Correspondence

Outlook

ADUs on Peninsula Township

From Amie Shaw <shawba@mac.com>
Date Thu 8/27/2026 1:01 PM
To PZA Admin <PZAAdmin@peninsulatownship.com>
Cc Planning & Zoning Administrator <zoning@peninsulatownship.com>

Hi Jenna,

Pleasure touching base with you earlier this week.

After watching the last Planning Commission Meeting on August 24th, 2026. I wanted to put forward content for consideration as the ADU zoning guidance moves forward. I didn't hear much consideration or language regarding usage for existing detached structures. We have been waiting for a clear pathway forward to be able to develop an unfinished space above our detached 2 1/2 car garage. (Pictures attached) We currently have parents in their mid 80s and the potential for our son to return home after collage and are very keen to build out this space to meet the needs of the dynamically changing landscape of our family members. Our current structure measures approximately 24 by 38 feet internally which is more than the 800 limit, also has an additional ground level upper entry on the other side and an existing separate driveway. Our property is zoned A1 and had approximately 368 feet of road frontage on Gray Road. I am hoping that the new ADU zoning ordinance adds language for use full use of existing structures and established ingress/egress to existing detached structures, so it removes limits and barriers for residents trying to provide layers of support for family members. I hope the township sees to put forward an all encompassing ADU ordinance that proactively benefits its residents and functional multi generational living options for families. I am happy to discuss matter this further if you or answer any questions you may have. Thank you for you time and consideration.

Kind Regards,

Amie Shaw
231.668.2934 mobile

1212 Gray Road
Traverse City, MI 49686

Dear Planning Commissioners,

The ADU experience may possibly work if both sides -- owner and tenants -- are mutually engaged in living on he same property. Owner-occupied ADUs tend to succeed, because management and enforcement are immediately available, and not dependent on neighbors complaining to the police or to the township enforcement officer.

Opening the floodgates to absent-owner ADUs runs into disputes and costly enforcement issues. This has been a hot button issue in Traverse City for years. Traverse City's ADU experience is fraught because property investors who are absent owners don't control their renters, don't pay their tourism tax (if they own more than a certain number), don't manage the number of vehicles parked by renters, and results in jacking up property prices. Private rentals are a good way for a private person to make extra money, but the owner making money should bear the cost of primary enforcement and management, not the Township.

I supported the application for an ADU by a neighbor on Mission Ridge, because it was an owner-occupied BnB. We never had a problem.

Blackrock published a study that concluded US residential housing is the largest "undeveloped" class of asset in there nation. Private equity and private investors all are flocking to invest in housing -- and use that housing for income. Traverse City's non-resident housing (investment or second home) now constitutes 50%+ of all residential units in the city. ADUs require parking and access at un-neighborly hours and by potentially nice but unknown persons -- who may have to walk past neighboring windows at late hours. All of the potential problems of renters are easily resolved by owners who live on the same property. But otherwise, if owners are absent, the only way for a neighbor to object is to make a potentially-irate call to the absent owner or a call to authorities.

Owner occupied ADUs are presumptively acceptable, but township management of private rental relationship and neighborly disputes over renters' conduct andmidcondluct is fraught.

Grant Parsons
895 Washington St.
Traverse City, MI 49686

Peninsula Township Planning Commission. September 3, 2026. Via Email

Dear Planning Commission Members,

I understand the Planning Commission is considering establishing some levels of protection for steep slopes throughout the Township.

I had experience in crafting steep slopes standards, ordinance and master plan amendments with Springfield and Saugatuck Townships and am offering here some of our principle findings, goals , policies and environmental standards the Planning Commission and Town Board may find useful here on the Peninsula as a zoning amendment, design standards and possibly Master Plan tuning.

I support the P.C. investigation and planning into protecting this area of our natural features inventory and think it would be advisable to request the Township engineers to check the percentage slopes categories you'll find in the Ordinance amendment here with soils composition and water tables.

On the Peninsula, there may be reasons for stronger protection in terms of slope percentage categories and related goals and development standards due to topography, soils and the need to protect the toe area of slopes for the benefit of higher elevations inland and reducing sedimentation due to higher volume and velocity stormwater runoffs resulting from slope disruptions. We have a unique topography with much of the southwest to northeast center axis being high ground, with slopes down east and west towards both arms of the Bay.

In Springfield we found unconsolidated glacial drift soils forming moraines in a landlocked 36 square mile township.. In Saugatuck we found a mix of sandy and clay soils gently sloping toward a Lake Michigan high bluff line combined with inland steep slopes with wooded ravines and creeks.

First in this email, please find a draft of zoning ordinance amendment for steep slopes. It is formulated based upon the principle findings and standards from the SEMCOG workshops that became titled Environmental Standards for Site Plan Review, the full publication and an online link is contained in this email. The SEMCOG publication is attached to this email below the ordinance amendment language that adopted as a result of the SEMCOG study. We amended the ZO to incorporate development review standards for site plans that included applications for new subdivisions , site condos,, and more intense uses based on this Study. We also applied the standards to single reviews for SFR permits.

By township wide inventorying of topography and identifying steep slopes which we defined as any greater than 10%, and mapping overlays of woodlands, wetlands, groundwater vulnerable high water table areas, and county soils data we developed the standards for specific sites. Overlaying USGS topography maps onto our Zoning Map and Master Plan Future Land Use Map gave real good insights into those documents and highlighted areas for considering changes.

Special attention was given to evaluate existing drainage patterns in 2 foot contour intervals. We found slopes are closely tied to stormwater run-off control measures in the site review process. Design standards are established to retain or detain stormwater outflows to existing agricultural rates and existing drainage courses

We found slopes at 10% and greater should be flagged for special protections, and that slopes that are disturbed to a degree greater than 30% will continue to erode.

One final and related note, here on the Peninsula, I've long had the view the time is coming where we will have to evaluate whether 1/2 acre lot minimums, usually these are lots with a width of 100 feet, are sustainable for residential single family development whose sustainability depend on well and septic isolation distances. In both Saugatuck and Springfield Townships we found a 1 acre minimum lot size could sustain residential single family development depending on well and septic. Those lots have a minimum width of 150 feet. The answer here will depend on slope topography, soils, and groundwater vulnerability areas as explained in the SEMCOG study.

Here's the Steep Slopes draft Zoning Ordinance Amendment:

DRAFT ORDINANCE AMENDMENT for Steep Slopes:

Section 1. Purpose and intent

A. Purpose. The purpose of this section is to protect public health, safety, and welfare; prevent slope failure, erosion, sedimentation, and adverse drainage impacts; preserve groundwater-recharge functions; protect woodland and scenic resources; and minimize public and private costs associated with unstable soils, damaged roads, drainage facilities, and downstream waters.

B. Findings. The Township finds that excavation, filling, removal of native vegetation, concentration of stormwater, road construction, and installation of septic systems or utilities on or adjacent to steep slopes may destabilize soil, increase runoff velocity, cause off-site sedimentation, impair groundwater recharge, and adversely affect adjoining property and waters of the state.

C. Regulatory approach. Development shall be designed to avoid disturbance of steep slopes and wooded slopes to the maximum extent practicable. Where avoidance is not feasible, disturbance shall be minimized, mitigated, and permanently stabilized.

Section 2. Applicability

A. Activities subject to review. This section applies to:

- Any new principal residential building, accessory building, driveway, private road, utility, septic system, drainage facility, grading, excavation, filling, land clearing, or earth change proposed on a parcel containing a regulated slope.
- Any land division, site condominium, condominium development, planned unit development, subdivision, or other residential development involving three or more lots, units, or building sites.
- Any proposal that disturbs, clears, grades, excavates, fills, or otherwise alters a regulated slope or the required slope-protection buffer.
- Any project requiring site-plan review, special-land-use approval, planned-unit-development approval, preliminary plat approval, final plat approval, or a zoning permit.

B. Building-permit coordination. A building permit shall not be issued for a lot containing a regulated slope until the Zoning Administrator determines that the building site, driveway, utilities, grading, stormwater facilities, and septic system comply with this section and all conditions of approval.

C. State and county permits. Compliance with this section is in addition to, and does not replace, required permits under Part 91 of Michigan's Natural Resources and Environmental Protection Act, county soil-erosion and sedimentation-control requirements, EGLE requirements, wetland regulations, drain permits, and other applicable law.

Section 3. Definitions

For purposes of this section:

"Disturbance" means any clearing, grubbing, tree removal, stripping of topsoil, grading, excavation, trenching, filling, stockpiling, construction, or alteration of natural drainage.

"Regulated slope" means contiguous land having a natural slope of 10% or greater, measured over a horizontal distance of at least 50 feet, as shown by a topographic survey prepared by a licensed surveyor, professional engineer, or other qualified professional acceptable to the Township.

"Steep slope" means a regulated slope with a natural grade of 15% to less than 25%.

"Very steep slope" means land with a natural grade of 25% or greater.

“Wooded slope” means a regulated slope containing native or naturalized trees at least six inches in diameter at breast height, or a woodland canopy sufficient to provide meaningful soil stabilization, interception of rainfall, and root reinforcement, as determined through a tree and woodland inventory.

“Slope-protection area” means the regulated slope plus a horizontal buffer of at least 25 feet at the top of slope and 25 feet at the toe of slope, unless a larger area is necessary based on soils, drainage, or geotechnical conditions.

“Natural grade” means the ground elevation existing before any clearing, grading, excavation, fill, or other earth change associated with the proposed development.

“Feasible alternative” means an alternative that is capable of being accomplished in a successful manner, taking into account the applicant’s stated purpose, site conditions, reasonable design alternatives, and costs that are not disproportionate to the environmental benefit obtained.

Section 4. Protection standards

A. General standards

1. Regulated slopes and wooded slopes shall be treated as priority conservation areas in the layout of lots, roads, utilities, building envelopes, drainage facilities, and open space.
2. Development shall first be located on portions of the site with slopes under 10%, then on less-sensitive portions of slopes between 10% and 15%, before disturbance of steeper terrain is considered.
3. The applicant shall demonstrate that proposed grading, building placement, drives, utilities, and stormwater facilities avoid and minimize disturbance of regulated slopes and wooded slopes.
4. Clearing or grading shall not occur before issuance of all Township approvals and applicable soil-erosion permits.
5. Construction limits shall be clearly staked, fenced, and maintained in the field before any land disturbance begins.

B. Slopes of 10% to less than 15%

Development may occur on slopes of 10% to less than 15% when the approving body finds that the project complies with all of the following:

- The building footprint, driveway, utilities, septic system, and drainage facilities are designed to minimize cut and fill.
- Existing drainage patterns are maintained to the greatest extent practicable.
- Tree removal is limited to the minimum area necessary for the approved work.
- Disturbed areas are promptly stabilized with native vegetation, erosion-control blanket, mulch, or other approved measures.

- Concentrated runoff is not discharged onto an unprotected slope face.

C. Slopes of 15% to less than 25%

Development on steep slopes is permitted only through site-plan review or other discretionary approval and only when all of the following findings are made:

- No reasonable alternative exists to locate the proposed improvement outside the steep-slope area.
- The disturbance area is the minimum necessary.
- The applicant provides a grading, drainage, erosion-control, and revegetation plan prepared by qualified professionals.
- The project will not create unstable slopes, sedimentation, downstream flooding, groundwater impacts, or adverse effects on neighboring property.
- Construction will retain existing mature trees and root systems to the maximum extent practicable.
- Impervious surface is minimized, and runoff is dispersed, infiltrated, or otherwise managed so it does not concentrate over the slope.
- The project uses construction practices suited to sloping terrain, such as stepped foundations, retaining structures designed by a licensed engineer, terraced grading, slope reinforcement, or other measures as appropriate.

D. Slopes of 25% or greater

1. Prohibited disturbance. No building, road, driveway, septic field, stormwater basin, substantial excavation, fill, or mass grading shall be permitted on a very steep slope, except as expressly authorized below.
2. Permitted limited activities. The following may be approved only where no feasible alternative exists and impacts are minimized:
    - A utility crossing or utility connection.
    - A driveway or emergency-access connection necessary to serve a lawful building site, provided the design minimizes slope disturbance and is supported by engineering documentation.
    - A trail, boardwalk, overlook, or similar low-impact improvement.
    - A public safety, drainage-restoration, habitat-restoration, or slope-stabilization project.
3. Conditions. Any approved activity on a very steep slope shall require a geotechnical report, engineered grading and stabilization plan, construction inspection, permanent revegetation, and financial security.

Michigan township examples use stronger thresholds for heightened review and no-disturbance zones, including site-plan review beginning at 18% and a general prohibition on construction at

33% or greater; this model intentionally begins protection at 10% while reserving the strongest prohibition for the most hazardous terrain.

E. Wooded-slope protection

1. Preservation requirement. At least 80% of the wooded-slope area on a development site shall remain undisturbed and protected in perpetuity, except where the approving body determines a different percentage is justified by an approved conservation design and equivalent or greater protection is achieved.
2. Very steep wooded slopes. At least 90% of wooded slopes of 25% or greater shall remain undisturbed. Clearing shall be limited to approved low-impact access, hazard-tree removal, invasive-species management, or necessary public-safety work.
3. Tree removal. Removal of healthy trees within a wooded slope or slope-protection area is prohibited unless specifically shown on an approved plan. Hazard trees may be removed upon written determination by the Zoning Administrator or a qualified arborist.
4. No clear-cutting. Clear-cutting, grading for views, speculative clearing, and vegetation removal before final approval are prohibited in regulated slope and slope-protection areas.
5. Restoration. Any approved disturbance shall be restored with native trees, shrubs, grasses, and groundcover suitable for the site's soils, moisture regime, and slope. Turf grass alone shall not constitute adequate restoration on slopes of 15% or greater.

Section 5. Subdivision standards

A. Conservation layout

For subdivisions, site condominiums, and developments creating three or more lots or dwelling sites:

1. Regulated slopes, wooded slopes, wetlands, watercourses, flood-prone areas, and their buffers shall be identified as primary conservation areas before lots and roads are laid out.
2. Lots, building envelopes, roads, utilities, and stormwater facilities shall be clustered on less-sensitive land to avoid fragmentation of wooded slopes.
3. Regulated slopes and wooded slopes that are preserved shall be placed in:
    - Dedicated open space;
    - A conservation easement;
    - A common area owned and maintained by an association; or
    - Another legally enforceable permanent protection mechanism approved by the Township Attorney.
4. Building envelopes shall be shown on the final plat, condominium plan, or recorded site plan and shall avoid slopes of 15% or greater to the greatest extent practicable.

5. No new lot shall be created unless it contains a feasible building area, driveway route, septic area where applicable, and utility area that can be developed without prohibited disturbance of very steep slopes.

B. Roads and driveways

1. Roads and driveways shall follow contours where practicable and shall not be located on regulated slopes when a feasible alternative exists.
2. New roads and driveways crossing slopes of 15% or greater shall require engineering plans demonstrating safe grades, stable cut-and-fill slopes, drainage controls, and emergency-vehicle access.
3. Driveway grades shall not exceed 12%, except that a maximum grade of 15%may be approved for short, unavoidable segments where supported by an engineered design and approved by the fire authority and road agency.
4. Driveway and road runoff shall be intercepted and discharged to stable, vegetated, engineered, or otherwise protected receiving areas. It shall not be discharged onto an unprotected slope.

The 12% driveway benchmark is consistent with a Michigan township steep-slope provision that restricts access-drive design on steep terrain.

Section 6. Application requirements

An application involving a regulated slope shall include the following in addition to ordinary site-plan, land-division, or building-permit materials:

1. Existing-conditions plan showing:
    - Property boundaries, easements, and proposed limits of disturbance.
    - Existing and proposed contours at two-foot intervals; one-foot intervals may be required where slopes exceed 15%.
    - All regulated slopes, very steep slopes, slope-protection areas, drainageways, wetlands, water bodies, floodplain areas, and woodland areas.
    - Existing trees six inches or greater in diameter at breast height within the proposed disturbance area and slope-protection area.
    - Soil types, hydrologic soil groups, depth to seasonal high groundwater where relevant, and known unstable or highly erodible soils.
2. Slope and woodland analysis quantifying:
    - Total acreage of slopes in the 10% to less than 15%, 15% to less than 25%, and 25% or greater categories.
    - Acreage of each slope category proposed for disturbance.
    - Existing and proposed woodland acreage within each slope category.

    - Number, size, and species of trees proposed for removal.
3. Alternatives analysis showing at least two practicable alternatives for building placement, road/driveway alignment, lot configuration, and stormwater management, unless the Zoning Administrator waives the requirement for a minor project.
4. Grading and drainage plan prepared by a licensed professional engineer when:
    - Any slope of 15% or greater will be disturbed;
    - More than 5,000 square feet of regulated slope will be disturbed;
    - Cut or fill exceeds four feet in height;
    - A retaining wall exceeds four feet in height; or
    - The Township Engineer determines that site conditions warrant professional design.
5. Geotechnical report prepared by a licensed professional engineer or qualified geotechnical professional when development is proposed on or within 50 feet of a slope of 25% or greater, or when the Township Engineer identifies evidence of unstable soils, seepage, erosion, prior slope failure, or other hazards.
6. Soil-erosion and sedimentation-control plan consistent with applicable county and state requirements, including sequencing, stabilized construction entrances, sediment barriers, diversion controls, stockpile protection, temporary stabilization, permanent stabilization, and inspection provisions.
7. Stormwater-management plan demonstrating that post-development runoff will not increase erosion, destabilize slopes, or cause concentrated discharge onto regulated slopes or adjoining land.

Section 7. Review criteria and findings

The Planning Commission, Township Board, Zoning Board of Appeals, or Zoning Administrator, as applicable, shall approve an application only upon finding that:

The proposal avoids regulated slopes and wooded slopes to the maximum extent practicable.

Any permitted slope disturbance is the minimum necessary to achieve the approved development.

1. The proposal will not create or materially increase a risk of landslide, slope failure, erosion, sedimentation, groundwater contamination, drainage nuisance, or property damage.
2. Natural drainage patterns and groundwater infiltration will be maintained or restored to the greatest extent practicable.
3. The project will not result in concentrated stormwater discharge onto an unprotected slope, adjacent parcel, public right-of-way, wetland, lake, stream, or drain.

4. The project preserves mature trees, native vegetation, and root systems needed for slope stability.
5. The proposed development can be safely served by utilities, emergency vehicles, roads, and driveways without excessive excavation or slope disturbance.
6. The proposal complies with all applicable federal, state, county, and local permits and approvals.

Section 8. Conditions of approval

The Township may impose reasonable conditions necessary to ensure compliance, including:

- Establishing a no-disturbance conservation easement.
- Reducing the number of lots or dwelling units.
- Relocating building envelopes, streets, driveways, utilities, or stormwater facilities.
- Limiting the season of earth disturbance.
- Requiring phased clearing and grading.
- Requiring independent engineering or geotechnical review at the applicant's expense.
- Requiring construction observation by the project engineer.
- Requiring native revegetation and multi-year maintenance.
- Requiring a performance guarantee for erosion controls, slope stabilization, restoration, and corrective work.
- Requiring recorded notices informing future owners of slope-protection restrictions.

Section 9. Performance guarantee and inspections

A. Financial security. Before construction begins, the Township may require a performance guarantee sufficient to cover installation, maintenance, and repair of erosion-control measures, drainage improvements, retaining structures, revegetation, and slope stabilization.

B. Inspections. The Township may inspect the site before land disturbance, during construction, after major grading, after significant storm events, before occupancy, and before release of financial security.

C. Stop-work authority. The Zoning Administrator or authorized official may issue a stop-work order when work occurs outside approved limits, required erosion controls are not installed or maintained, sediment leaves the site, a slope becomes unstable, or approved plans are not followed.

D. Certificate of occupancy. No certificate of occupancy shall be issued until all required stabilization, drainage, revegetation, and permanent protection measures are installed and approved.

