHIGAN
Parking Ordinance No. 60**

An ordinance to regulate the parking of vehicles on certain streets and highways; to prohibit the parking of vehicles in certain areas and zones; to provide penalties for the violation hereof; to authorize certain local officials to issue municipal civil infraction citations for the violation hereof; and for other related purposes.

*THE TOWNSHIP OF PENINSULA, COUNTY OF GRAND TRAVERSE, STATE
OF MICHIGAN, ORDAINS:*

Section 1. Title.

This ordinance shall be known and cited as the Peninsula Township Parking Ordinance.

Section 2. Statutory Authority.

This regulatory ordinance is adopted in accordance with the authority conferred by the Township Ordinances Act, 1945 P.A. 246, as amended, which authorizes the township board to adopt ordinances regulating traffic and the parking of vehicles, MCL 41.181 (1), including ordinances that apply to particular streets, roads, highways, or portions of the township, MCL 41.181(2). This ordinance is also enacted pursuant to Chapter 87 of the Revised Judicature Act, 1961 P.A. 236, as amended, which permits the township board to designate one or more authorized local officials to issue municipal civil infraction citations, MCL 600.8701(a).

Section 3. Definitions.

- The words “park,” “parked,” and “parking” mean causing or allowing a vehicle to remain stationary at a particular location for longer than the time necessary to stop, halt, or yield for traffic, stop signs, or other traffic control devices.
- The word “township” means Peninsula Township, Grand Traverse County, Michigan.
- The word “vehicle” means an automobile, car, truck, van, bus, trailer, semi-trailer, motor home, recreational vehicle, utility vehicle, motorcycle, or any other motorized device capable of being driven or drawn upon a highway that is regulated or required to be registered under the provisions of the Michigan Vehicle Code, 1949 P.A. 300, as amended.
- The word “road” means any public or private property intended for use by the public for movement of vehicles throughout the township.

Section 4. Prohibited Parking.

No vehicle, whether attended or unattended, shall be parked or allowed to stand upon the

main traveled portion of any public or private road or highway within the township, except when, in case of emergency, it is impossible to move the vehicle off the main traveled portion of the roadway.

No vehicle, whether attended or unattended, shall be parked or allowed to stand on the shoulder of, alongside, or within the right-of-way of any of the following streets or roads listed below:

- Devils Dive Road on both sides of the road from the intersection of Seven Hills Road to 2815 Devils Dive Road
- Seven Hills Road on both sides of the road from the intersection of Devils Dive Road to 13956 Seven Hills Road
- Old Mission Road from the Ordinary High Water (OHW) elevation of Lake Michigan extending eastward 300 feet
- Swaney Road from the Ordinary High (OHW) elevation of Lake Michigan extending eastward 300 feet.

This provision shall not apply to a truck or delivery vehicle that is stopped temporarily, i.e., for fewer than 15 minutes for the purpose of making deliveries, loading, or unloading, provided that such vehicle is lighted with front and rear lights so that it may be observed by oncoming motorists under ordinary weather conditions.

- No vehicle, whether attended or unattended, shall be parked or allowed to stand within the limits of any public street or roadway, or within the shoulder or right-of-way thereof, while being repaired, remodeled, restored, or refurbished, except, in cases of accident or mechanical failure, when brief or temporary repairs may be required prior to moving a damaged or inoperable vehicle.

- No vehicle, whether attended or unattended, shall be parked or allowed to stand within any crosswalk or school bus loading zone, within any conspicuously marked fire lane, in any manner that blocks or impedes the driveway of a fire station, or within 25 feet of any fire hydrant.

- No vehicle, whether attended or unattended, shall be parked or allowed to stand in any area or place that is clearly designated as a “No parking” zone by an official sign placed or erected by the Michigan Department of Transportation, Grand Traverse County Road Commission, or other authorized government authority.

No vehicle, whether attended or unattended, shall be parked or allowed to stand in any area or place that has been designated as a “no parking” zone by any directive or

temporary order of the Michigan State Police, Grand Traverse County Sheriff, Michigan Department of Transportation, or Grand Traverse County Road Commission.