IMPLEMENTATION NOTES

Policy choice	Effect
10% threshold; 15% heightened review; 25% prohibition	Strong, understandable baseline suitable for wooded and rolling terrain
10% threshold; 20% heightened review; 33% prohibition	More permissive approach modeled generally on existing Michigan steep-slope provisions
10% threshold with a wooded-slope overlay	Focuses protections where tree cover provides critical slope stabilization and recharge benefits
Conservation-subdivision requirement	Directs homes and roads to flatter land while preserving steep wooded terrain as permanent open space

- Put the core protections in the zoning ordinance, not only in a building-permit checklist. That makes them apply early—when lots, streets, and building envelopes are being designed.
- Amend the site-plan review, land division, subdivision, PUD, and performance guarantee provisions so each expressly references this slope-protection article.
- Coordinate closely with the county agency administering Part 91 soil-erosion permits. State requirements generally address larger disturbances and work near water, while the township provision can prevent poor siting and excessive clearing before erosion becomes a problem.
- Make preservation enforceable through a recorded conservation easement, deed restriction, plat note, condominium document, or all of these—not solely through a plan kept in Township files.
- Use clear maps and thresholds. Requiring two-foot contours and a documented tree inventory for applications involving steep slopes makes the review standard objective and defensible. Existing Michigan ordinances use detailed topographic information and require erosion and stormwater controls for new development on steep terrain.

Regarding the SEMCOG Study that includes steep slopes protections, attached is the pdf of the Environmental Standards for Site Plan Review and an online link:

https://lmdigital.contentdm.oclc.org/digital/collection/p16110coll9/id/696/rec/1

In summary, this study was and is foundational to several generations of new zoning maps, ordinance amendments, engineering standards, design regulations, master plan language and future land use mapping.

We amended the ZO to incorporate development review standards for site plans that included applications for new subdivisions, site condos, and more intense uses. We eventually applied the standards to reviews for SFR permits.

By township wide inventorying of topography and identifying steep slopes which we defined as any greater than 10%, highlighting woodlands, wetlands, groundwater vulnerable high water table areas, county soils data, and surface waters we developed the standards for specific sites.

We found slopes are closely tied to run-off control measures in the site review process. Special attention is given to map existing drainage patterns in 2-foot contour intervals. Design standards were established to retain or detain stormwater outflows to existing agricultural rates and existing drainage courses at .20 cfs per acre.

Overlaying USGS top maps onto our Zoning Map and Master Plan Future Land Use Map gave good insights into those documents and highlighted areas for considering changes.

We found slopes at 10% and greater should be marked for special protections, and that slopes that are disturbed to a degree greater than 30% will continue to erode.

Figure 15 shows soil erosion control measures for varying site conditions.

Figure 21 Shows Groundwater Flows and Steep Slopes with general topography over laid on the Zoning Map.

Figure 23 Shows Groundwater Vulnerability which we found is Sandy Soils within 25 feet the surface of groundwater and high water tables within 10 feet of the surface of the ground overlaid on the Zoning Map..

Overlaying these features on the current master plan map and zoning map gave us new insight for adopting master plan amendments supporting the standards and a township wide zoning map amendment that was enacted. It's good knowing our Planning

Commission and Board members are considering changes to better protect our natural features on the Peninsula.

If I can assist further please advise.

Joe Gorka Peninsula Township; 616 566-5111. JoeWGorka@gmail.com

Section 6.01 Accessory Dwelling Units

(A) Statement of Intent. Accessory Dwelling Units (ADUs) shall be permitted as described below. A Land Use Permit, as described in Section 4.1.3, shall be required prior to construction. All ADUs shall be accessory to a single family home, which shall be considered the Principal Dwelling Unit for the purposes of this Section.

In a rural context, Accessory Dwelling Units can fill a niche in the housing market without sacrificing agricultural and natural character, if built in a way that is consistent with the Township's Master Plan and vision for itself, and that can be supported by existing infrastructure. Therefore, Accessory Dwelling Units meeting the standards of this section are considered appropriate and approvable

(B) General Standards

(1) Minimum ADU Size:

a. Attached ADUs must be at least 300 square feet

b. Detached ADUs must be at least 600 square feet unless located within an existing structure.

(2) Maximum ADU Size:

a. ADUs shall not exceed 800 square feet.

b. Space dedicated primarily to storage, or the parking of vehicles, within the same building as an ADU, shall not count towards the maximum dwelling unit size of an ADU.

(3) Setbacks. ADU's shall not be located in the front yard and must meet the required minimum setbacks of the corresponding zoning district for Principal Buildings as described in Section 6.8. Detached ADUs must be set back at least ~~25~~ 10 feet from the Principal Dwelling Unit.

~~(4) Lot Size. An ADU shall only be permitted on a lot that is a minimum of two (2) times the minimum lot area required for the zoning district in which it is located unless attached to the Principal Dwelling Unit.~~

~~(5)~~(4) Owner occupied. The owner shall occupy either the principal or accessory dwelling.

~~(6)~~(5) Compliance with County Building Department Requirements. ADUs shall have a foundation in compliance with Michigan Residential Code and Approved by the Grand Traverse County Building Department.

~~(7)~~(6) Maximum ADUs per Parcel. Amount of ADUs per Parcel. No more than 1 ADU per parcel shall be constructed. An ADU shall not be permitted on a lot containing a two-family or multiple-family dwelling.

~~(8)~~(7) Connection to Sanitary/Septic Facilities. An ADU shall be connected to potable water and sanitary/septic facilities in compliance with the County Health Department.

~~(9)~~(8) Driveway and Parking. No additional off-street parking spaces are required for ADUs. In no case shall an ADU be permitted to have a separate driveway connecting to an adjacent roadway. However, a branch off the main Principal Dwelling Unit driveway may be created to serve the ADU.

Accessory Dwelling Unit Amendment

project memorandum

B R i
Beckett&Raeder
Landscape Architecture
Planning, Engineering &
Environmental Services

Date: 09.09.2026

From: Sara Schroeder, AICP
To: Peninsula Township Planning Commission

Project: Draft Zoning Ordinance Review

initiative

The Planning Commission began the review of the draft zoning ordinance at the August 24 meeting, an updated schedule is provided below. Articles mentioned will be the focus of review and conversation at the meeting. Comments related to Articles not mentioned, shall be held until time for review.

Below is the schedule:

August 24: Articles 7,8,5,9
September 14: Remaining from August 24: Article 8, 9 & New: Articles 3,4,6
September 28: Articles 3,4,6 Cont.
October 26: Articles 1,2,11,12,13
November 9: Full Draft-Public Hearing and possible decision
November 23: Decision to Board, if needed

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DRAFT

Peninsula Township

Zoning Ordinance

DRAFT DATED: July 20, 2026

Guide to Highlighting:

Text from Pre-2019 Zoning Ordinance

Amendments Adopted Since 2019

Draft Text Created in 2019 But Not Adopted

Revisions During 2026 Update Process

Amended: _____

Effective: _____

Section 7.12 Temporary Construction Buildings (currently Section 6.2.3(1), Name Changed from "Temporary Buildings" in 2026)

For uses incidental to construction work; such buildings shall be removed upon the completion or abandonment of the construction work or within the period of 1 year, whichever is the lesser time period. Such structures shall not be used for dwelling purpose.

Section 7.13 Use of Structure for Temporary Dwelling Prohibited (currently Section 7.2.1)

No structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any temporary dwelling purposes.

Article 8 Environmental Performance Standards

Section 8.01 Wetland Restrictions (currently Section 7.4.7(a) and part of Section 6.9.3.7)

There shall be no development or modification of any kind within a wetland area without there first having been issued a wetlands permit by the Michigan Department of Environmental Quality (MDEQ) and/or an earth change and Storm water permit from Peninsula Township. Any such approved development shall be subject to the following:

(A) **Minimum Setback.** A setback of 25 feet shall be maintained between any structure or impervious surface (including but not limited to parking lot, driveway, paths, etc.) and a wetland.

(B) **Development Within a Wetland or Wetland Setback.** Except as specified in *Section 8.01(C)*, there shall be no development or modification of any kind within a wetland or wetland setback. Wetlands may be used for density calculations and incorporated in Storm water management plans.

(C) **Boardwalks.** Boardwalks 3 feet or less in width shall be permitted following issuance of a Land Use Permit and subject to MDEQ approval, upon finding there will be no adverse impact on ground or surface waters of the wetland. The Zoning Administrator or Planning Commission, as applicable, may require the applicant to obtain a formal determination of the wetland boundary by the MDEQ.

(D) **Wetland Identification.** In the event of reasonable doubt as to the presence of a wetland, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a State of Michigan certified wetland delineator showing the existence, extent, and location of wetland areas. The Zoning Administrator shall use such information provided in making a final determination of the presence of a wetland.

(E) Compliance with P.A. 451 of 1994, as Amended. Compliance with Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Section 8.02 Flood Plain Controls and Restrictions (currently Section 7.4.7(B) and part of Section 6.9.3.7)

(A) Intent and Purposes. The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the flood plain of the Great Lakes. All land included in the flood plain shall be subject to the requirements and prohibitions specified herein, in addition to the normal zoning district requirements in which the land is located.

(B) Applicability and Land Use Review. Notwithstanding anything to the contrary in this entire Ordinance, any request to fill in a flood plain of a parcel or a portion thereof, must be evaluated together with the proposed use of the land after the filling in of the flood plain or portion of the flood plain, and such proposed use must be a permitted use as set forth in *Section 8.02(D)*. A request to fill in the flood plain or a portion thereof will not be considered alone and is not permitted.

(C) Flood Plain Area Identification. Flood plain areas shall be those areas falling below elevation 584.0 feet North American Vertical Datum of 1988 (NAVD 88) or in accordance with all FEMA FIRM panel maps effective 8/28/2018. Such flood plain areas may not be filled in except as specifically set forth in *Section 8.02(B)*, *Section 8.02(D)*, and *Section 8.02(F)*. The Zoning Administrator shall obtain, review, and reasonably utilize flood elevation data available for federal, state, and local resources. The most recent flood evaluation data received from FEMA shall take precedence. In the event of reasonable doubt as to the location of a flood plain, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a professional engineer, licensed surveyor, plant ecologist, hydrologist, soils scientist, or other relevant professional showing the extent and location of flood plain areas per Part 31 of P.A. 451 of 1994, as amended.

(D) Permitted Uses. In conformity with *Section 8.02(B)*, no uses shall be permitted to occur within a flood plain or to occur on a parcel for which a request has been made to fill in the flood plain or a portion thereto, except the following:

(1) Gardens, preserves, and low intensity use areas in parks.

(2) Boardwalks and paths no wider than 3 feet.

(3) Yard and setback areas or other open space portions required for any Zoning District.

(4) Access drives for utility uses, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

(E) Restricted Uses. Any structure where human habitation is contemplated either as a place of residence, place of work, or place of public gathering shall be prohibited from locating in the

flood plain as provided in *Section 8.02(B)*. These structures shall be installed above the Base Flood Elevation (BFE).

(F) Required Conditions For Permitted Uses. To the extent that a request to fill in the flood plain on a parcel or a portion of a parcel along with the permitted use as set forth in *Section 8.02(B)* or *Section 8.02(D)* has been granted, such granting of the request is subject to the following conditions:

(1) Any work, construction, or filling in the flood plain shall conform to the requirement of *Section 8.02* of this Article, and permits for such work, construction, or filling in the flood plain shall not be issued unless they receive review and approval by the Zoning Administrator and the Township engineer.

(2) Any work, construction, or filling in the flood plain shall be so fixed to the site as to withstand the force of the expected velocity of flood water. The Zoning Administrator may require professional engineering, licensed surveyor, landscape architect, plant ecologist, hydrologist, or other professional review of any such construction.

(3) The Zoning Administrator may request additional information prepared by a registered professional engineer, licensed surveyor, plant ecologist, hydrologist, soils scientist, or other relevant professional. Information may include: topographic information, studies to determine the effects of flooding or flow of water, determination that the use will not adversely affect floodplain capacity, and that the use will not generate stormwater, sedimentation, or other water quality concerns.

(4) All of the conditions set forth herein must be fully satisfied before applicant may proceed with the work, construction, or filling in the flood plain, or a portion thereof.

(5) Compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

(G) Vegetated Buffer Protection. All shoreline properties including flood plain areas shall have a vegetated strip inland of the beach area to filter nutrients and storm water and give protection from lake waves. Use of deep rooted shrubs, tree, and native plants provide greater protection than man-made structures.

(H) Retaining Wall or Seawalls. Notwithstanding *Section 3.14)* and *Section 7.11(M)*, there shall be no retaining walls or seawalls in any flood plain area.

Section 8.03 Mining or Removal of Topsoil, Sand, Gravel, and Minerals (currently Section 7.2.3)

(A) No topsoil shall be removed for purposes of resale nor shall any open pit mining for the purposes of extracting sand, gravel or minerals be permitted unless conducted in the A-1 zone and at least 200 feet from any public highway and at least 50 feet of any side or rear lot lines of any lot adjoining land zoned for residential uses.

(B) All mines shall have a site rehabilitation plan approved by the Township. The rehabilitation plan shall include a plan for planting trees in a manner that will create a woodland over the long term, which will assist in slope stabilization.

(C) The Township Board may establish routes for truck movement in and out of the mine in order to minimize the wear on public roads, to minimize traffic hazards, and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise), upon adjacent properties.

(D) All permitted mines shall be maintained in a neat, orderly condition so as to prevent injury to any single property or individual, or to the community in general. When an open pit mine or gravel pit has ceased to be worked regularly, any "attractive nuisance" features such as steep banks or deep holes that could be a hazard to the safety of children shall be promptly rough graded so as to remove such hazard or hazards. All areas within any mine shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form. When an open pit mine or gravel pit has ceased to be worked regularly for a period of 3 years, it shall be rough graded in such a manner as to restore the land to contours harmonious with those of the surrounding terrain, protected from erosion and vegetative cover established.

Section 8.04 Soil Erosion and Sedimentation Control and Protection of Steep Slopes (currently Section 6.9.3.9)

When a Land Use Permit is required by this Ordinance, the applicant for such permit shall demonstrate compliance with the Grand Traverse County Soil Erosion and Sedimentation Control Ordinance, before such Land Use Permit is issued. Additionally, when a permit is not required in accordance with the provisions of the Grand Traverse County Soil Erosion and Sedimentation Control Ordinance, but when any earth-disturbing activity related to a Land Use Permit involves the change in the natural cover or topography on a site with more than 9% slope, a plan for soil erosion and sedimentation control shall be provided to the Zoning Administrator. Such a plan shall demonstrate proposed measures to be taken and maintained to minimize soil erosion and sedimentation. Specifically, these measures include:

(A) **Natural Landforms.** The general site topography and any natural landforms unique to the property shall be maintained and made part of the development to preserve the natural character. Proper grading and elevation relationships to adjacent properties shall be maintained. All necessary grading shall complement natural landforms.

(B) **Cut and Fill Slopes.** Cut and fill slopes shall be minimized. Unstable slopes or slopes subject to erosion shall be protected. Slopes shall be re-vegetated using low-maintenance techniques, with perennial grasses, herbaceous plants, and native trees and shrubs.

(C) **Steep Slopes.**

1) Construction of any structure on a slope of 15% or greater shall require Special Use Approval. Grading of a natural slope of 15% or greater to reduce the slope shall also require Special Use Approval.

a) As part of the Special Use Approval process, the Township shall obtain a report from a licensed civil engineer analyzing the impact of the construction on soil erosion, stormwater, habitat, the long term viability of the structure in question, and other topics relevant to the approval of the grading and/or structure.

b)For the purpose of determining compliance with maximum height limits in this Ordinance, the height of a structure on a slope of 15% or greater shall be measured from the Average Natural Grade, as defined Section 2.02.A.15.

2) Neither the construction of structures, nor grading or removal of vegetative cover shall not be permitted on land with existing steep slopes of 20% grade or greater. Areas containing existing steep slopes shall be included as open space and not be a part of a building site.

(D) Clustering Development to Maintain Significant Slopes and Ridgelines. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development when possible. The Planning Commission may use this provision to require alterations to site plans, even when setback, lot coverage, and other relevant dimensional provisions are met.

(E) Phasing. Large parcels that will be developed in phases shall be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to seasonal runoff.

(F) Minor Activities. Minor activities, such as normal gardening activities in compliance with this Ordinance, do not require a Soil Erosion and Sedimentation Control permit.

(G) Retaining Walls. See *Section 7.11*.

(H) Township Engineer Review. The Zoning Administrator may request that the Township Engineer review plans to minimize soil erosion and sedimentation when deemed necessary. Associated costs shall be charged to the applicant.

Section 8.05 Storm Water Management (currently Section 7.2.5)

(A) Intent and General Applicability. The purpose of this section is to provide adequate measures for the retention, detention and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality during and after development. When any human made earth changes in the natural cover or topography of land, including cut and fill activities which may affect stormwater runoff, the owner shall apply for a Stormwater Permit from the Zoning Administrator prior to receiving a Land Use Permit. The above earth change does not include the practice of plowing and tilling soil for the purpose of crop production on an active farm.

(B) Commercial and Development Parcels, Roads and Other Non-Residential Use Storm Water Review. A stormwater review and permit from the Zoning Administrator and the Township Engineer is required for any of the following circumstances for non-residential parcels:

(1) If 1 or more acres of land are disturbed;

(2) Within 500 feet of the Ordinary High Water Mark (OHWM);

(3) The impervious surface coverage of any structure is more than 3,500 square feet;

(4) For any of the following type of developments: Commercial Use, Mobile Home Park, Multiple Family Dwelling, PUD, Site Condominium or Condominium, or Platted Subdivision;

(5) For a new or extended Private Road; or

(6) For any other circumstances the Zoning Administrator deems necessary.

(C) Residential Structures and Parcels Subject to Stormwater Review.

(1) **Minor Storm Water Review.** The Zoning Administrator shall review and approve the Stormwater management plan prior to the issuance of a Land Use Permit. Any parcel or structure that in the opinion of the Zoning Administrator requires review by the Township engineer based on complexity of the disturbance of natural features or site development shall become a Major Stormwater Review. Residential structures or parcels subject to Minor Stormwater Review shall include the following situations:

(a) The impervious surface coverage (structures and in-ground surfaces) is less than 3,500 square feet;

(b) Less than 1 acre of ground will be disturbed; or

(c) All parcels within 500 feet of the OHWM.

(2) **Major Stormwater Review.** The Township Engineer shall review and approve the Stormwater management plan prior to the issuance of any Land Use Permit. The cost of this review and inspections shall be paid by the applicant. Residential structures or parcels subject to Major Stormwater Review shall include the following situations:

(a) The impervious surface coverage (structures and in-ground surfaces) is 3,500 or more square feet;

(b) One acre or more of ground will be disturbed; or

(c) Any parcel or structure that the Zoning Administrator has determined requires a Major Stormwater Review.

(D) Design Standards For Permits Required For *Section 8.05(B)* or *Section 8.05(C)(1)*.

(1) The application shall include a plan detaining any stormwater runoff onto adjacent properties including roads and other rights of way pursuant to the Peninsula Township Stormwater Control Ordinance (Ordinance #33, as amended). Such detention shall follow accepted stormwater detention practices and the maximum amount of stormwater runoff

allowed shall not exceed that which existed prior to the development or improvement of the property.

(2) The stormwater management system shall include 1 or more of the Best Management Practices (BMPs) published by the Michigan Department of Environmental Quality or any other BMP accepted by the approving authority, such as underground infiltration trenches, rain gardens, and rain barrels or other Low Impact Design (LID) features. LID stormwater management is a set of small-scale practices which mimic and work with nature to reduce runoff and pollutants and provide open space. By incorporating LID practices the amount of site development area necessary to be dedicated to a traditional stormwater basin can often be decreased. Required landscaping areas may also function as bio-swales or retention basins. A vegetated yard area may be used when, in the opinion of the approving authority, the slope and underlying soil conditions will allow for rapid infiltration. The use of LID techniques are especially important in areas adjacent to environmentally sensitive areas.

(3) The stormwater management system shall be installed in accordance with the approved design.

(4) Stormwater management measures must also be in place to minimize the possibility of adverse impact on water quality or quantity or neighboring properties during construction.

(E) Maintenance. All stormwater management systems shall be properly maintained so as to comply with the requirements of this Section. Each application for major stormwater review shall include a maintenance agreement to be reviewed and approved by the approving authority.

(F) Recording of the Stormwater Management System and any Maintenance Agreement. Recording of the Stormwater Management System and any Maintenance Agreement with the Register of Deeds is required prior to issuance of the land use permit.

Section 8.06 Removal of Fruit-Producing Trees, Vines, or Shrubs from Properties Being Developed (currently Section 7.8 and part of Section 6.9.3.8)

The owner of properties being developed for planned unit developments, mobile home parks, site condominiums, subdivisions, or other housing developments shall remove and destroy all existing fruit-producing trees, vines, or shrubs from the subject properties. The removal of all such plants shall occur prior to project approval and commencement of construction unless it can be clearly demonstrated that the plants will remain in production and be maintained and treated on a regular basis by a pesticide applicator licensed by the Michigan Department of Agriculture.

Section 8.07 Exterior Lighting (currently Section 7.14, Revised with 2026 Text)

(A) Intent. The Peninsula Township Board finds that this Section of the Ordinance complies with the Master Plan and that the dark night sky is considered a valuable natural and aesthetic

resource which should be protected. The dark night sky contributes significantly to our quality of life by contributing to the public peace and to the health, safety, and welfare of the residents of and visitors to Peninsula Township. The essential public purposes that warrant Township regulation of the use of outdoor light fixtures include, but are not necessarily limited to:

(1) Safety of individuals using outdoor areas for legitimate and necessary purposes after dark.

(2) Minimization of light pollution, which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky.

(3) Elimination of unnecessary or unwanted illumination of adjacent and distant properties.

(4) Conservation of electrical energy-generating resources.

(5) Protection of vehicular and pedestrian traffic from dangerous glare.

(B) Applicability.

(1) All new outdoor light fixtures and specified lighting practices shall conform with the following applicable sections, unless specifically listed as exempt under Subsection G:

(i) **Subsection D** for uses and construction requiring Site Plan Approval, as described in Section 13.04.

(ii) **Subsection E** for freestanding light poles, in the following circumstances, which shall require a Land Use Permit, as described in Section 13.03, prior to installation:

a. All new freestanding light poles in the C-1 and CF Districts.

b. All new freestanding light poles designed to illuminate spaces that are open to the general public, customers of a business, or visitors to an institution, regardless of Zoning District.

c. All new freestanding light poles proposed to be located within 20 feet of the front lot line of the parcel, or within 20 feet of the right-of-way or easement line for any public or private roadway, regardless of Zoning District.

(iii) **Subsection F** for all other outdoor lighting installations, which shall not require a Land Use Permit prior to installation, but shall be subject to enforcement under Section 13.10 in the event of a complaint filed with Township, and upon determination of a violation.

(2) Outdoor lighting fixtures existing as of the effective date of this amendment may continue to be used except as otherwise provided, subject to the regulations on nonconformities in Article 11.

(3) Voluntary compliance with the intent of this section for exempt uses or structures and existing outdoor fixtures is encouraged.

(C) Lighting-Related Definitions.

(1) **Automatic Timing Device.** A device which automatically turns outdoor light fixtures or circuits on and off.

(2) **Floodlight.** A very strong artificial light so directed or diffused as to give a comparatively uniform illumination over a rather large area and often used to light up the outside of buildings.

(3) **Footcandle**: Illuminance produced on a surface one foot from a uniform point source of one candela or when one lumen is distributed into an area of one square foot.

(4) **Full Shielding.** A technique or method of construction which causes light emitted from an outdoor light fixture or any bright reflecting section to be such that the light source and any bright reflecting surface is not visible above the shield horizontal plane or beyond the boundaries of the property.

(5) **Glare.** Intense blinding light emanating directly from a lamp, reflector or lens including bright reflective sections.

(6) **Light Pollution.** Artificial light which causes a detrimental effect on the environment, astronomical observation, enjoyment of the naturally-illuminated night sky or causes undesirable glare or unnecessary or unwanted illumination of adjacent or even distant properties.

(7) **Light Source.** The bulb or other element in an outdoor light fixture which emits light.

(8) **Motion Detector.** A device triggered by motion and used to energize light sources.

(9) **Outdoor Light Fixture.** An illuminating device which is permanently installed outdoors, including but not limited to devices used to illuminate signs.

(10) **Shield.** In general, a permanently-installed, opaque shade, cowl, hood, baffle, or other construction which limits, restricts, or directs light, or the visibility of a light source, to meet the standards of this Section.

(11) **Security Lighting.** Such outdoor light fixtures or practices intended to discourage intrusion on the premises by unwanted persons.

(12) **Vehicle Use Area.** A Vehicle Use Area is a paved or unpaved driveway, maneuvering, loading and delivery area, solid waste collection, temporary storage area and outdoor processing area.

(13) Yard Lighting. Such outdoor light fixtures or practices intended for the convenience, enjoyment, and safety of a property owner.

(D) Exterior Lighting Standards Applicable During Site Plan Approval. The following shall apply to uses and construction requiring Site Plan Approval, as described in Section 13.04.

(1) New Light Fixtures. All new outdoor light fixtures shall meet the following requirements:

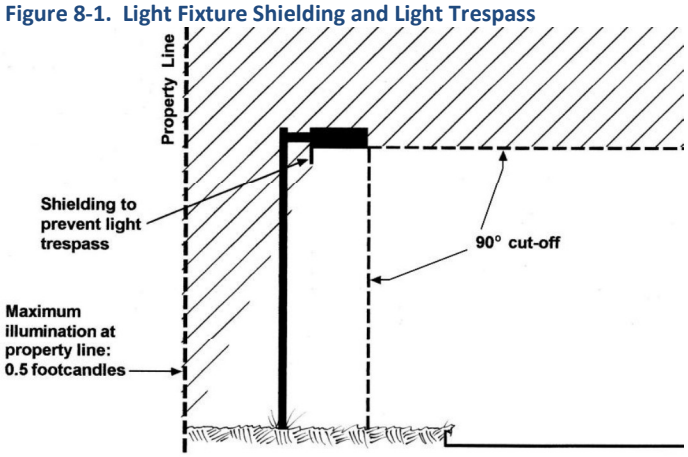
(a) All new outdoor light fixtures shall have full shielding, unless otherwise permitted. Full cut-off fixtures shall be used to prevent light from projecting above a 90-degree horizontal plane.

(b) Driveway post lights shall have translucent lens or covers to protect vehicular and pedestrian traffic from glare.

(c) Light fixtures shall be controlled with manual switches, motion detection devices or other automatic timing devices.

(2) Light Level Standards: The light level standards described in this Section shall be measured 5 feet from the ground (see *Figure 8-1*, below).

Figure 8-1. Light Fixture Shielding and Light Trespass



(a) The following table lists the required minimum and maximum footcandles, during the hours from 6 AM to Midnight, for various outdoor site areas. Lighting shall not be required, and may be prohibited by the Planning Commission, in any area not listed below.

(b) A photometric plan of the lot and all areas within 25 feet of the lot boundaries shall be submitted with all Site Plan applications where outdoor lighting is proposed.

(c) All applicable requirements of Subsections E and F shall also apply.

(E) Exterior Lighting Standards for Freestanding Lights.

(1) This section shall apply to freestanding light poles, in the following circumstances, which shall require a Land Use Permit, as described in Section 13.03, prior to installation, unless included on an approved Site Plan:

(a) All new freestanding light poles in the C-1 and CF Districts.

Lighting Application	**A-1, R-1A, R-1B, R-1C, R-1D**		**C-1, CF**	
	Minimum Footcandles	**Minimum Footcandles**	**Minimum Footcandles**	**Minimum Footcandles**
Parking lots, plazas, hardscape lighting, driveways, on site private roads, and outdoors sales areas (average must be between minimum and maximum)	1.0	2.5	2.5	5.0
Sidewalks, walkways, and bikeways (all areas must be between minimum and maximum)	1.0	2.0	2.0	3.0
Building entrances (without canopy) (light level must be between minimum and maximum within five feet of door)	2.5	5.0	2.5	5.0
Building entry, drive-up sales, and areas underneath canopies (average must be between minimum and maximum)	2.5	5.0	2.5	5.0
On Neighboring Properties, within 5 Feet of the Property Line	*None*	0.5	*None*	0.5
On Neighboring Properties, more than 5 Feet of the Property Line	None	0.0	None	0.0

(b) All new freestanding light poles designed to illuminate spaces that are open to the general public, customers of a business, or visitors to an institution, regardless of Zoning District.

(c) All new freestanding light poles proposed to be located within 20 feet of the front lot line of a parcel, or within 20 feet of the right-of-way or easement line for any public or private roadway, regardless of Zoning District.

(2) Freestanding Light Poles subject to this Section shall be subject to the standards of Subsection D.1, in all Zoning Districts. The Standards of Subsection F shall also apply, in all Zoning Districts.

(3) Freestanding Light Poles shall not exceed the following heights:

(a) 15 feet in height in the C-1 and CF Districts.

(b) 10 feet in height in all other districts unless additional height is approved by the Planning Commission upon determination that the additional height is necessary due to at least one of the following factors.

(i) To meet the minimum light levels listed in Subsection D.2.a.

(ii) To ensure safety during a bona fide agricultural process.

(iii) The Planning Commission may not approve a light fixture greater than 25 feet tall in any circumstances. If 25 foot light poles are not sufficient to meet minimum light requirements, then additional poles, rather than taller poles, must be added.

(c) 6 feet in height if located within 20 feet of the front lot line of the parcel, or within 20 feet of the right-of-way or easement line of a public or private road. This standard may not be waived by the Planning Commission and shall supersede all other height limits.

(F) General Exterior Lighting Standards. The following shall apply to all exterior light fixtures and shall be subject to enforcement under Section 13.10 in the event of a complaint filed with Township, and upon determination of a violation.

(1) All new outdoor light fixtures shall have full shielding. Full cut-off fixtures shall be used to prevent light from projecting above a 90-degree horizontal plane. However, this Subsection shall only be enforced upon existing light fixtures upon determination of another violation of this Section, as a corrective action to remove the violation.

(2) Light Trespass. Illumination trespass from a property shall not exceed 0.5 footcandles within 5 feet of the property line. No illumination shall trespass more than 5 feet over a property line.

(3) Glare. Any light that creates glare (as defined in Subsection C.5) outside of the site the fixture is located on, including lights shining from inside a building, must be removed or otherwise mitigated.

(4) Security Lighting. Security lighting, operational between the hours of Midnight and 6 AM, shall be permitted, but shall be controlled by an automatic motion sensor, rather than left illuminated throughout the night.

(5) Building Facades. Building facades may be lit, but only in a downward direction and fully shielded.

(6) Prohibited Lighting Types and/or Practices.

(a) Searchlights, lasers, or other high-intensity lights designed or used primarily to light the sky for advertising or entertainment purposes;

(b) Broad-spectrum lighting, such as quartz, metal halide and mercury vapor lighting because of the diffusive and reflective characteristics of such light;

(c) Foliage/tree/landscaping "up lighting".

(d) Tube lights and strips/ribbons of LED lighting are prohibited, including those located on the interior of a building but designed to be visible through a window.

(7) Illuminated Signs. Illuminated signs shall comply with *Section 10.10*.

(G) Exemptions. The following uses and activities shall be exempt from the Exterior Lighting Regulations:

(1) Emergency equipment while in use.

(2) Holiday decorations, provided that decorative exterior lighting shall not be active for more than 90 days in a calendar year and shall not include searchlights, stroboscopic lights, or other lights that would cause a nuisance.

(3) All outdoor light fixtures producing light directly from solar or the combustion of fossil fuels such as kerosene lanterns or gas lamps provided the intensity of light does not create glare or distractions that pose a potential danger to vehicular or pedestrian traffic or unnecessary and unwanted glare in the night sky.

(4) Lighting fixtures to illuminate the American flag shall be permitted, provided the light source is downward facing and shielded and the light is focused on the flag in accordance with the United States Flag Code. To qualify for this exemption, the light fixture must be located above the flag, shining down, not below the flag, shining up.

(H) Relief from Exterior Lighting Regulations. Applications for relief from the regulations of this Section may be made to the Peninsula Township Zoning Board of Appeals pursuant to *Section 13.06* provisions and standards for variances. Any ruling granting relief shall contain all

conditions upon which said permit has been granted, including but not limited to the effective dates, times, locations and specifications of the lighting fixtures and plans permitted.

Section 8.08 Screening and Landscaping

(A) Landscaping Design Standards (2019 Section, which include standards from Section 6.6.3(3), and Section 7.6.4(3)). The following landscaping design requirements apply to all uses in the C-1, Commercial Zoning District and all uses with a parking lot containing 2,700 square feet or more of parking area, including access drives:

(1) Frontage Landscaping (Section 6.6.3(3) and parts of 7.6.4(3)). The front yard area adjacent to the right-of-way shall be planted. and maintained in accordance with the following:

(a) Trees (Section 7.6.4(3)(b)(2)). 1 deciduous, evergreen, or ornamental tree shall be planted adjacent to the public right-of-way for each 35 linear feet of frontage.

(b) Screening with Shrubs (Section 7.6.4(3)(b)(3)) Where non-living material are used for right-of-way screening (i.e., fences or walls), at least 1 shrub or vine shall be planted on the right-of-way side for each 10 linear feet of screen.

(c) Minimum Width (Section 7.6.4(3)(b)(1)). Any required frontage planting strip shall be a minimum of 10 feet in width.

(d) Right-of-Way Landscaping Prohibited. Trees and shrubs required for frontage landscaping shall not be planted in a road right-of-way.

(e) Exemptions. The Township Board may modify or waive the frontage landscaping requirements where the site is a farm with an orchard or vineyard in the front yard or where frontage landscaping would block a scenic view area as shown on the Scenic View Map adopted or subsequently amended as part of the Peninsula Township Master Plan

(2) Parking Lot Landscaping (Section 7.6.4(3)(a), (b)(1), and (b)(4)). All parking areas containing over 2,700 square feet or more of parking area, including access drives, shall be effectively landscaped with planting strips on the interior and perimeter on all sides adjacent or visible from surrounding properties or an abutting public street as follows:

(a) Perimeter Landscaping (Section 7.6.4(3)(b)(1)). Any required perimeter planting strip shall be a minimum of 10 feet in width. Any perimeter adjacent or visible from surrounding properties or an abutting public right-of-way shall contain 1 tree per 35 linear feet of perimeter. Each tree may be substituted with 5 shrubs.

(b) Interior Landscaping (Section 7.6.4(3)(b)(4)). Parking lots with more than 2 parking aisles shall require landscaped areas of at least 10 square feet of interior landscaping for each parking space. Where interior location is not feasible, the Township Board may allow interior landscaping to be located within a 10 foot perimeter of the paved surface. Landscaped areas shall be a minimum of 160 square feet with a minimum

dimension of 8 feet. Interior landscape areas shall be designed so as to create minimum interference with snow removal. One deciduous tree shall be planted for each 160 square feet of interior landscape area and each interior landscape area shall contain at least 1 deciduous tree.

(3) Greenbelt Buffer. Where a greenbelt is required in this Ordinance, the greenbelt shall consist of a staggered double row of 8-foot high evergreen trees spaced not more than 15 feet apart.

(4) General Landscaping Design (currently Section 7.6.4(3)(a)). At least 80 percent of the landscaping areas required in *Section 8.08(A)(1)* through *Section 8.08(A)(3)*, above, shall consist of some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. Up to 20 percent of the total of any landscaped area may be rock or mulch groundcover.

(5) Mechanical and Utility Equipment Screening. All mechanical equipment, utility meters, storage tanks, air conditioning equipment, transformers, or similar equipment, excluding solar panels, including roof-mounted equipment shall be enclosed or screened from view from all lot lines and the right-of-way line. They shall be an integral part of the architectural or landscape design of the building and site.

(6) Garbage, Refuse, and Recycling Collection Areas. All garbage, refuse, and recycling collection areas (i.e., dumpsters) shall meet the following requirements:

(a) Location. Waste receptacles (i.e. dumpsters) shall not be located in setback areas. Dumpsters shall not encroach into a parking or circulation area, and shall be clearly accessible to servicing vehicles.

(b) Screening. An enclosure of sufficient height to completely screen the dumpster is required on 3 sides of the waste receptacle with a gate on the 4th side. The height of the enclosure shall be not less than 6 feet or at least 1 foot above the height of the dumpster, whichever is greater. Enclosures shall meet the following standards:

(i) The enclosure shall be constructed of pressure treated or wolmanized wood. The Township Board may require that the enclosure be constructed of brick or decorative concreate material that matches or complements the principal building or structure.

(ii) Enclosure gates shall be constructed of steel-reinforced wood.

(iii) Enclosures shall be set back a minimum of 20 feet from any residential district.

(c) Bollards and Similar Protective Devices. If bollards (concrete-filled posts) or similar protective devices are required by the Township Board to protect a dumpster enclosure, the bollards or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.

(d) Maintenance. All dumpsters shall have a lid, which shall be remain closed. The dumpster shall be regularly emptied, and shall be maintained in accordance with all Township ordinances.

(B) Standards for Plant Materials (part of Section 7.6.4(3)(b)(5))

(1) Lawn Areas. Lawn areas shall be planted in species of grass normally grown as permanent lawns in northwest Michigan unless other native grasses and plantings are deemed acceptable by the Township. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion unless a different method of erosion control is permitted by the Township . Sod or seed shall be clean, free of weeds, noxious pests, or disease.

(2) Recommended Species of Trees and Shrubs (Section 7.6.4(3)(b)(5)). The selected combination of plant material shall be a combination of living deciduous and evergreen trees, shrubs, and vines hardy to the northwest Michigan region. The Township may adopt a list of required or recommended species. The following are the required minimum sizes of plant materials:

Plant Type	Minimum Size
Evergreen Trees	8 feet minimum height
Deciduous Trees	3-inch minimum d.b.h.*
Ornamental Trees	2-inch minimum d.b.h.*
Deciduous Shrubs	3 feet minimum height
Evergreen Shrubs	30 inches minimum height
Spreading Shrubs	18 inches minimum height
*d.b.h. = Diameter at Breast Height (i.e., diameter of the tree at 4.5 feet above grade)	

(3) Prohibited Species. The Township may prohibit certain species that are invasive or otherwise undesirable.

(4) Minimum Requirements for Plant Material.

(a) All plant material shall conform to the description consistent with generally accepted and published nursery and landscape standards. Plant materials shall be typical of their species or variety, have normal habitat of growth, well-branched and densely foliated when in leaf.

(b) Plant materials shall be chosen according to soil, climatic conditions and environmental factors for the proposed development, the location of the installation, and its desired function.

(c) Artificial plant material is prohibited.

(C) Landscape Installation and Maintenance (parts of Section 7.6.4(3))

(1) Installation.

(a) **Installation Period (Section 7.6.4(3)(e)).** All required landscaping improvements are to be completed prior to the final inspection by the Zoning Administrator . In the event of unusual delays or adverse weather conditions that make it impossible to plant, the Zoning Administrator may grant a single extension of the time limit for a further period of not more than 6 months and the owner shall post a performance guarantee in accordance with the provisions set forth in *Section 13.09*.

(b) **Installation Method.** All landscaping shall be installed in a manner consistent with generally accepted and published nursery and landscape standards.

(2) **Maintenance (Section 7.6.4(3)(c)).** It shall be the owner's responsibility to see that the landscaping is regularly maintained in a neat, clean, orderly, and healthful condition. This includes, among other things, proper pruning, mowing of lawns, controlling or removing weeds, replenishing mulch, removal of litter, replacement of diseased, dead, or damaged plants when necessary, and the regular watering of all plants. All diseased, dead, or damaged plants shall be replaced immediately, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

(D) **Modifications (Section 7.6.4(3)(b)(6)).** In consideration of the overall design and impact of the landscape plan, the application of the above standards may be adjusted by the Township Board, in part or in whole, to allow credit for healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

Article 9 Parking, Loading, Access Management, and Private Roads

Section 9.01 General Off-Street Parking and Loading Regulations (currently Section 6.10, Section 7.6.1, and Section 7.6.2)

(A) **General Requirements.** There shall be provided in all Districts, at the time of erection or enlargement of any main building or structure or change in land use, automobile off-street parking space with adequate access to all spaces. The proper number of parking spaces for any given use as specified in this Section are based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during an average day.

(1) **Location of Residential Off-Street Parking.** Parking spaces for residential uses may be within any yard area, but shall not be permitted within a minimum front yard setback unless otherwise provided in this Ordinance. Required residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

(2) **Location of Off-Street Parking for Non-Residential Use.** Parking spaces for non-residential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.

(3) **Fractional Spaces.** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including ½ shall be disregarded and fractions over ½ shall require 1 parking space.

(4) **In Cases of Uses Not Specifically Mentioned.** For uses not specifically mentioned in *Section 9.02*, the requirements of off-street parking spaces shall be in accord with the use which the Zoning Administrator considers is most similar in type.

(5) **Use of Off-Street Parking Areas.** Commercial repair work, storage of merchandise, or servicing or selling of trucks or motor vehicles is prohibited in an off-street parking area.