- No vehicle, whether attended or unattended, shall be parked or allowed to stand in front of any driveway, within an intersection, or in any manner that blocks or impedes the sight lines of oncoming traffic.

- No vehicle, whether attended or unattended, shall be parked or allowed to stand in any manner that blocks or impedes the use of a conspicuously marked fire escape or emergency exit from a building.

Section 5. Exemptions.

The prohibitions set forth in Section 4 do not apply to a fire, police, emergency, or governmental vehicle being used for an official purpose, to the vehicle of a bona fide utility company engaged in necessary work or maintenance, to the private vehicle of any volunteer firefighter, paramedic, or law enforcement officer responding to a fire, emergency, or other call, or to a bona fide agricultural vehicle under any circumstances in which this ordinance would be preempted by Michigan's Right to Farm Act , 1981 P.A. 93, as amended.

Section 6. Violation and Penalty.

Any person who violates or refuses to comply with any parking prohibition contained in this ordinance, or who suffers, causes, aids, or entices any other person to violate or refuse to comply with any parking prohibition contained herein, shall be responsible for a municipal civil infraction and subject to a civil fine of at least \$150.00 but not more than \$500.00, plus costs as provided by law, for each such violation. Each calendar day on which a violation of this ordinance continues to exist shall constitute a separate and subsequent violation of this ordinance.

Section 7. Authorized Local Official.

This ordinance may be enforced by an authorized local official. The Peninsula Township Board hereby appoints and constitutes the following persons as authorized local officials with the authority to enforce this ordinance by issuing municipal civil infraction citations for violations hereof in accordance with state law:

- The Grand Traverse County Sheriff, or a duly sworn officer of the Grand Traverse County Sheriff's Office;
- A duly sworn officer of the Michigan State Police;
- The Peninsula Township Supervisor or the Peninsula Township Ordinance Enforcement Officer;
- Any other suitable township officer or employee designated by the

Peninsula Township Board as an authorized local official by resolution or ordinance. Such resolution or ordinance may prescribe the term or terms of the appointment and the board may, in its discretion, remove any person from the position of authorized local official by majority vote of its members.

Section 8. Applicability.

The parking prohibitions of this ordinance shall be applicable to all persons and vehicles within the township, even if the prohibited parking in question began before the effective date of this ordinance. This ordinance shall not be construed to allow or permit any parking that is otherwise prohibited by law.

Section 9. Severability.

In the event that any one or more sections or provisions of this ordinance shall be found invalid or unenforceable by a court of competent jurisdiction, such finding shall not affect the validity or enforceability of the remaining sections or provisions of this ordinance, which shall continue in force and effect as if the invalid or unenforceable sections or provisions had not been included.

Section 10. Conflicting Provisions Repealed.

Any ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11. Effective Date.

This ordinance shall take effect thirty (30) days after publication of the ordinance or a summary of the ordinance in a newspaper of general circulation within the township, MCL 41.184.

CERTIFICATION BY TOWNSHIP CLERK

I, Rebecca Chown, Clerk of Peninsula Township , Grand Traverse County , Michigan, in accordance with the Township Ordinances Act, Public Act 246 of 1945, as amended, hereby certify that the foregoing ordinance was duly adopted by the Peninsula Township Board of Trustees at a regular meeting held on the ___th day of _____, 2025, at ___ p.m., at the Peninsula Township Hall , 13235 Center Road Traverse City, MI, and that the votes cast for and against said ordinance were as follows:

AYES:

NAYS:

_____ -

PROOF OF PUBLICATION

I, Rebecca Chown, Clerk of Peninsula Township, Grand Traverse County, Michigan, hereby certify that the foregoing ordinance or a summary thereof was duly published in the Traverse City Record-Eagle according to the provisions of MCL 41.184(3), on the _____.

Effective Date: _____

Rebecca Chown
Peninsula Township Clerk

File: Parking Ordinance 60 – draft DKS 072325