Section 9.02 Parking Space Requirements (currently Section 7.6.3)

The number of required off-street parking spaces in all Districts shall be provided in accordance with the following minimum requirements in the table below. The Planning Commission may recommend, and the Township Board may modify, the numerical requirements for off-street parking based on evidence that another standard would be more reasonable based on the level of current or future employment and level of current or future customer traffic. In determining whether to permit fewer parking spaces

or require more parking spaces, the Planning Commission and Township Board shall consult the most recent edition of the *Parking Generation*, published by the Institute of Transportation Engineers (ITE) , or other acceptable standard (e.g., parking study by a qualified professional or a reasonable comparison). When authorizing fewer spaces, permitting additional spaces, or requiring a maximum number of allowable spaces, the Planning Commission and Township Board shall cite the standard used to justify its decision.

Use	Baseline Number of Parking Spaces per Unit of Measure
(A) Residential	
(1) One Family, Two Family, Multiple Family, Mobile Home (not in a Mobile Home Park), and Accessory Dwelling Unit	2 for each dwelling unit.
(2) Mobile Home Park	2 for each mobile home site plus 1 for each employee, plus 1 visitors space for each 4 mobile homes.
(3) Adult Foster Care, Small Group Home or Family Home	1 for each non-resident employee on the maximum shift plus 1 for each 3 adult foster residents occupying the home, in addition to those required for permanent non-foster residents of the home.
(B) Institutional	
(1) Religious Institutions and similar places of assembly	1 for each 3 seats in the main assembly area plus 1 per 2 employees.
(C) Business and Commercial	
(1) Personal Services, including Beauty Parlor or Barber Shop	1 per employee plus 2 for each beauty and/or barber shop chair.
(2) Restaurants, taverns, bars	1 for each 2 seats of legal capacity for the facility, plus 1 per employee on the largest shift.
(3) Gasoline Station	1 per gas pump, 2 for each service and repair stall, plus 1 for each employee on each shift.
(4) Retail Sales, except as otherwise specified in this Ordinance	1 for each 150 square feet of floor area.
(5) Child Care Centers	1 for each employee in the largest work shift and 1 per 10 persons cared for at one time, plus stacking spaces for 5 vehicles with 9 feet by 20 feet for each stacking space..
(6) Greenhouses and Nurseries (Retail Sales)	1 for each 150 square feet of floor area.
(7) Indoor Recreation	1 per 3 persons of maximum occupancy as established by local, county, or state fire, building, or health codes, plus 1 parking space per employee on the largest shift.
(D) Offices	
(1) Business or professional offices, except doctors,	1 for each 200 square feet of floor area.

dentists, or similar professions	
(2) Professional Offices or doctors, dentists, or similar professions	1 for each 200 square feet of floor area plus 1 per employee on the largest shift.
(E) Industrial and Warehousing	
(1) Industrial or manufacturing establishments, research and testing laboratories, and related accessory offices	5 plus 1 for every 1 employee for the largest working shift.
(2) Warehouses or wholesale establishments and related accessory offices	5 plus 1 for every 1 employee for the largest working shift.
(F) Other Uses	
(1) Marinas	1 space for each 150 square feet of building area, exclusive of area used for boat storage, plus 1 additional space for every 1.5 slips or mooring locations, excluding designated transient slips. Additional spaces will be required for such uses as stores and restaurants as provided herein.
(2) Bed and Breakfasts	1 space per rental sleeping room in addition to the 2 spaces required for owner/occupant.
(3) Hotel, Motel, Tourist Court	1 for each sleeping room, plus 1 for each employee of the maximum working shift. Additional spaces are required for such uses as a restaurant or bar as provided in this Ordinance.
(4) Retail Farm Processing Facilities	One (1) for each one hundred (100) square feet of retail floor space plus one (1) for each employee of maximum working shift, plus three (3) spaces for tour buses or cars with trailers. In addition, truck loading and unloading areas shall be designated. (UPDATED BY AMENDMENT 201)
(5) Wholesale Farm Processing Facilities	Five (5) plus one (1) for each one (1) employee for the largest working shift. In addition, truck loading and unloading areas shall be designated. (UPDATED BY AMENDMENT 201)
(6) Headquarters Building (Recreational Unit Park)	1 for each 200 square feet of floor area plus 1 for each employee on the largest working shift.
(7) Recreational Unit Site	Each site shall have a parking space for at least 1 vehicle other than the recreational unit.
(8) Self Service Storage Facility	2 for the manager's residence plus 1 per 25 storage units, to be located at the office at the storage complex. In no instance shall less than 5 parking spaces be provided on-site.
(9) Events	1 space for every 3 person expected to attend or participate in the event.

Section 9.03 Off-Street Parking Site Development Requirements (currently Section 7.6.4(1) and (2))

All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

(A) Permit Required. No parking lot shall be constructed until a permit is issued by the Zoning Administrator.

(B) Design. Before such permit is issued, plans and specifications shall be submitted to the Zoning Administrator showing the location, capacity, size, site design, surfacing, marking, lighting, drainage, entrances, exits, and any other detailed features essential to the design and construction of the proposed parking facility.

(1) Minimum Parking Space Dimensions. Minimum dimensions of 9 feet wide by 20 feet long are required for parking spaces, except in the case of angled parking, when approving authority may require longer spaces. For parallel parking, the dimensions shall be at least 12 feet wide for the maneuvering lane, 8 feet for the parking space width, and 23 feet for the parking space length.

(2) Maneuvering Lanes. All parking spaces shall be provided access by 20-foot wide maneuvering lanes. Backing directly onto a street shall be prohibited.

(3) Driveway Access. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area other than residential use shall not be across land zoned for residential use. Where 2 or more lots allow for shared access, shared access easements shall be provided for all shared access drives to ensure that the internal circulation system connects to the internal circulation system on adjacent lots. The cross-access agreement shall provide for reciprocal cross-access for connection to adjacent lots without limitation.

(4) Driveway Spacing. Each entrance and exit to and from any off-street parking lot located in an area other than single-family residential use shall meet the following spacing requirements:

(a) From Adjacent Property in a Residential District. At least 25 feet distant from adjacent property located in any residential district.

(b) From Road Intersections. At least 100 feet from any intersection of 2 roads on the same side of the road or opposite side of the road. For sites that cannot meet the driveway spacing standards due to insufficient road frontage or the presence of natural features that cannot be altered (e.g., slopes and trees), the Township Board may modify the driveway spacing requirements.

(5) Surface. Except for single-family residential lots, all parking areas, including parking spaces and maneuvering lanes, shall be surfaced with a material that shall provide a durable, smooth, and dustless surface, and shall be graded and drained to dispose of all

collected surface water. The surface shall be maintained in a durable, smooth, and dustless condition.

(6) **Lighting.** All lighting shall conform to the requirements of *Section 8.07*.

(7) **Vehicle Stacking.** Ingress and egress to the parking lot shall provide adequate stacking space so that vehicles do not block the ingress/egress road or park on public road shoulders.

Section 9.04 Off-Street Loading and Unloading

If the proposed use requires frequent loading and unloading by large vehicles, the Township Board may require 1 or more off-street loading spaces. The off-street loading spaces shall be a minimum of 10 feet wide and 25 feet long, and shall have a minimum vertical clearance height of 14 feet.

Section 9.05 Snow Storage (currently Section 7.6.4(4))

Whenever a development requiring off-street parking has parking areas containing over 2,700 square feet or more, provision shall be make for on-site snow storage area in addition to the required parking lot area. Snow storage shall be provided on the ratio of 15 square feet per 100 square feet of parking lot surface area. Snow storage areas shall not interfere with clear visibility of traffic or adjacent streets and highways, shall not damage any landscaping required, and must drain to approved storm water structures.

Section 9.06 Driveway Requirements (currently Section 6.2.5)

(A) **Minimum Clearances.** To reduce fire hazard and make possible access to all dwellings and other buildings by the Fire Department, all driveways shall maintain horizontal and vertical clearances of at least 13 feet from bordering trees, overhead wires and other obstructions.

(B) **Minimum Setback.** Minimum setback of driveways and aprons from property lines shall be 5 feet.

(C) **Shared Driveways.** Shared residential driveways shall comply with the following standards in addition to all other applicable standards of this Ordinance:

(1) **Easement Agreement.** An easement agreement shall be approved by the Township Attorney, signed by the applicants/owners, and recorded with the County Register of Deeds.

(2) **Maximum Number of Lots Served.** The shared residential driveway shall not serve more than 2 dwelling units.

(3) **Address Signs.** All addresses served by the shared residential driveway shall be clearly marked at its point of intersection with a road, and such addresses shall also be clearly marked at any location a private driveway splits from the shared residential driveway.

(4) **Name Prohibited.** No shared residential driveway shall be posted with a name.

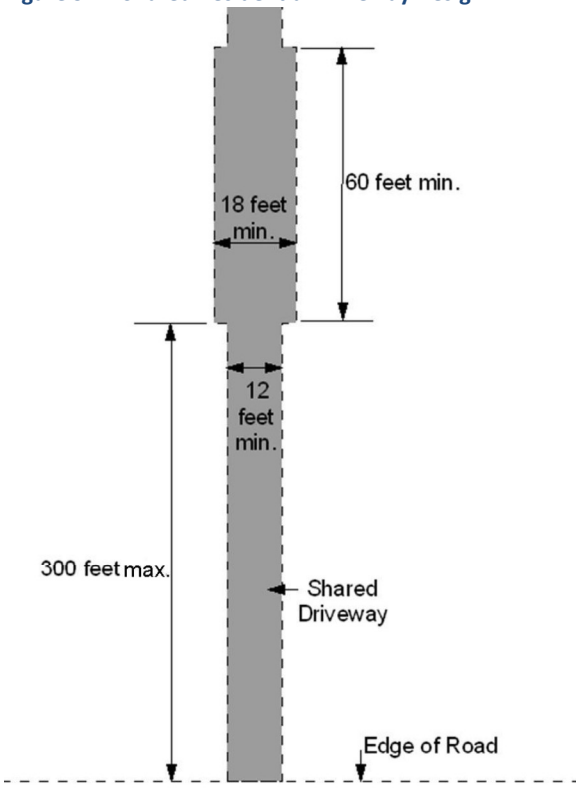
(5) General Driveway Standards. Shared residential driveways shall comply with the requirements and standards of all driveways, where applicable, including the driveway clearance requirements of *Section 9.06(A)*. It shall not be used to provide lot frontage for a parcel,

(6) Minimum Width. The driveway surface shall be a uniform minimum 12 feet wide, measured edge to edge, with 18 feet wide passing flares provided at least every 300 feet. Passing flares shall be at least 60 feet in length (See *Figure 9-1*).

(7) Maximum Length. The shared residential driveway shall not exceed 1,000 feet in length.

(8) Emergency Vehicle Turnaround. Shared residential driveways more than 150 feet in length shall include an area dedicated to emergency vehicle turnaround that meets the standards of the International Fire Code, which may be amended from time to time.

Figure 9-1. Shared Residential Driveway Design



Section 9.07 Private Roads (currently Section 7.10 with 2019 and 2026 Revisions)

(A) Private Road Approval Process.

(1) Application. Sufficient copies of complete construction plans, drainage plan, easement agreement, road maintenance and improvement agreement, and hold harmless agreement shall be presented to the Zoning Administrator. The Zoning Administrator shall submit the copies of the hold harmless agreement, easement agreement, and the road maintenance and improvement agreement to the Township Attorney for review and approval. The applicant shall also submit copies to the County Road Commission, Department of Transportation, Drain Commissioner, and County Soil Erosion Office for their review, comment, and any appropriate permits.

(2) Zoning Administrator Review. The Zoning Administrator shall review the plans and the proposed benefitting properties for conformance with the Township Master Plan, the Zoning Ordinance, the Subdivision Control Ordinance, the Land Division Ordinance, and any other requirements of the Township. Consistent with Section 13.04.A.10, any land division creating five or more parcels, including those served by a proposed private road, shall required Site Plan Approval from the Planning Commission.

(3) Permit Issuance. The Zoning Administrator shall issue a preliminary private road permit prior to the commencement of any construction work on the road. Such permit shall only be issued after the initial plans, specifications, easement language, maintenance and improvement agreement, and hold harmless agreement have all been approved, and appropriate reviews and permits have been received from the agencies to whom copies were submitted in accordance with *Section 9.07(A)(1)*.

(a) No parcel of land or lot created shall be issued a land use permit without having the required lot width or frontage width along a public road or a private road.

(b) No land use permit for a structure shall be issued until the preliminary private road permit has been issued, and no occupancy permit shall be issued until the final private road permit has been issued by the Zoning Administrator.

(c) Only public roads shall be used to access non-agricultural commercial, industrial, or business uses; however, private internal roads may be used as access to individual buildings or uses within an approved development. **(Revised from current Ordinance in 2019).**

(4) Final Inspection and Authorization for Use The private road shall not be authorized for use until certification has been made by the Zoning Administrator that the facility was built according to the plans and specifications or that any deviation from the approved plans and specifications does not impair the functional intent of the approved of design or otherwise violate this Ordinance. In order to make sure determination, the applicant shall submit as-built plans to the Zoning Administrator

(a) Built according to the plans and specifications; or

(b) That any deviation from the approved plans and specifications does not impair the functional intent of the approved design.

(B) Maintenance and Improvements Agreement.

(1) Proposed easement and road maintenance and improvements agreements shall be provided to the Township Zoning Administrator. Easement and road maintenance and improvements agreements shall provide as a minimum:

(a) Majority vote rules regarding road maintenance and improvement decisions.

(b) The owner of each parcel will be responsible for payment of the share of costs apportioned to his or her parcel.

(c) The owners shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.

(d) The agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners, heirs, successors, assigns, and transferees of the agreement, in perpetuity.

(e) The owner or owners of the land served by the road shall provide for the requirement to grade, drain, and otherwise maintain the private road in accordance with the requirements of Township ordinances.

(f) A statement that the owners have not asked the Grand Traverse County Road Commission to accept the road as a public road. As such, the roadway will be private and the Road Commission will have no obligation to maintain the road in any manner. This provision does not prevent the future upgrading to County Road Standards nor requesting the road to be taken over by the County Road Commission.

(g) The road maintenance and improvement agreement shall allow the Township to repair and maintain private roads if, after 90 days prior notice, the owners do not repair or maintain the private roads in accordance with this Ordinance. Repairs or maintenance considered by the Township to be of an emergency nature may be done sooner by the Township with prior notice.

(2) The road maintenance and improvement agreement shall be reviewed and approved by the Township Attorney for compliance with the Township regulations and shall be recorded with the Grand Traverse County Register of Deeds.

(C) Hold Harmless Agreement. A waiver or indemnification and "hold harmless" agreement to benefit the Township, as approved by the Township Attorney, is required.

(D) Drainage Plan. A Drainage Plan meeting the approval of the Grand Traverse County Soil Erosion and Sedimentation Control Program shall be prepared by a registered professional engineer, and the plan will control erosion and retain storm water on site or direct it to a proper drainage course. The drainage plan, as it affects the roadways shall indicate the manner in which surface drainage is to be controlled. An easement of 20 feet or more in width shall be provided when the drain crosses private property within the project or adjacent to it. The drainage plan shall conform to the requirements of all agencies having jurisdiction. The owner or owners of the land served by the road shall provide in a road maintenance and improvement agreement for the requirement to grade, drain, and otherwise maintain the private road in accordance with the requirements of the ordinance.

(E) Right-of-Way, Temporary Grading Easements, and Utility Easements. The following right-of-way, temporary grading easements and utility easements are required for all private roads:

(1) Right-of-way or Easement Access Minimum Width of 33 feet. The private road including shoulders and ditches shall be located within this Right of Way or Easement Access.

(2) Temporary Grading Easement. A Temporary Grading Easement of at least 16.5 feet shall be provided on each side of the Right-of-way or Easement Access until such time as the road is completed. Greater Temporary Grading Easements may be required on steep slopes so that the road, including shoulders and ditches can be constructed within the Right-of-way or Easement Access according to the plan provided for by *Section 9.07(I)*.

(3) Utility Easement. A 10-foot wide Utility Easement for public and private utilities shall be provided on each side of the Right-of Way or Easement Access and may be within a Grading Easement or located outside the Grading Easement.

(F) Road Layout.

(1) The road layout shall conform to any adopted road plan of Peninsula Township and shall also conform to the pattern established by adjacent roads.

(2) All existing roads that terminate at the boundaries of a proposed development shall be connected with the road system of the proposed development.

(3) Suitable access from an isolated (i.e., landlocked) parcel previously dependent on this property for sole access to existing public roads must be provided access by easement or dedication.

(4) The layout of roads shall provide as much as possible for a continuous circuit for travel. In special cases where the lands to be divided are limited in area or are subject to a natural barrier, the Township Board or Zoning Administrator may approve a dedication which provides access to another road at one end only if a cul-de-sac of 40-foot minimum roadbed radius with 60-foot radius right-of-way is provided at the terminus of the road to permit turning in a continuous circuit. The Fire Department may require a larger roadbed radius or right-of-way radius. No more than 5 driveways will be permitted to enter the cul-de-sac beyond the point of curvature at the beginning of the cul-de-sac. A cul-de-sac

shall not be allowed where it is reasonable to connect to adjacent properties. Refer to sketches of typical cul-de-sac (*Figure 9-2*) and typical intersection (*Figure 9-3*).

(G) Road Names. All private roads names shall be approved by the Grand Traverse County Equalization Department and the Township Board, when applicable.

(H) Signs. Traffic control signs shall be placed in accordance to the Michigan Manual of Uniform Traffic Control Devices. Signs marked "Private Road" shall be erected and maintained at the entrance to all private roads in subdivisions, condominiums, or other residential developments.

(I) Required Specifications.

(1) Plan and Profile.

(a) Plan and profile drawings shall be prepared by a licensed Professional Engineer in detail complete enough to be used as construction plans.

(b) Detailed Construction plans shall be provided at a scale of 1 inch = 100 feet or larger and shall include:

(i) Detailed survey drawings showing the easement, proposed road location and all parcels benefitted by the private road. The plan shall incorporate all construction standards of the Township.

(ii) The proposed gradients of all roads and the location of drainage facilities and structures, as well as other pertinent information.

(iii) Utility easements shall be shown on the plan and such utility easements shall include public sewer, water, and gas as well as telephone, electric, and cable easements.

(c) Vertical curves shall be used at all changes in grade. Sight distance, horizontal and vertical alignment shall be based on a minimum design speed of 25 miles per hour. Sight distance and alignment shall be in accordance with the current American Association of State Highway Officials standards for Geometric Design. Horizontal curve radii, vertical curve lengths, and percent of grade shall all be shown on the plan and profile drawings.

(d) For design of roadbed, shoulders, ditch profiles, and slope requirements refer to *Figure 9-4*, *Figure 9-5*, *Figure 9-6*, and *Figure 9-7*.

(e) Two copies of the plan and profile drawings shall be forwarded to the Zoning Administrator for approval. More detailed construction plans may be required by the Zoning Administrator or Township Engineer. One copy will be returned to the owner upon approval. Approval shall be obtained before construction begins.

(2) Clearing, Grubbing and Maintenance. All trees, stumps, brush, and roots shall be entirely removed between the outside limits of the ditches and also within the 25-foot radius at all intersections whichever is greater. Maintenance of the cleared area shall be performed as necessary to keep the area clear of trees and brush.

(3) Grades and Paving. Permissible percent grades on any private road shall be within the following ranges:

Grades and Paving	
Maximum	9 percent
When the conditions below are met	12 percent
Cul-de-sac	1 percent
Minimum	0.4 percent

Private roads with grades of up to 9 percent shall have a roadbed width of not less than 18 feet and may be paved or have a gravel surface approved by the Township Engineer and shall have 2-foot shoulders on each side. With grades greater than 9 percent, the roadbed width shall be surfaced with bituminous pavement to a width of not less than 20 feet. Integral bituminous raised edge may be used in areas subject to severe erosion, possibly eliminating the need for roadside ditches. Minimum width between beginnings of raised edges shall be the same as for a paved roadbed.

(4) Drainage Structures and Erosion Control. Drainage structures shall be installed as indicated on the Drainage Plan. Minimum diameter of culverts shall be 12 inches unless a smaller diameter is approved by the Drain Commissioner or County Road Commission. The bottom ends of culverts shall extend to the bottom of the slope. Either concrete culvert pipe, corrugated metal pipe or corrugated polyethylene pipe meeting Michigan Department of Transportation specifications of the required size and strength may be used. Standard flared end sections shall be used on all road cross-culverts. Guard posts shall be placed beside the ends of cross culverts to mark their location.

Bridges shall be designed for HS-20 or more loading on all roads. Culverts at driveway entrances may be necessary. Sodding, rip-rapping, sediment basins, topsoil, seeding, mulching, or other methods of erosion control shall be used in accordance with the recommendations of the Soil Erosion and Sedimentation Control Officer and the Drain Commissioner.

(5) Surfacing. A minimum total depth of 6 inches of compacted dense aggregate shall be placed on private roads.

(a) The aggregate base course shall be placed on the prepared sub-grade for the entire width of the roadway in accordance with the Standard Plans for Private Roads (*Figure 9-4*, *Figure 9-5*, *Figure 9-6*, and *Figure 9-7*). All material specifications shall meet the current MDOT specifications.

(b) Where bituminous aggregate pavement is required, bituminous aggregate pavement course Michigan Department of Transportation Specification 4.11 20AA Aggregate

(or an alternate mix approved by the Zoning Administrator) applied in 2 or more courses, shall be placed at the minimum rate of 275#/SYD, the leveling course shall be placed at a rate of 165#/SYD with the remainder placed on the surface course. A time period of no more than 1 year shall elapse between the placements of any 2 courses of bituminous pavement. A bituminous prime coat applied at the rate of 0.25 gal/SYD on the prepared aggregate base course and a bituminous bond coat applied at a rate of 0.10 gal/SYD between pavement courses will be required.

(c) Shoulders shall be stabilized with 2.5 inches or more of good compacted topsoil over 6 inches of compacted gravel. Shoulders shall be sodded or seeded and mulched to insure an adequate covering of grass.

(6) **Intersections.**

(a) **Angle of Intersection.** Roads shall generally intersect at 90 degrees but never less than 80 degrees.

(b) **Number of Roads.** No more than 2 roads shall cross at any 1 intersection.

(c) **"T" Intersections.** "T" type intersections shall be used where practical.

(d) **Centerline Offsets.** New private roads shall be designed to intersection directly opposite the center line of an opposing street or parking lot entrance. If that is not possible, they shall be separated by at least 150 feet or other distance as required by the Grand Traverse County Road Commission or the Michigan Department of Transportation.

(e) **Vertical Alignment of Intersection.** A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back 50 feet from the center of the intersection.

(7) **Utilities.** Adequate utility easements shall be provided within or adjacent to the right-of-way and dedicated to the public. All utilities which are placed underground in the private road right-of-way shall be placed prior to final soil erosion measure work where at all possible.

(J) **Clear Vision and Sight Triangles.** In addition to the requirements of *Section 7.09*, the minimum clear sight distance at all minor road intersections shall permit vehicles to be visible to the driver of another vehicle when each is 125 feet from the center of the intersection.

(K) **Non-Conforming Private Roads.**

(1) **Definition and Intent.** Non-conforming private roads are those existing at the time this Ordinance is approved that do not meet the standards of this Ordinance for private roads.

(2) **Safety.** To retain the character of the surrounding area and neighborhoods while ensuring public safety and health standards, non-conforming private roads shall require an evaluation/assessment from the Fire Department or the Township Engineer prior to any

road extensions. Accessibility of emergency vehicles on the private road must be included in the report to the property owner and a copy will be sent to the Township Board. The Township Board may distribute copies of the report to property owners on the road or a neighborhood association.

(3) Continued Use with New Lot Division or Road Extension. Non-conforming private roads may continue to be used in the case of land division into new lots or a private road extension, provided that the easements and other requirements are met as required below:

(a) Required Private Road Requirements for Creation of 1 or More new Lots on Existing Non-Conforming Private Road:

- **(i)** Maintenance and Improvement Agreement (*Section 9.07(B)*).
- **(ii)** Hold Harmless Agreement (*Section 9.07(C)*).
- **(iii)** Drainage Plan (*Section 9.07(D)*).
- **(iv)** Right-of-Way, Temporary Grading, and Utility Easements (*Section 9.07(E)*).
- **(v)** Road Names, if necessary (*Section 9.07(G)*).
- **(vi)** Road Signs, if necessary (*Section 9.07(H)*).

(b) Required Private Road Requirements for Extension of Existing Non-Conforming Private Road:

- **(i)** Maintenance and Improvement Agreement (*Section 9.07(B)*).
- **(ii)** Hold Harmless Agreement (*Section 9.07(C)*).
- **(iii)** Drainage Plan (*Section 9.07(D)*).
- **(iv)** Right-of-Way, Temporary Grading, and Utility Easements (*Section 9.07(E)*).
- **(v)** Road Layout (*Section 9.07(F)*).
- **(vi)** Road Names, if necessary (*Section 9.07(G)*).
- **(vii)** Road Signs, if necessary (*Section 9.07(H)*).
- **(viii)** Improvements to Required Specifications (*Section 9.07(I)*).
- **(ix)** Clear Vision and Sight Triangles (*Section 9.07(J)*).
- **(x)** Performance Guarantee (*Section 9.07(L)*).
- **(xi)** Fire Department Evaluation/Assessment (*Section 9.07(K)(2)*).

(L) Performance Guarantee of Completion of Required Improvements. See *Section 13.09(C)*.

Figure 9-2. Typical Cul-De-Sac

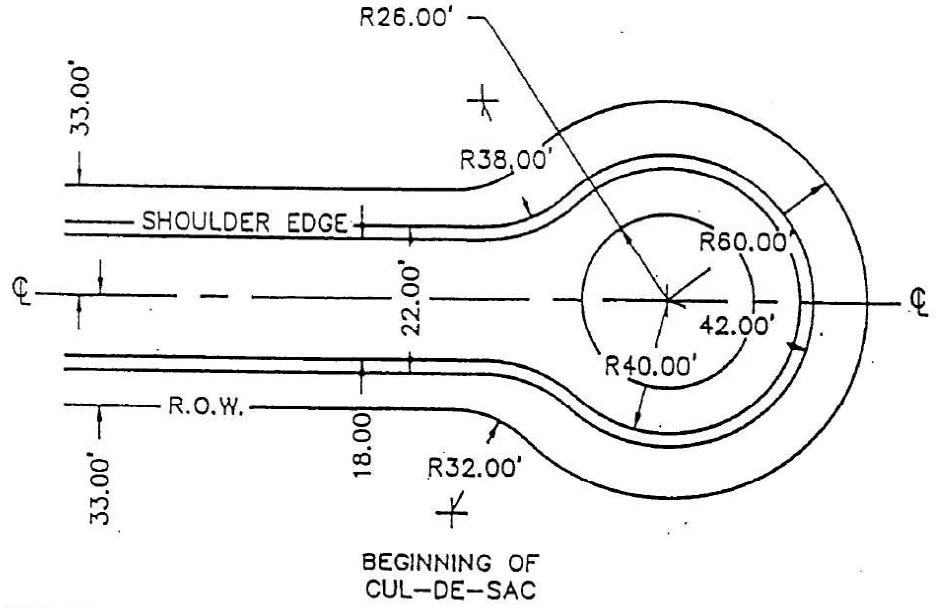


Figure 9-3. Typical Intersection

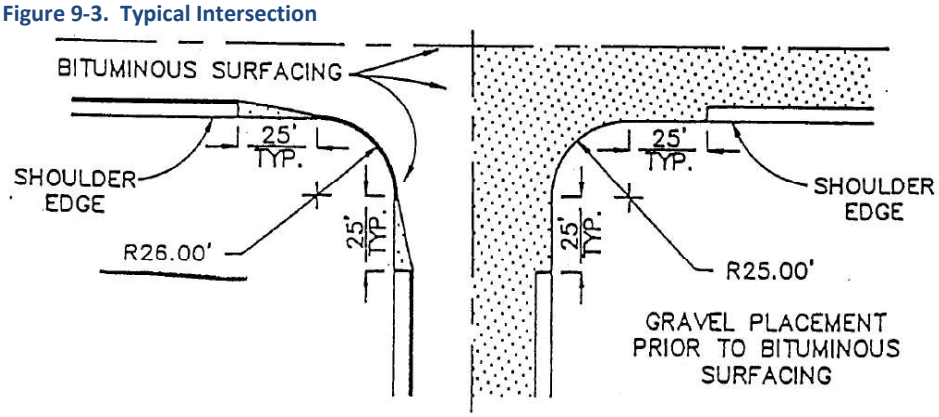


Figure 9-4. Typical Road Section A - A

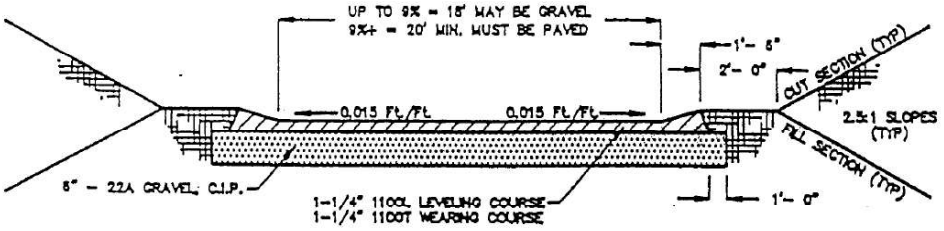


Figure 9-5. Typical Road Cross Section B - B

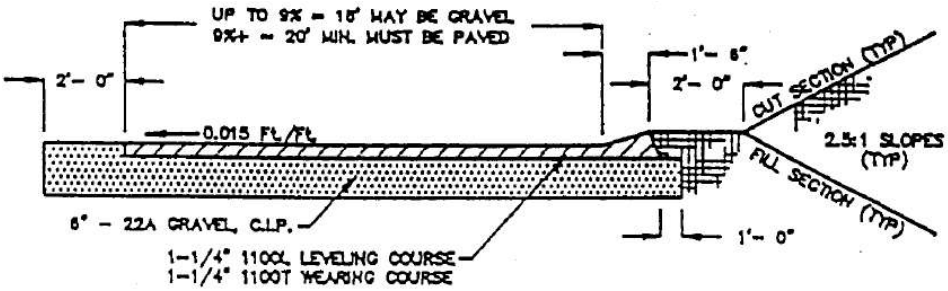


Figure 9-6. Bituminous Curb Detail

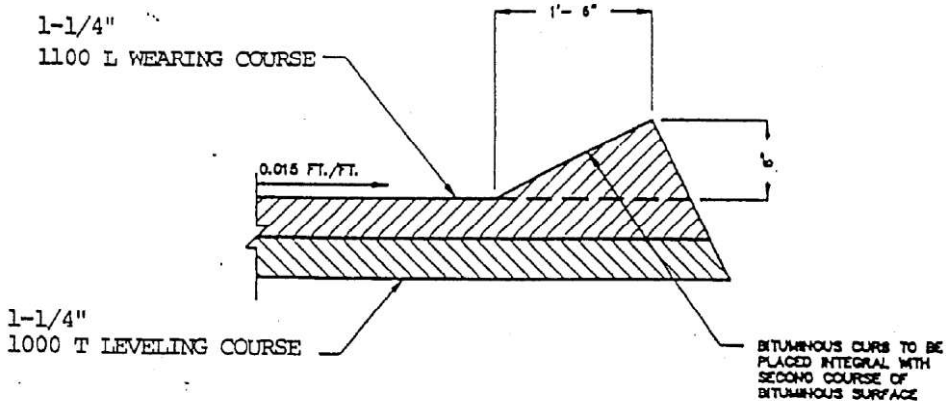
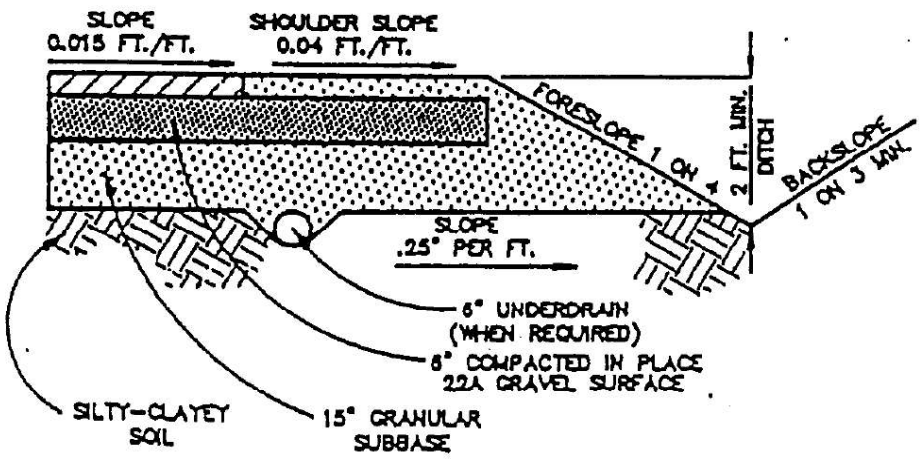


Figure 9-7. Typical Ditch Detail



Article 3 Zoning Districts and Map

Section 3.01 Districts Established (currently Section 6.1.1)

For the purpose of this Ordinance the Township of Peninsula is hereby divided into the following districts:

(A) Zoning Districts.

(1) A-1: Agricultural
(2) R-1A: Rural and Hillside Residential
(3) R-1B: Coastal Zone Residential
(4) R-1C: Suburban Residential
(5) R-1D: Community Residential
(6) C-1: Commercial
(7) CF: Community Facilities

(B) Overlay Districts.

(1) Airport Overlay Zone District

Section 3.02 Zoning Districts Map (currently Section 6.1.2)

The boundaries of the districts are defined and established as shown on a map entitled "Zoning District Map of Peninsula Township, Grand Traverse County, Michigan" which accompanies this Ordinance.

The official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bearing the following words: "This is to certify that this is the official Zoning Map, referred to in *Section 3.02* of the Peninsula Township Zoning Ordinance." If in accordance with the provisions of this Ordinance and of the applicable statute, amendments effecting changes are made in district boundaries or other matter portrayed on the official Zoning Map, such changes shall not be considered final, and land use permits shall not be issued until changes have been made on the official Zoning Map. Such Map changes shall be made after the effective date of the Ordinance amendment. Each Map change shall indicate the zoning amendment number on the Map. The official Zoning Map shall be maintained and kept up to date by the Township.

Section 3.03 Interpretation of District Boundaries (currently Section 6.1.3)

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning Map, the following rules shall apply:

(A) Streets, Roads, and Highways. Boundaries indicated as approximately following the streets, roads, or highways shall be considered to be such boundaries.

(B) Lot Lines. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

(C) **Township Boundary Lines.** Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.

(D) **Parallel to Streets, Roads, or Highways.** Boundaries indicated as approximately parallel to the center lines of streets, roads, or highways shall be construed as being parallel and at such distance as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.

(E) **Water Bodies.** Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines; on the Great Lakes, the boundaries shall be the Ordinary High Water Mark.

(F) **Zoning of Accreted Land.** Accreted land shall automatically be subject to the same zoning regulations as the adjacent land.

(G) **Unresolved District Boundaries.** Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between 2 districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals. To determine the more restrictive district, the more restrictive districts shall be in the following order (from the most restrictive to the least restrictive): A-1, R-1A, R-1B, R-1C, R-1D, and C-1.

Section 3.04 Scope of Regulations (currently Section 6.1.4)

No building or structure, or part of a building or structure, shall be erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with this Ordinance and with the regulations specified for the district in which it is located.

The regulations applying to each district include specific limitations on the use of land and structures, height and bulk of structures, structure density, lot area, yard dimensions, and area of lots that can be covered by each structure.

Section 3.05 Categories within Zoning Districts (currently Section 6.1.5)

To ensure all possible benefits and protection for the Zoning Districts in this Ordinance, land uses are classified into 2 categories:

(A) **Uses Permitted By RIGHT.** Uses and structures which can be approved by the Zoning Administrator for the Zoning District.

(B) **Uses Permitted by SPECIAL USE PERMIT.** Generally accepted uses and structures within the Zoning District, which may require special consideration because they could present potential injurious effects upon welfare of adjacent properties and to the community as a whole. All such uses proposed shall be approved in accordance with the provisions of this Ordinance, including *Article 6*.

Section 3.06 Permitted Uses by District (2019 Table of Land Uses, which includes applicable parts of Sections 6.2 – 6.7, USES ADDED BY AMENDMENT, 2026 CF DISTRICT USES)

P = Uses Permitted by Right (also see Development Standard column)
SU = Uses Permitted by Special Use Permit (also see Development Standard column)

Use (Section Number for Definition)	A-1	R-1A	R-1B	R-1C	R-1D	C-1	CF	Development S
Accessory Buildings and Structures *(Section 2.02(A)(1))*	P	P	P	P	P	P	P	*Section 7.01*
Accessory Dwelling *Units (Sections 2.02(A)(2) and 2.02(A)(3))*	SU	SU	SU	SU	SU			*Section 6.01*
Adult Foster Care, Family Home *(Section 2.02(A)(6)(a))*	P	P	P	P	P			*Section 6.03*
Adult Foster Care, Small Group Home *(Section 2.02(A)(6)(b))*	P	P	P	P	P			*Section 6.03*
Agricultural Labor Camp, Less than 5 migrant workers *(Section 2.02(A)(8), "Agricultural Labor Camp, Unlicensed")*	P							
Agricultural Labor Camp, Licensed *(Section 2.02(A)(7))*	P							
Airports and Airfields *(Section 2.02(A)(14))*	SU						SU	*Section 3.15*
Barn Storage *(Section 2.02(A)(18))*	SU							*Section 6.04*
Boat Launch *(Section 2.02(A)(24))*						SU	SU	*Section 6.06*
Bed and Breakfasts *(Section 2.02(A)(20))*	SU	SU	SU	SU	SU			*Section 6.05*
Cemeteries *(Section 2.02(A)(34))*	P						P	
Child Care, Family Home *(Section 2.02(A)(35)(b))*	P	P	P	P	P			*Section 6.08*
Child Care, Group Home *(Section 2.02(A)(35)(c))*	P	P	P	P	P			*Section 6.09*
Child Care Centers *(Section 2.02(A)(35)(a))*						SU	SU	*Section 6.07*
Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment *(Sections 2.02(A)(23), 2.02(A)(43), 2.02(A)(45), 2.02(A)(72), 2.02(A)(82), and 2.02(A)(83))*	P	P	P	P	P	P	P	*Section 3.14(J)*
Dwelling, Multiple-Family – 2 Dwelling Units *(Section 2.02(A)(46)(a))*	SU	SU	SU	SU	SU			*Section 6.10*
Dwelling, Multiple-Family – 3 or 4 Dwelling Units *(Section 2.02(A)(46)(a))*	SU	SU	SU	SU	SU			*Section 6.10*
Dwelling, Multiple-Family – More than Four Dwelling Units *(Section 2.02(A)(46)(a))*	SU	SU	SU	SU	SU			*Section 6.10*
Dwelling, Single-Family *(Section 2.02(A)(46)(b))*	P	P	P	P	P			
Essential Services *(Section 2.02(A)(52))*	P	P	P	P	P	P	P	*Section 7.04*
Event Venue, Indoor (2026 SECTION) *(Section 2.02(A)(54))*						P	SU	*Section 6.11*
Event Venue, Outdoor (2026 SECTION) *(Section 2.02(A)(55))*						SU	SU	*Section 6.11*
Farm Stand (REVISED BY AMENDMENT 203) *(Section 2.02(A)(62))*	P							*Section 6.12*
Farm Supply and Implement Dealers *(Section 2.02(A)(63))*						SU		
Fences *(Section 2.02(A)(65))*	P	P	P	P	P	P	P	*Section 7.05*
Food Processing Plant *(Section 2.02(A)(71))*	SU							*Section 6.13*
Game or Hunting Preserves Operated for Profit *(Section 2.02(A)(73))*	SU							
Gas Stations (Section 2.02(A)(75))						SU		*Section 6.14*
General Farming and Horticultural Uses *(Section 2.02(A)(10), "Agriculture")*	P	P	P	P	P			*Section 6.15*
Greenhouses and Nurseries, with Retail Sales *(Section 2.02(A)(79)(a))*	SU					P		*Section 6.16*

Commented [DM2]: Planned Unit Development row is missing, but listed in each district as P or SU.

Commented [DM3R2]: There is a missing row for Personal Services while being listed as a special land use in the C1 District.

Commented [DM4]: Anywhere you see (Section 2.01(G)) cited - there is not a direct Article 2 definition for.

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Commented [DM7]: No def

Commented [DM8]: No def

Commented [DM9]: No def

Commented [DM10]: No Special Land Use Standards

Commented [DM11]: Find Special Land Use Standards

Commented [DM12]: No def

Use (Section Number for Definition)	A-1	R-1A	R-1B	R-1C	R-1D	C-1	CF	Development S
Greenhouses and Nurseries, without Retail Sales *(Section 2.02(A)(79)(b))*	P							
Golf Courses and Country Clubs (2026 SECTION) *(Section 2.02(A)(76), for Golf Courses; Section 2.02(A)(39), for Country Clubs)*	SU							
Home Occupations *(Section 2.02(A)(84))*	P	P	P	P	P			*Section 6.17*
Hotels and Motels *(Section 2.02(A)(85))*						SU		*Section 6.18*
Indoor Recreation *(Section 2.02(A)(87))*						SU	SU	*Section 6.19*
Institutional Structures and Uses *(Section 2.02(A)(88))*							P	*Section 6.20*
Junk Yards *(Section 2.02(A)(89))*						SU		*Section 6.21*
Keeping of Domestic Animals *(Section 2.02(A)(90))*	P	P	P	P	P			*Section 6.22*
Kennels *(Section 2.02(A)(91))*	SU					SU		*Section 6.23*
Marinas *(Section 2.02(A)(106))*							SU	*Section 6.24*
Mining or Removal of Topsoil *(Section 2.02(A)(109))*	P							*Section 8.03*
Mobile Homes (not in a Mobile Home Park) *(Section 2.02(A)(110))*	P	SU	SU	SU	SU			*Section 6.25*
Mobile Home Park Developments *(Section 2.02(A)(111))*					SU			*Section 6.26*
Off-Street Parking Lots *(Section 2.02(A)(114))*						SU		*Article 9*
Outdoor Storage *(Section 2.02(A)(117))*	P	P	P	P	P	P	P	*Section 7.09*
Pet Sitter *(Section 2.02(A)(122))*	P	P	P	P	P	P		
Professional Offices *(Section 2.02(A)(127))*						SU		
Public Areas (Parks, Recreation, and Conservation Areas) *(Section 2.02(A)(128))*							P	*Section 6.27*
Raising, Keeping, and Boarding of Livestock *(Sections 2.02(A)(10) and 2.02(A)(22))*	P							
Raising of Fur Bearing Animals for Profit *(Section 2.02(A)(130))*	SU							
Recreational Outdoor Activity, Accessory (2026 SECTION) *(Section 2.02(A)(133))*						P	SU	*Section 6.28*
Recreational Outdoor Activity, Principal (2026 SECTION) *(Section 2.02(A)(134))*						P	SU	*Section 6.29*
Recreational Unit Park *(Section 2.02(A)(136))*	SU						SU	*Section 6.30*
Recreational Unit Sales *(Section 2.02(A)(137))*						SU		
Recreational Vehicle Storage *(Section 2.02(A)(139))*	P	P	P	P	P			*Section 7.06*
Remote Tasting Rooms (UPDATED BY AMENDMENT 201) *(Section 2.02(A)(175), "Tasting Room," which includes a Remote Tasting Room)*	SU							*Section 6.31*
Rental of Non-Owner Occupied Dwelling (30 days or more) *(Section 2.02(A)(141))*	P	P	P	P	P			*Section 6.32*
Restaurants *(Section 2.02(A)(143))*						P		*Section 6.33*
Retail Stores *(Section 2.02(A)(146)*						P		*Section 6.36*
Retail Farm Processing Facility, Indoors Only (UPDATED BY AMENDMENT 201) *(Section 2.02(A)(144), defined as "Retail Farm Processing Facility, with Indoor Sales")*	SU							*Section 6.34*
Retail Farm Processing Facility, with Outdoor Seating (UPDATED BY AMENDMENT 201) *(Section 2.02(A)(145), defined as "Retail Farm Processing Facility, with Outdoor Seating Area")*	SU							*Section 6.35*
Livestock Auction Yards *(Section 2.02(A)(95))*	SU							
Riding Stables *(Section 2.02(A)(147))*	P							*Section 6.37*

Commented [DM2]: Planned Unit Development row is missing, but listed in each district as P or SU.

Commented [DM3R2]: There is a missing row for Personal Services while being listed as a special land use in the C1 District.

Commented [DM4]: Anywhere you see (Section 2.01(G)) cited - there is not a direct Article 2 definition for.

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Commented [DM14]: No Standard, likely due to the fact it is permitted by right.

Commented [DM15]: Find Special Land Use Standards

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Commented [DM25]: No def

Commented [DM26]: No def

Commented [DM27]: Find SLU Standards

Commented [DM28]: No def

Commented [DM29]: No def

Commented [DM30]: Find SLU Standards

Use (Section Number for Definition)	A-1	R-1A	R-1B	R-1C	R-1D	C-1	CF	Development S
Sawmills *(Section 2.02(A)(158))*	SU					SU		
Self Service Storage Facility *(Section 2.02(A)(159))*						SU		*Section 6.38*
Personal Services *(Section 2.02(A)(121))*						SU		
Sewage Treatment and Disposal Installations *(Section 2.02(A)(161))*							SU	*Section 6.39*
Solar Energy Systems, Ground-Mounted (10 kW or less) *(Section 2.02(A)(167))*	P	P	P	P	P	P	P	*Section 6.40*
Solar Energy Systems, Ground-Mounted (over 10 kW) *(Section 2.02(A)(167))*	SU						SU	*Section 6.40*
Solar Energy Systems, Roof-Mounted *(Section 2.02(A)(167))*	P	P	P	P	P	P	P	*Section 6.40*
Storage for Agricultural Products *(Section 2.02(A)(168))*	SU							
Swimming Pools *(Section 2.02(A)(174))*	P	P	P	P	P	P	P	*Section 7.11*
Temporary Construction Buildings *(Section 2.02(A)(176))*	P	P	P	P	P	P	P	*Section 7.12*
Tenant House *(Section 2.02(A)(177))*	P							*Section 6.41*
Utilities *(Section 2.02(A)(129), "Public Utility")*						SU		
Veterinary Hospitals and Clinics *(Section 2.02(A)(182))*	SU					SU		
Walls, including Retaining Walls (Sections 2.02(A)(184) and 2.02(A)(185))	P	P	P	P	P	P	P	*Section 7.05*
Warehousing and Light Industrial *(Section 2.02(A)(187)(a))*						SU		*Section 6.42*
Warehousing of Products Sold at Retail on the Premises *(Section 2.02(A)(187)(c))*						SU		*Section 6.42*
Wholesale Farm Processing Facility *(Section 2.02(A)(189))*	P							*Section 6.44*
Wind Energy Conversion Systems (WECS) *(Section 2.02(A)(190))*	SU	SU	SU	SU	SU	SU	SU	*Section 6.43*
Wireless Communications Facilities *(Section 2.02(A)(193))*	SU					SU	SU	*Section 6.45*

P = Uses Permitted by Right (also see Development Standard column)
SU = Uses Permitted by Special Use Permit (also see Development Standard column)

Commented [DM2]: Planned Unit Development row is missing, but listed in each district as P or SU.

Commented [DM3R2]: There is a missing row for Personal Services while being listed as a special land use in the C1 District.

Commented [DM4]: Anywhere you see (Section 2.01(G)) cited - there is not a direct Article 2 definition for.

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Commented [DM32]: Find Special Land Use Standards

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Commented [DM36]: (No direct definition; qualifying activities are listed in Section 6.42(A))

Commented [DM37]: Find Special Land Use Standards

Commented [DM38]: (No direct definition; related activity is listed in Section 6.42(A)(3))

Section 3.07 A-1, Agricultural District (currently Section 6.7)

(A) Intent and Purpose (currently Section 6.7.1)
This District is intended to recognize the unique ecological character of the Peninsula and to preserve, enhance, and stabilize existing areas within the Township which are presently being used predominantly for farming purposes. There are lands within the district which are not suited to agriculture, therefore allowing other limited uses which are deemed to be compatible with agricultural and open space uses.

(B) Uses Permitted by Right	(C) Uses Permitted by Special Use Permit
• Accessory Buildings and Structures (*Section 7.01*) • Adult Foster Care, Family Home (*Section 6.03*) • Adult Foster Care, Small Group Home (*Section 6.03*) • Agricultural Labor Camp, Less than 5 Migrant Workers • Agricultural Labor Camp, Licensed • Cemeteries • Child Care, Family Home *(Section 6.08)* • Child Care, Group Home (*Section 6.09*) • Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment (Section 3.14(J)) • Dwelling, Single-Family • Essential Services (*Section 7.04*) • Farm Stand (*Section 6.12*) • Fences (*Section 7.05*) • General Farming and Horticultural Uses (*Section 6.15*) • Greenhouses and Nurseries, without Retail Sales • Home Occupations (*Section 6.17*) • Keeping of Domestic Animals (*Section 6.22*) • Mining or Removal of Topsoil (*Section 8.03*) • Mobile Homes (not in a Mobile Home Park) (*Section 6.25*) • Outdoor Storage *(Section 7.09)* • Pet Sitter • Raising and Keeping of Small Animals • Raising, Keeping, and Boarding of Livestock • Recreational Vehicle Storage (*Section 7.06*) • Rental of Non-Owner Occupied Dwelling (30 days or more) (*Section 6.32*) • Riding Stables (Section 6.37) • Solar Energy Systems, Ground-Mounted (10kW or less) (*Section 6.40*) • Solar Energy Systems, Roof-Mounted (*Section 6.40*) • Subdivision (See Subdivision Control Ordinance) • Swimming Pools (*Section 7.11*) • Temporary Construction Buildings (*Section 7.12*) • Tenant House (*Section 6.41*) • Walls, including Retaining Walls (*Section 7.05*) • Wholesale Farm Processing Facility *(Section 6.44)*	• Accessory Dwelling Units *(Section 6.01)* • Airports and Airfields (*Section 3.15*) • Barn Storage *(Section 6.04)* • Bed and Breakfasts (*Section 6.05*) • Multiple-Family – 2 Dwelling Units (*Section 6.10*) • Multiple-Family – 3 or 4 Dwelling Units (*Section 6.10*) • Multiple-Family – More than Four Dwelling Units (*Section 6.10*) • Food Processing Plant (*Section 6.13*) • Game or Hunting Preserves Operated for Profit • Golf Courses and Country Clubs • Greenhouses and Nurseries (Retail Sales) (*Section 6.16*) • Kennels (*Section 6.23*) • Livestock Auction Yards • Planned Unit Developments (*Section 5.01*) • Raising of Fur Bearing Animals for Profit • Recreational Unit Park (*Section 6.30*) • Remote Tasting Rooms *(Section 6.31)* • Retail Farm Processing Facility, Indoors Only *(Section 6.34)* • Retail Farm Processing Facility, with Outdoor Seating (Se*ction 6.35)* • Sawmills • Solar Energy Systems, Ground-Mounted (over 10 kW) (*Section 6.40*) • Storage for Agricultural Products • Veterinary Hospitals and Clinics • Wind Energy Conversion Systems (WECS) (*Section 6.43*) • Wireless Communications Facilities (*Section 6.45*)

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.06.

(D) Dimension Regulations (currently Section 6.7.4 and Section 6.8)			
Lot Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	5 acres	*Front Yard*	35 feet
Min. Lot Width (ft.)	330 feet	*Side Yard*	50 feet
Max. Lot Coverage (%)	n/a	*Rear Yard*	50 feet
Max. Building Height (ft.)	38 feet	*Ordinary High Water Mark*	60 feet (See *Section 3.14*)
Max. Building Height (stories)	2.5 stories		
Min. Building Width of a Principal Structure	n/a		

Commented [DM39]: Missing "Greenhouses and Nurseries, without Retail Sales"

Commented [DM40]: Missing "Remote Tasting Rooms":

Remote Tasting Rooms (Section 6.31)

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Dimension Regulations are subject to Article 4 "Schedule of Regulations" limiting the height and size of buildings, the minimum size of lots permitted, the minimum yard setbacks required, and the maximum lot coverage permitted.

Section 3.08 R-1A, Rural and Hillside Residential District (currently Section 6.2)

(A) Intent and Purpose (currently Section 6.2.1)
This section establishes the R-1A Rural and Hillside Residential District to set standards for the continued development of: (1) rural areas suited to very low density residential development; (2) fragile hillside areas; and (3) interface areas between more intensive residential uses and agricultural land uses. This district includes existing low density residential developments as well as areas within which such development appears both likely and desirable.

(B) Uses Permitted by Right	(C) Uses Permitted by Special Use Permit
• Accessory Buildings and Structures (*Section 7.01*) • Adult Foster Care, Family Home (*Section 6.03(A)*) • Adult Foster Care, Small Group Home (*Section 6.03(B)*) • Child Care, Family Home *(Section 6.08)* • Child Care, Group Home (*Section 6.09*) • Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment *(Section 3.14(J))* • Dwelling, Single-Family • Essential Services (*Section 7.04*) • Fences (*Section 7.05*) • General Farming and Horticultural Uses Permitted by Right (*Section 6.15*) • Home Occupations (*Section 6.17*) • Keeping of Domestic Animals (*Section 6.22*) • Outdoor Storage *(Section 7.09)* • Pet Sitter • Recreational Vehicle Storage (*Section 7.06*) • Rental of Non-Owner Occupied Dwelling (30 days or more) (*Section 6.32*) • Solar Energy Systems, Ground-Mounted (10kW or less) (*Section 6.40*) • Solar Energy Systems, Roof-Mounted (*Section 6.40*) • Subdivision (See Subdivision Control Ordinance) • Swimming Pools (*Section 7.11*) • Temporary Construction Buildings (*Section 7.12)* • Walls, including Retaining Walls (*Section 7.05*)	• Accessory Dwelling Units *(Section 6.01)* • Bed and Breakfasts (*Section 6.05*) • Dwelling, Multiple-Family – 2 Units (*Section 6.10*) • Dwelling, Multiple-Family – 3 or 4 Units (*Section 6.10*) • Dwelling, Multiple-Family – 4 or More Units (*Section 6.10*) • Mobile Homes (not in a Mobile Home Park) (*Section 6.25*) • Planned Unit Developments (*Section 5.01*) • Wind Energy Conversion Systems (WECS) (*Section 6.43*)

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.06.

(D) Dimension Regulations (currently Section 6.2.7 and Section 6.8)			
Lot Standards		***Minimum Setbacks***	
Min. Lot Area	1 acre	*Front Yard*	30 feet
Min. Lot Width (ft.)	150 feet	*Side Yard*	15 feet
Max. Lot Coverage (%)	15 percent	*Rear Yard*	30 feet
Max. Building Height (ft.)	38 feet	*Ordinary High Water Mark*	60 feet (See *Section 3.14*)
Max. Building Height (stories)	2.5 stories		
Min. Building Width of a Principal Structure	24 feet		

Dimension Regulations are subject to Article 4 "Schedule of Regulations" limiting the height and size of buildings, the minimum size of lots permitted, the minimum yard setbacks required, and the maximum lot coverage permitted.

Section 3.09 R-1B, Coastal Zone Residential District (currently Section 6.3)

(A) Intent and Purpose (currently Section 6.3.1)
This section establishes the R-1B Coastal Zone Residential District to set standards for the development of residential properties of a semi-rural character along lake shore drives and in areas of high scenic value where more intensive development would deteriorate the Peninsula environment, and less intensive development is not essential to maintenance of the established environment.

(B) Uses Permitted by Right	(C) Uses Permitted by Special Use Permit
• Accessory Buildings and Structures (*Section 7.01*) • Adult Foster Care, Family Home (*Section 6.03(A)*) • Adult Foster Care, Small Group Home (*Section 6.03(B)*) • Child Care, Family Home *(Section 6.08)* • Child Care, Group Home (*Section 6.09*) • Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment *(Section 3.14(J))* • Dwelling, Single-Family • Essential Services (*Section 7.04*) • Fences (*Section 7.05*) • General Farming and Horticultural Uses Permitted by Right (*Section 6.15*) • Home Occupations (*Section 6.17*) • Keeping of Domestic Animals (*Section 6.22*) • Outdoor Storage *(Section 7.09)* • Pet Sitter • Recreational Vehicle Storage (*Section 7.06*) • Rental of Non-Owner Occupied Dwelling (30 days or more) (*Section 6.32*) • Solar Energy Systems, Ground-Mounted (10kW or less) (*Section 6.40*) • Solar Energy Systems, Roof-Mounted (*Section 6.40*) • Subdivision (See Subdivision Control Ordinance) • Swimming Pools (*Section 7.11*) • Temporary Construction Buildings (*Section 7.12)* • Walls, including Retaining Walls (*Section 7.05*)	• Accessory Dwelling Units *(Section 6.01)* • Bed and Breakfasts (*Section 6.05*) • Dwelling, Multiple-Family – 2 Units (*Section 6.10*) • Dwelling, Multiple-Family – 3 or 4 Units (*Section 6.10*) • Dwelling, Multiple-Family – 4 or More Units (*Section 6.10*) • Mobile Homes (Not in a Mobile Home Park) (*Section 6.25*) • Planned Unit Developments (*Section 5.01*) • Wind Energy Conversion Systems (WECS) (*Section 6.43*)

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.06.

(D) Dimension Regulations (currently Section 6.3.4 and Section 6.8)			
Lot Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	25,000 sq. ft.	*Front Yard*	30 feet
Min. Lot Width (ft.)	100 feet	*Side Yard*	15 feet
Max. Lot Coverage (%)	15 percent	*Rear Yard*	30 feet
Max. Building Height (ft.)	38 feet	*Ordinary High Water Mark*	60 feet (See *Section 3.14*)
Max. Building Height (stories)	2.5 stories		
Min. Building Width of a Principal Structure	24 feet		

Dimension Regulations are subject to Article 4 "Schedule of Regulations" limiting the height and size of buildings, the minimum size of lots permitted, the minimum yard setbacks required, and the maximum lot coverage permitted.

Section 3.10 R-1C, Suburban Residential Development District (currently Section 6.4)

(A) Intent and Purpose (currently Section 6.4.1)
This section establishes the R-1C Suburban Residential District to encourage medium density residential development associated with proximate areas of Traverse City. Such development shall fall within the logical service pattern of the Regional Wastewater Treatment System, whether or not serviced by that system.

(B) Uses Permitted by Right	(C) Uses Permitted by Special Use Permit
• Accessory Buildings and Structures (*Section 7.01*) • Adult Foster Care, Family Home (*Section 6.03(A)*) • Adult Foster Care, Small Group Home (*Section 6.03(B)*) • Child Care, Family Home *(Section 6.08)* • Child Care, Group Home (*Section 6.09*) • Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment *(Section 3.14(J))* • Dwelling, Single-Family • Essential Services (*Section 7.04*) • Fences (*Section 7.05*) • General Farming and Horticultural Uses (*Section 6.15*) • Home Occupations (*Section 6.17*) • Keeping of Domestic Animals (*Section 6.22*) • Outdoor Storage *(Section 7.09)* • Pet Sitter • Recreational Vehicle Storage (*Section 7.06*) • Rental of Non-Owner Occupied Dwelling (30 days or more) (*Section 6.32*) • Solar Energy Systems, Ground-Mounted (10 kW or less) (*Section 6.40*) • Solar Energy Systems, Roof-Mounted (*Section 6.40*) • Subdivision (See Subdivision Control Ordinance) • Swimming Pools (*Section 7.11*) • Temporary Construction Buildings (*Section 7.12)* • Walls, including Retaining Walls (*Section 7.05*)	• Accessory Dwelling Units *(Section 6.01)* • Bed and Breakfasts (*Section 6.05*) • Dwelling, Multiple-Family – 2 Units (*Section 6.10*) • Dwelling, Multiple-Family – 3 or 4 Units (*Section 6.10*) • Dwelling, Multiple-Family – 4 or More Units (*Section 6.10*) • Mobile Homes (Not in a Mobile Home Park) (*Section 6.25*) • Planned Unit Developments (*Section 5.01*) • Wind Energy Conversion Systems (WECS) (*Section 6.43*)

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.06.

(D) Dimension Regulations (currently Section 6.4.3 and Section 6.8)			
Lot Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	20,000 sq. ft.	*Front Yard*	25 feet
Min. Lot Width (ft.)	100 feet	*Side Yard*	15 feet
Max. Lot Coverage (%)	25 percent	*Rear Yard*	30 feet
Max. Building Height (ft.)	38 feet	*Ordinary High Water Mark*	60 feet (See *Section 3.14*)
Max. Building Height (stories)	2.5 stories		
Min. Building Width of a Principal Structure	24 feet		

Dimension Regulations are subject to Article 4 "Schedule of Regulations" limiting the height and size of buildings, the minimum size of lots permitted, the minimum yard setbacks required, and the maximum lot coverage permitted.

Section 3.11 R-1D, Community Residential District (currently Section 6.5)

(A) Intent and Purpose (currently Section 6.5.1)
This section establishes the R-1D Community Residential District to encourage moderately high density development where community services such as fire protection, schools, commercial development, community parks and services are available.

(B) Uses Permitted by Right	(C) Uses Permitted by Special Use Permit
• Accessory Buildings and Structures (*Section 7.01*) • Adult Foster Care, Family Home (*Section 6.03(A)*) • Adult Foster Care, Small Group Home (*Section 6.03(B)*) • Child Care, Family Home *(Section 6.08)* • Child Care, Group Home (*Section 6.09*) • Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment *(Section 3.14(.J))* • Dwelling, Single-Family • Essential Services (*Section 7.04*) • Fences (*Section 7.05*) • General Farming and Horticultural Uses(*Section 6.15*) • Home Occupations (*Section 6.17*) • Keeping of Domestic Animals (*Section 6.22*) • Outdoor Storage *(Section 7.09)* • Pet Sitter • Recreational Vehicle Storage (*Section 7.06*) • Rental of Non-Owner Occupied Dwelling (30 days or more) (*Section 6.32*) • Solar Energy Systems, Ground-Mounted (10kW or less) (*Section 6.40*) • Solar Energy Systems, Roof-Mounted (*Section 6.40*) • Subdivision (See Subdivision Control Ordinance) • Swimming Pools (*Section 7.11*) • Temporary Construction Buildings (*Section 7.12)* • Walls, including Retaining Walls (*Section 7.05*)	• Accessory Dwelling Units *(Section 6.01)* • Bed and Breakfasts (*Section 6.05*) • Dwelling, Multiple-Family – 2 Units (*Section 6.10*) • Dwelling, Multiple-Family – 3 or 4 Units (*Section 6.10*) • Dwelling, Multiple-Family – 4 or More Units (*Section 6.10*) • Mobile Homes (Not in a Mobile Home Park) (*Section 6.25*) • Mobile Home Park Developments (*Section 6.26*) • Planned Unit Developments (*Section 5.01*) • Wind Energy Conversion Systems (WECS) (*Section 6.43*)

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.06.

(D) Dimension Regulations (currently Section 6.5.4 and Section 6.8)			
Lot Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	15,000 sq. ft.	*Front Yard*	25 feet
Min. Lot Width (ft.)	100 feet	*Side Yard*	15 feet
Max. Lot Coverage (%)	30 percent	*Rear Yard*	30 feet
Max. Building Height (ft.)	38 feet	*Ordinary High Water Mark*	60 feet (See *Section 3.14*)
Max. Building Height (stories)	2.5 stories		
Min. Building Width of a Principal Structure	24 feet		

Dimension Regulations are subject to Article 4 "Schedule of Regulations" limiting the height and size of buildings, the minimum size of lots permitted, the minimum yard setbacks required, and the maximum lot coverage permitted.

Section 3.12 C-1, Commercial District (currently Section 6.6)

(A) Intent and Purpose (currently Section 6.6.1)
This section establishes the C-1 Commercial District to allow for convenience type shopping for Township residents and for limited marina and transient lodging facilities. It is the purpose of this regulation to avoid undue congestion on major highways and to promote smooth and safe traffic flow along highway routes. Commercial activities within this district are those which primarily offer goods and services which are generally required by a family at intervals of a week or less.

(B) Uses Permitted by Right	(C) Uses Permitted by Special Use Permit
• Accessory Buildings and Structures (Section 7.01) • Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment *(Section 3.14(J))* • Essential Services (*Section 7.04*) • Event Venue, Indoor *(Section 6.11)* • Fences (*Section 7.05*) • Greenhouses and Nurseries, with Retail Sales *(Section 6.16)* • Outdoor Storage *(Section 7.09)* • Pet Sitter • Recreational Outdoor Activity, Accessory *(Section 6.28)* • Recreational Outdoor Activity, Principal *(Section 6.29)* • Restaurants *(Section 6.33)* • Retail Stores *(Section 6.36)* • Solar Energy Systems, Ground-Mounted (10 kW or less) (*Section 6.40*) • Solar Energy Systems, Roof-Mounted (*Section 6.40*) • Swimming Pools *(Section 7.11)* • Temporary Construction Buildings (*Section 7.12)* • Walls, including Retaining Walls (*Section 7.05*)	• Boat Launch *(Section 6.06)* • Child Care Centers (*Section 6.07*) • Event Venue, Outdoor *(Section 6.11)* • Farm Supply and Implement Dealers • Gas Stations (*Section 6.14*) • Hotels and Motels (*Section 6.18*) • Indoor Recreation (*Section 6.19*) • Junk Yards (*Section 6.21*) • Kennels *(Section 6.23)* • Off-Street Parking Lots (*Article 9*) • Professional Offices • Recreational Unit Sales • Sawmills • Self Service Storage Facility (*Section 6.38*) • Personal Services • Utilities • Veterinary Hospitals and Clinics • Warehousing and Light Industrial (*Section 6.42*) • Warehousing of Products Sold at Retail on the Premises *(Section 6.42)* • Wind Energy Conversion Systems (WECS) (*Section 6.43*) • Wireless Communications Facilities (*Section 6.45*)

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.06.

(D) Dimension Regulations (currently Section 6.6.4 and Section 6.8)			
Lot Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	25,000 sq. ft.	*Front Yard*	35 feet
Min. Lot Width (ft.)	150 feet	*Side Yard*	10 feet
Max. Lot Coverage (%)	35 percent	*Rear Yard*	30 feet
Max. Building Height (ft.)	38 feet	*Ordinary High Water Mark*	60 feet (See *Section 3.14*)
Max. Building Height (stories)	2.5 stories		
Min. Building Width of a Principal Structure	n/a		

Dimension Regulations are subject to Article 4 "Schedule of Regulations" limiting the height and size of buildings, the minimum size of lots permitted, the minimum yard setbacks required, and the maximum lot coverage permitted.

Commented [DM42]: Should we add Marinas?

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Section 3.13 CF, Community Facilities District (2026 SECTION)

(A) Intent and Purpose
The Community Facilities (CF) District is established to accommodate existing land uses that serve a public or quasi-public function and that are not appropriately located within any residential, agricultural, or commercial district. The district is intended to provide a dedicated zoning classification for governmental buildings, public utilities infrastructure, schools, places of worship, cemeteries, public safety facilities, and similar civic and institutional uses. Properties not currently designated CF on the Zoning Districts Map, but that serve an existing public facility function are appropriate candidates for rezoning into this district. Because such facilities are inherently spread throughout the Township, the rezoning of an existing institution into this district shall not be considered "spot zoning." Speculative rezoning in advance of the creation of a new facility should be rare, and should only occur when the Township or a partner public or non-profit organization have a clear vision for the immediate construction of the new use. Undeveloped land should not be included in this district. Private businesses operated for profit are not appropriate within this district, even if they otherwise meet the definition and standards of the use in question. Such businesses are more appropriately located within the C-1 District.

(B) Uses Permitted by Right	(C) Uses Permitted by Special Use Permit
• Accessory Buildings and Structures (Section 7.01) • Cemeteries • Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment *(Section 3.14.(J)* • Essential Services (Section 7.04) • Fences and Walls, including Retaining Walls (Section 7.05) • Institutional Structures and Uses (Section 6.20) • Outdoor Storage *(Section 7.09)* • Public Areas (Parks, Recreation, and Conservation Areas) (Section 6.27) • Solar Energy Systems, Ground-Mounted (10 kW or less) (Section 6.40) • Solar Energy Systems, Roof-Mounted (Section 6.40) • Temporary Construction Buildings (Section 7.12)	• Airports and Airfields (Section 3.15) • Boat Launch (Section 6.06) • Child Care Centers (Section 6.07) • Event Venue, Indoors (Section 6.11) • Event Venue, Outdoors (Section 6.11) • Indoor Recreation (Section 6.19) • Marinas (Section 6.24) • Recreational Outdoor Activity, Accessory (Section 6.28) • Recreational Outdoor Activity, Principal (Section 6.29) • Recreational Unit Park (Section 6.30) • Sewage Treatment and Disposal Installations (Section 6.39) • Solar Energy Systems, Ground-Mounted (over 10 kW) (Section 6.40) • Wireless Communications Facilities (Section 6.45) • Wind Energy Conversion Systems (WECS) (Section 6.43)

The above list is a summary of uses permitted by right or special land use approval in the district, subject to Section 3.06.

(D) Dimension Regulations			
Lot Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	None	*Front Yard*	35 feet
Min. Lot Width (ft.)	None	*Side Yard*	15 feet
Max. Lot Coverage (%)	50 percent	*Rear Yard*	30 feet
Max. Building Height (ft.)	45 feet	*Ordinary High Water Mark*	60 feet (See *Section 3.14*)
Max. Building Height (stories)	3 stories		
Min. Building Width of a Principal Structure	n/a		

Dimension Regulations are subject to Article 4 "Schedule of Regulations" limiting the height and size of buildings, the minimum size of lots permitted, the minimum yard setbacks required, and the maximum lot coverage permitted.

Section 3.14 Great Lakes Shoreline Regulations (Currently Sections 6.2 and 7.4 with 2026 Revisions)

(A) Intent and Purpose. It is the intent and purpose of the Shoreline Regulations to protect and preserve the 42 miles of Grand Traverse Bay shoreline in Peninsula Township, and to promote the health, safety, and welfare of the general public while allowing multiple uses.

The water levels of the Great Lakes vary continually, and high water, wave action or ice can cause damage to existing structures and property and can also become a hazard to neighboring properties.

The purpose of this Section is to promote public health, safety, and general welfare by regulating the effective and efficient use of land and related littoral or riparian rights along Grand Traverse Bay. The Township wishes to regulate and protect the natural environment and guarantee that any proposed land use or activity along Grand Traverse Bay will be compatible with the Township's intent of protecting the natural environment, conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. The permitted land uses, as defined in this Ordinance, shall comply with the provisions of this section and are only permitted as authorized by this section.

(B) Land Use Best Management Practices. Near-shore shallow waters support lake ecology and provide habitat for a greater variety of organisms than all other aquatic areas. Best management practices maintain or enhance private property values and retain the shoreline character of Peninsula Township and include:

(1) Leaving or creating a vegetated natural transitional area by adding deep rooted plants such as trees and shrubs, including natural (un-mowed) vegetation to minimize the effects of waves, ice, and fluctuating water levels;

(2) Using natural shoreline treatments such as deep rooted plantings and natural stone to limit the loss of beach and natural resources on the subject property and neighboring properties due to erosion caused by the negative effects of vertical walls;

(3) Maintaining water quality and habitat by limiting the application of pesticides, herbicides, and fertilizers;

(4) Improving stormwater quality before it enters the bay by managing impervious surfaces and cover;

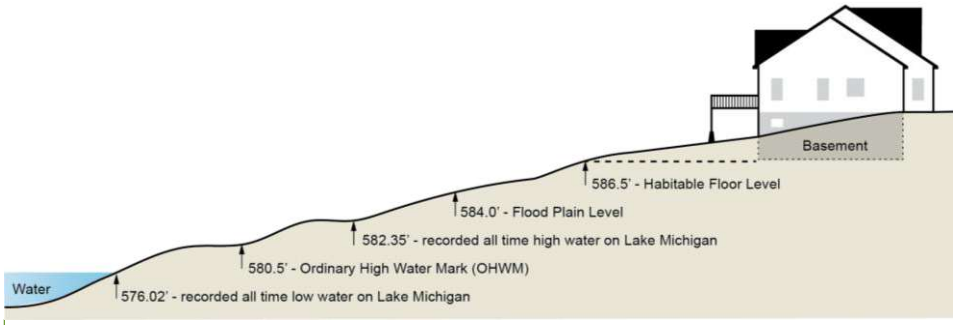
(5) Maintaining property values by eradicating invasive shoreline plants;

(6) Maintaining the scenic views from land out onto water and from water back to land by retaining vegetated buffer areas and tree canopy cover near the shoreline; and

(7) Meeting the requirements of the Federal Flood Insurance Program.

(C) Great Lakes Coastal Marks and Lines. The marks or elevations are measurements in feet above sea level (International Great Lakes Datum, I.G.L.D. 1985) along the Great Lakes. The lines are transverse or meander lines drawn between the marks. The Federal Government, State, and County agencies have established these marks, which the Township has adopted. The Ordinary High Water Mark (OHWM) at 580.5 Feet (I.G.L.D). is the mark used to measure all the waterfront or shoreline setback areas. The Flood Plain level is 584.0 feet North American Vertical Datum of 1988 (NAVD 88) or in accordance with all FEMA FIRM panel maps, effective August 28, 2018. The lowest level for a habitable floor in a structure is 586.5 (I.G.L.D.) (See *Figure 3-1*). See also regulations for Flood Plain in *Section 8.02*).

Figure 3-1. Marks Along Great Lakes Shoreline



(D) Establishment of Great Lakes Shoreline Regulated Areas. There are two regulated areas both measured inland from the Ordinary High Water Mark (OHWM) (See *Figure 3-2* and *Figure 3-3*):

(1) Waterfront/OHWM Regulated Area: Sixty (60) feet from the OHWM (See *Section 3.14(H)*).

(2) Upland Regulated Areas:

(a) Two Hundred (200) feet from the OHWM for grading, dredging, or filling (See *Section 3.13(I)(1)*) and Commercial Forestry (See *Section 3.13(I)(2)*).

(b) Five Hundred (500) feet from the OHWM for regulating soil erosion (See *Section 3.13(I)(3)*) and for stormwater management (See *Section 8.05*).

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Figure 3-2. Great Lakes Shoreline Waterfront/OHWM Regulated Areas

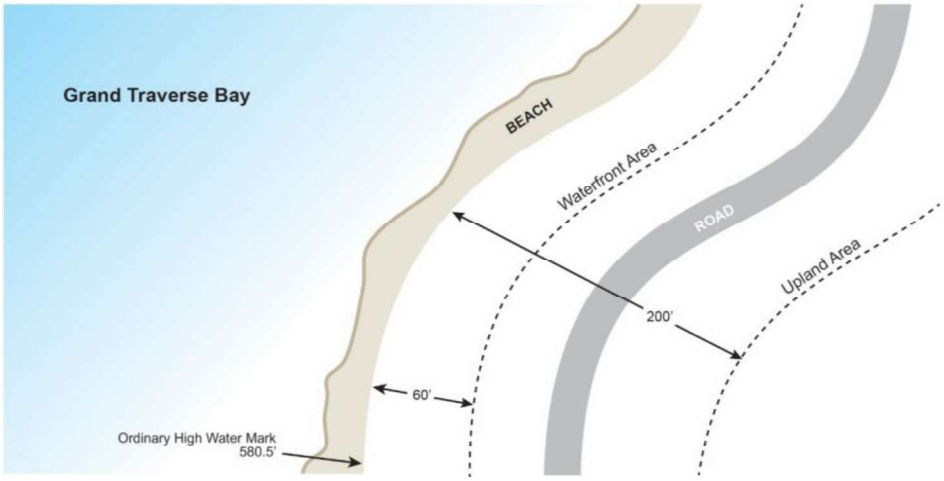
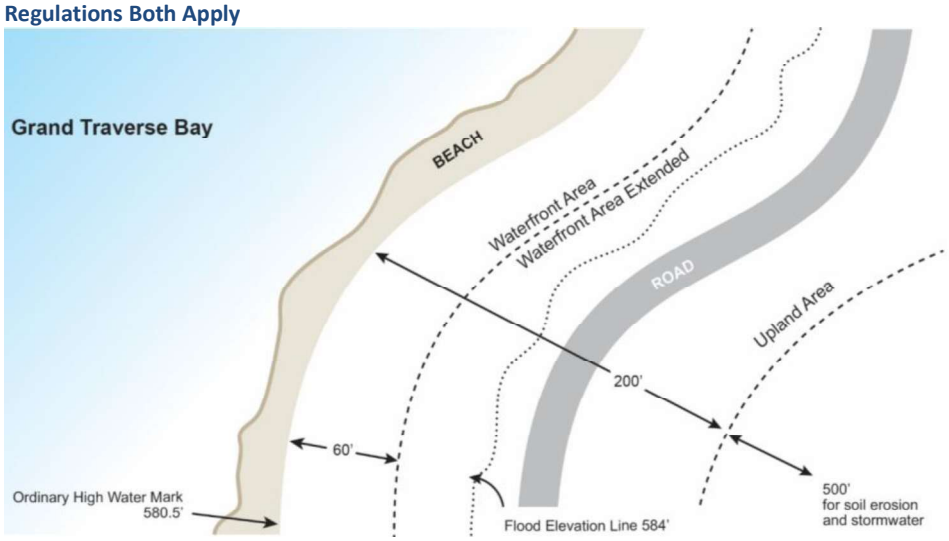


Figure 3-3. Great Lakes Shoreline Areas Where Waterfront/OHWM Regulations and Upland Regulations Both Apply



(E) Permits Required.

(1) Township Permits. For activities within the Shoreline Area requiring a building permit, increasing the amount of impervious cover on the parcel, earth moving or filling, or reducing the amount of vegetated buffer or tree canopy cover, a site plan for the parcel must be presented to the Zoning Administrator for administrative review to ensure compliance with the provisions of the Shoreline Area.

(a) The requirement for a Township permit is in addition to any County Soil Erosion and Sedimentation Control (SESC) or other County or State requirement that may apply.

(b) Regulations on stormwater management may also apply to parcels with structures or impervious surfaces (See *Section 8.05*).

(2) Section Precedent. Regulations in this section apply in addition to those of the underlying zoning district. Where the provisions of this section conflict with those of the underlying zoning district, the provisions of this section shall take precedent.

(3) Normal Gardening and Maintenance. Normal gardening activities and maintenance of landscaping in compliance with this Section do not require a Township permit.

(F) Road Ends. There shall be no structures or restriction of access at public road ends.

(G) Seawalls. The best protection for structures and property on the shoreline are methods that use natural shoreline treatments such as plantings and natural stone to limit the loss of property due to erosion. Where vertical seawalls are built, the gradual transition from shallow water to upland is destroyed, and wave action off vertical seawalls causes bottom scouring to occur, stirs bottom sediments, increases water turbidity, and impacts spawning areas and aquatic vegetation. These negative effects of vertical seawalls on natural resources damage not only the subject property but also adjacent properties. Therefore, the Zoning Administrator may issue a land use permit for a seawall only to protect an existing structure and only if:

(1) A Registered Engineer has submitted a certified report that all other options have been reviewed to protect the property and a seawall is the only feasible option;

(2) The report in *Section 3.14)* has been reviewed and accepted by the Zoning Administrator upon approval of the Township Engineer or other Registered Professional in the field;

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(3) A permit has been obtained from MDEQ and the U.S. Army Corps of Engineers; and

(4) Any Flood Plain requirements of *Section 8.02* have been met.

(H) Waterfront/OHWM Area Regulations (currently most of Section 7.4.4).

(1) Intent and Purpose. The intent and purpose of the Waterfront/OHWM Regulated Area is to protect the natural vegetation along the shoreline in order to prevent erosion, improve stormwater quality, limit invasive shoreline plants, and the limit the application of pesticides, herbicides, and fertilizers, while maintaining fish and wildlife habitats within areas of the Township shoreline.

(2) Permitted Storage of Docks and Boat Hoists. Temporary off-season storage of portable docks, boats, boat hoists, and other water recreational items is permitted, provided that

storage does not take place in a required side yard setback or road right-of-way. All items stored outdoors shall be operational.

(3) Septic Areas Prohibited. Septic tanks and septic systems filtration fields are prohibited unless the County Health Department determines that there is no other feasible location.

(4) Paths and Impervious In-Ground Structures. Any paths or passages on the ground within the vegetated buffer strip (*Section 3.14*) shall be so constructed or surfaced as to be pervious and effective in controlling erosion. Patios and similar impervious structures are prohibited.

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(5) Structures and Impervious Surfaces. Any above-ground structure or impervious surface such as a deck, walkway, or boat ramp must be reviewed and approved by the Township Zoning Administrator and other applicable reviewing agencies, prior to construction taking place. Boardwalks 3 feet in width or less shall be laid on the surface of the ground with no post holes or piers using open pile construction. Access steps required to negotiate changes in site elevation are permitted, provided that landings are no greater than 4 feet by 4 feet.

(6) Vegetated Buffer Strip Required. At least 70 percent of the first 35 feet landward from the OHWM shall be a vegetated buffer strip covered with a mixture of deep rooted trees, deep rooted shrubs, and other plants to establish a viable land cover. Trees and the vegetated strip are the most successful methods to retain the shoreline, filter nutrients, reduce the water and wind dynamics that erode property and destroy the character of the Township. Because turf grasses do not have the holding power of deep rooted plants, not more than 50 percent of the vegetated buffer strip may be turf grasses. Natural shrubbery shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

(7) Plant Materials and Species. Vegetation shall consist of non-invasive trees, shrubs, and dune grasses. Native species are strongly encouraged. The Township may maintain a list of invasive and other prohibited species.

(8) Removal of Shore Tree and Shrub Cover in the Waterfront/OHWM Area (currently Section 7.4.4). Regulation of tree and shrub cutting along the Great Lakes shoreline is necessary to protect scenic beauty, control erosion, and reduce effluent and nutrient flow from the shore land. These provisions shall not apply to the removal of dead, diseased, or dying trees and shrubs at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester. Tree cutting in a strip parallel the shoreline and extending 35 feet inland from all points along the OHWM of the shoreline shall be limited to:

(a) Maximum Clearing. No more than 30 percent of the length of this strip shall be clear cut to the depth of the strip.

(b) Maximum Clear Cut Opening. Cutting of this 30 percent shall not create a clear cut opening in this strip greater than 30 feet wide for every 100 feet of shoreline.

(c) **Remaining Vegetative Cover.** In the remaining 70 percent length of this strip, cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, as seen from the water, to preserve natural beauty and to control erosion.

(d) **Re-Vegetation.** If the vegetative cover is less than 70 percent prior to construction activity or if the construction activity will result in reducing the vegetative coverage to less than 70 percent, then the plan submitted for the land use permit shall include additional vegetative cover to be planted in the Waterfront/OHWM Area that will achieve 70 percent vegetative coverage over the long term. The plan submitted by the applicant to meet this requirement shall be certified by a Registered Landscape Architect. If compliance with this requirement is not feasible, the applicant's Registered Landscape Architect must state the reasons on the certified plan.

(e) **Alternate Tree Cutting Plan.** As an alternative to the above requirements, a special cutting plan allowing greater cutting may be permitted by the Zoning Administrator, or the Zoning Administrator may defer the decision to the Planning Commission. In applying for such a permit, the Zoning Administrator or Planning Commission shall require the lot owner to submit a site plan that includes: location of all structures; location of parking; gradient of the land; existing vegetation; proposed cutting; and proposed replanting. The plan shall be certified by a Registered Landscape Architect. The approving authority may grant such a permit only if it finds that such special cutting plans:

(i) Will not cause undue erosion or destruction of scenic beauty; and

(ii) Will provide substantial shielding from the water of dwellings, accessory structures, and parking areas. The Zoning Administrator may condition such a permit upon a guarantee of tree planting by the lot owner via a Performance Guarantee and Development Agreement reviewed by the Township Attorney.

(9) **Yard Waste Storage Prohibited.** Storage of leaves, grass clippings, and similar yard and garden waste is prohibited.

(10) **Dredging and Filling.** Dredging and filling, including the addition of beach sand, is prohibited within any flood plain (below 584.0 Feet NAVD 88), wetland area, or below the OHWM. See also *Section 8.02*, *Section 8.01*, and *Section 3.14*.

(I) **Upland Area Regulations:** The following regulations apply within the 200 foot and 500 foot upland areas from the OHWM:

(1) **Grading, Dredging, or Filling within 200 Feet of OHWM (currently Section 7.4.3).** In addition to any State, County, or local soil erosion and sedimentation control requirements, the following rules shall apply to any filling, grading or other earth movement beyond normal gardening within 200 feet of the ordinary high water mark (OHWM) to prevent harmful erosion and related sedimentation:

(a) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(b) Temporary ground cover such as mulch must be used as soon as possible and permanent cover, such as sod, shall be planted.

(c) Diversions, silting basins, terraces, and other methods must be used to trap any sediment.

(d) Fill must be stabilized according to accepted engineering practices.

(2) Commercial Forestry. From the inland edge of the 35-foot vegetated buffer strip to the 200-foot limits of the Upland Area, the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. The purpose of this provision will favor long-lived species.

(3) Soil Erosion, Sedimentation and Stormwater Management Regulations. In the Upland Area, 500 feet from the OHWM, the County regulates soil erosion permits and the Township regulates Stormwater Management (see *Section 8.05* and the Peninsula Township Storm Water Control Ordinance, Ordinance #33, as amended)).

(J) Docks. (currently Section 6.2.2(2)(c), Rewritten in 2026)

(1) Purpose and Intent. The purpose of this Section is to promote public health, safety, and general welfare by regulating the effective and efficient use of land and related littoral and/or riparian rights along Grand Traverse Bay. The Township wishes to regulate and protect the natural environment and guarantee that any proposed land use or activity along Grand Traverse Bay extending from one's property will be compatible with the Township's intent of protecting the natural environment, conserving natural resources and energy, ensuring compatibility with adjacent uses of land and related littoral and/or riparian rights, and promoting the use of land in a socially and economically desirable manner. The permitted land uses, as defined in this Ordinance, shall comply with the provisions of this section and are only permitted as authorized by this section.

(2) Scope of Requirements.

(a) No Township permit shall be required to install a Dock or Freestanding Water Equipment, but all Docks or Freestanding water Equipment must comply with the requirements of this Section.

(b) When a Dock or Freestanding Water Equipment is used in connection with property under Shared Waterfront Ownership (as defined in Section 2.02.A.139), the requirements of Section 3.14.L shall also apply.

(3) Maximum Number. No Lot shall have more than one (1) Dock, except that Lots with a Shoreline width greater than 300 feet shall be permitted one (1) additional Dock.

(4) Point of Contact. All Docks, to the extent they contact the Shoreline, shall maintain only one (1) point of contact with the Shoreline.

(5) Width. No Dock shall be greater than eight (8) feet wide, with the exception of Dock Patios and Swimming Platforms, which shall be limited by the setback restrictions imposed in this Section.

(6) Offseason Storage. For the health, safety, and general welfare of the Township citizens, and to ensure safe and effective land use along the Shoreline, all Docks, Hoists, and equipment shall be taken out of the water between November 1 and April 1. Offseason storage shall be subject to the following regulations:

(a) Unless stored offsite, all items must be stored within the lot lines of the Shoreline Lot which the Dock serves.

(b) All items must be stored at least four (4) feet above the Shoreline and/or as far landward as practicable, given existing site conditions. Modification of the Shoreline area or removal of natural features (e.g., trees, bluffs, or rocks) to achieve compliance is not required.

(c) All Dock sections and Freestanding Water Equipment must be neatly stacked and all Boat and Jet Ski Hoists consolidated.

(d) Storage shall not be permitted within a road right-of-way

(7) Dwellings and Clubhouses Prohibited. No Dwelling Units or Clubhouses are allowed on any Dock.

(8) Dock Placement. All Docks are regulated by applicable County, State, and Federal requirements, including but not limited to, the Army Corps of Engineers and the Michigan Department of Environment, Great Lakes, and Energy (EGLE), as well as the following:

(a) Non-Shared Docks. No portion of a Dock, including but not limited to Dock Patios, Swimming Platforms, and Docks placed entirely within the water, shall be located within the 15-foot minimum setbacks measured from a straight line extending perpendicular to the Shoreline from the point each side lot line hits the Shoreline.

(b) Joint-Use Docks. The side setback requirement applying to the lot line dividing the Lots shall be waived for adjoining waterfront Lot owners placing a Joint-Use Dock. However, the setback requirement from lot lines abutting the two-adjacent Lots using the Joint-Use Dock shall be 15 feet. When the land itself (and not just the Dock) is Shared Waterfront Ownership, the requirements of Section 7.4.2. shall also apply.

(c) Shared Waterfront Ownership. Docks, including but not limited to Dock Patios, Swimming Platforms, and Docks placed entirely within the water, **s**hall be located at the nearest point to the center of the Lots under Shared Waterfront Ownership. No portion of a Dock, including but not limited to Dock Patios, Swimming Platforms, and Docks placed entirely within the water, shall be located within the 15 -foot setbacks

measured from a straight line extending perpendicular to the Shoreline from the point each side lot line hits the Shoreline.

(d) Equipment. All equipment associated with a Dock and stored on land shall be set back at least 15 feet from the side lot line. Storage shall not be permitted within a road right-of-way.

(9) Freestanding Water Equipment Placement. Freestanding Water Equipment are regulated by applicable County, State, and Federal requirements, including, but not limited to the Army Corps of Engineers and the Michigan Department of Environment, Great Lakes, and Energy (EGLE), as well as the following:

(a) Riparian Access Requirement. Freestanding Water Equipment shall be located within and accessed through the riparian area of the Lot it serves. The riparian area shall be determined by extending each side lot line perpendicular to the Shoreline.

(b) Waterside Setback. No portion of Freestanding Water Equipment, shall be located within the 15-foot minimum setbacks measured from a straight line extending perpendicular to the Shoreline from the point each side lot line hits the Shoreline.

(c) Hoists. Freestanding Boat Hoists and Jet Ski Hoists shall count toward the maximum number of Hoists permitted. The total number of Boat Hoists and Jet Ski Hoists, whether attached to a Dock or freestanding, shall not exceed the limits established for each Lot.

(10) Undeveloped Lots. Waterfront Lots without a principal building may contain a Dock and related equipment, provided that all requirements of this section are met.

(11) Lighting. All Dock and Freestanding Water Equipment lighting must be downward facing and fully shielded, and shall only be lit when the Dock or Freestanding Water Equipment is being actively used or the lighting is needed for safety. This paragraph also applies to any permanent dock.

(12) Hoists. The maximum number of Boat and Jet Ski Hoists allowed on a waterfront shoreline is as follows:

(a) Non-Shared Docks or unattached Boat and Jet Ski Hoists for shoreline width of:
- **(i)** Less than forty (40) feet may have no Boat Hoists;
- **(ii)** More than forty (40) feet but less than seventy (70) feet may have no more than two (2) Boat Hoists; and
- **(iii)** More than seventy (70) feet may have no more than three (3) Boat Hoists in total.

(b) Joint-Use Docks may have no more than six (6) Boat Hoists.

(c) Shared Waterfront Ownership Docks for waterfront shoreline width of:

(i) Less than forty (40) feet may have no Boat Hoists;

(ii) More than forty (40) feet but less than seventy (70) feet may have no more than two (2) Boat Hoists; and

(iii) More than seventy (70) feet may have no more than three (3) Boast Hoists calculated on a fractional basis with arithmetic half rounding to the nearest integer (and rounded when the fraction is 0.50 or less).

For example: 167 foot width: 167/50 = 3.35 x 3 = 10.02 rounded to 10 hoists and 197 foot width: 197/50 = 3.94 x 3 =11.92 rounded to 12 hoists

(d) In determining the number of Boat Hoists allowed for each waterfront, the 15 foot side setbacks must be met through a reduced number of Boat Hoists and/or dock/hoist configuration. Fractional basis with arithmetic rounding is only available for Shared Waterfront Ownership Docks.

(13) Non-Commercial Use Only. Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment, provided such equipment is owned by and for the personal use of the Shoreline Lot owner only. Such structures shall not be leased, rented, licensed, or used for any commercial purpose.

(14) Administrative Waiver.

(a) In the event that two adjacent Lots cannot both comply with the Dock Placement requirements of this Section at the same time, or in the event that compliance with the requirements of this Section is not practical due to the unique circumstances of the Lot, Lots, or relevant Shoreline, the owners in question may apply for a waiver of such requirements to the Zoning Administrator, who shall conduct a review that includes, but is not limited to, consideration of the following factors:

(i) The hardships or expenses that may be incurred by either Lot owner for any prudent alternative Dock configuration or placement that would comply with this Section.

(ii) The safety risks or liabilities imposed on either Lot and Lot owners by providing for a waiver.

(iii) The best interests of both Lots and adjacent Lots is maintained while carrying out the intent and spirit of this Section to protect the public health, safety, and general welfare of persons, property, and Lots along Grand Traverse Bay even if a waiver is granted.

(b) Any approval of a waiver request by the Zoning Administrator from this Section in order to resolve noncompliance with this Section shall only be when there are no conforming arrangements that would reasonably ensure the public health and safety of the parties involved.

(c) The Zoning Administrator shall conduct a meeting with the Lot owners, gather any additional requested information, and issue a timely decision in writing either denying the waiver request, granting the waiver request, or granting the waiver request with conditions. Such decisions are subject to a right of appeal to the Zoning Board of Appeals.

(d) Waivers shall be reviewed annually by the Zoning Administrator prior to installation of a Dock to ensure continued compliance and interest from both parties.

(K) Decks, Storage, and Walkways Located in the Waterfront/OHWM Setback. (currently Section 6.2.2(2)(d)).

Commented [DM48]: The current section 6.2.2(2)(d) does not mention "Walkways" just Decks and Storage.

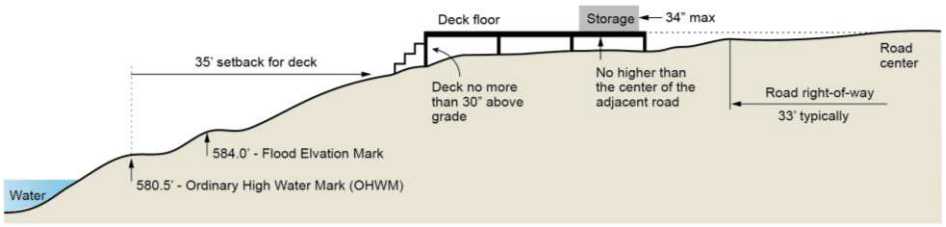
This would potentially classify this as "new text"

(1) Intent. It is the intent of this section to allow reasonable use of shoreline property by allowing decks with attached seating and enclosed storage to be located in the Waterfront/OHWM setback areas. It is also intended to only allow decks in locations where shoreline vegetation can be retained to protect scenic beauty, control erosion, reduce septic tank effluent, and reduce other nutrients from entering the water. It is recognized that there are shoreline areas where decks and/or storage are not appropriate or reasonable because of the limited area between the road right-of-way and the OHWM. It is also recognized that the levels of the Great Lakes vary over time, and it can be hazardous to build structures where they may be damaged by high water or become a hazard to boats or neighboring properties if they are destroyed by wave action.

(2) Deck and Storage Requirements. Uncovered decks (including attached seating or attached storage) shall be allowed within the area between the OHWM and the Front Yard setback for properties with a dwelling or within the area between the OHWM and the road right-of-way for properties without a dwelling, provided all of the following are met:

(a) Location. All parts of the deck, attached seating, storage and railing shall be constructed within a building envelope as provided below (See *Figure 3-4*):

Figure 3-4. Deck Elevation, Setbacks, and Standards



(i) Ordinary High Water Mark Setback. Located a minimum distance of 35 feet from the OHWM.

(ii) Above Flood Elevation. Located above the Flood Elevation Line, which is 584.0 feet NAVD 88.

(iii) Side Yard Setback. Located at least 15 feet from the side lot line.

(iv) Maximum Height of Deck. The floor of the deck at any point shall not have a height greater than 30 inches above the finished grade of the site and no higher than the center of the traveled surface of the adjacent road.

(v) Maximum Height of Attached Seating. Attached seating shall be no higher than 34 inches above the floor of the deck, provided that it is no higher than 34 inches above the center of the traveled surface of the adjacent road.

(vi) Maximum Height of Enclosed Storage. Enclosed storage shall be no higher than 34 inches above the floor of the deck, provided that it is no higher than 34 inches above the center of the traveled surface of the adjacent road.

(b) Allowable Attachments. There shall be no walls, roofs or other construction attached to a deck other than the allowed seating, storage, and railings required to meet the minimum requirements of construction codes.

(c) Unattached Items. Unattached items such as umbrellas, grill, swing, or hammock are allowed as accessories to a deck.

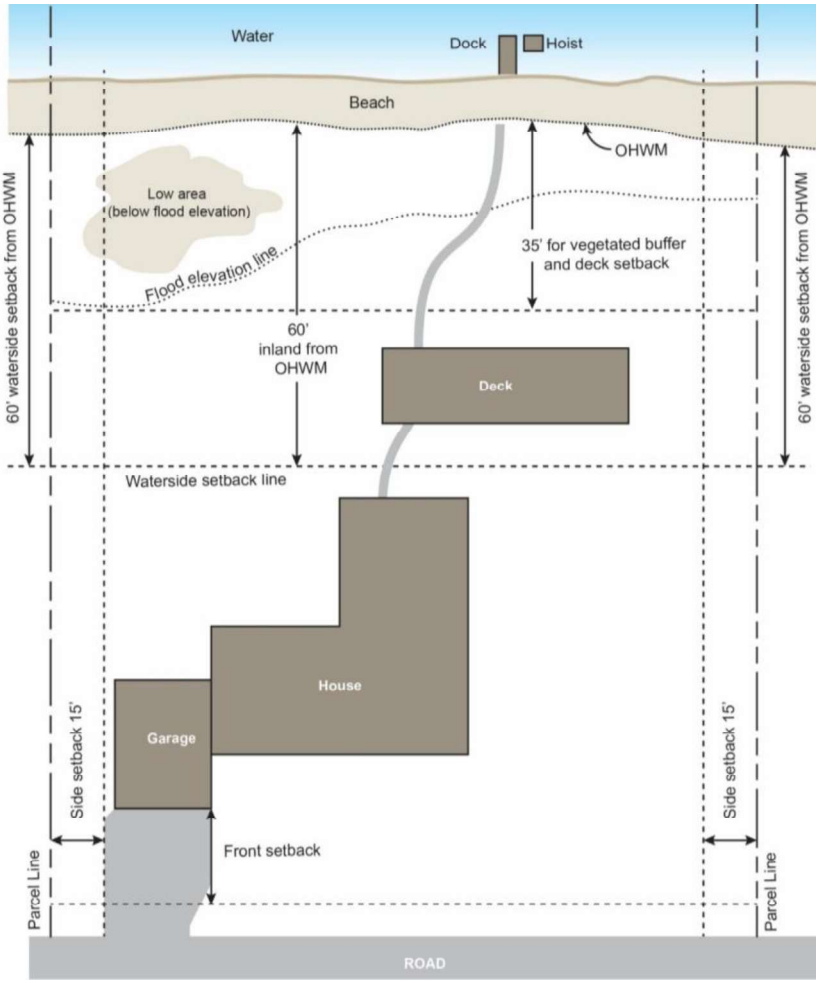
(d) Concealment of Enclosed Storage. Enclosed storage areas shall be constructed so as to conceal all stored material.

(e) Maximum Coverage Area on Lots Without a Residence. The total area of land covered by the deck, seating, and storage located within the Waterfront/OHWM setback area and located outside of the side yard setbacks and any road right-of-way extending from the OHWM shall not exceed 10%. If at a future time a residence is to be constructed, before the occupancy permit is approved, the areas of the deck, seating, and storage shall be removed. For lots with a residential dwelling, the maximum lot coverage shall meet the requirements of the Zoning District (See *Section 4.02*).

(f) Prohibited Structures. Patios and similar impervious structures are prohibited in the Waterfront/OHWM setback area.

(g) Prohibited in Road Right-of-Way or Private Road Easement. No deck shall be constructed within a road right-of-way or private road easement.

Figure 3-5. Summary of Great Lakes Shoreline Regulations



(L) Shared Waterfront Ownership (currently Section 7.4.2, Revised in 2026). Any waterfront land where there is no dwelling that is to be used by more than one family shall meet the following requirements:

(1) Intent. It is the intent of this section to reduce conflicts that occur between residential single-family use and shared waterfront use by clearly delineating the regulations on Docks and other waterfront land uses on Shared Waterfront Ownership lots.

(2) Minimum Lot Widths and Vehicle Parking Space Requirements.

Number of Property Owners with Shared Waterfront Ownership Rights	Minimum Lot Width
Two	100
Three	150
Four	200
Over Four	5 additional feet per property owner

(3) Docks, Dock Patios, Boat Hoists, Jet Ski Hoists, and Freestanding Water Equipment shall be subject to the applicable regulations of Section 3.14.J. The storage of boats, boat hoists, and other equipment shall also be subject to the applicable regulations of Section 3.14.J.

(4) No dwelling units or clubhouses are allowed are allowed on lots under Shared Waterfront Ownership.

(5) A portable toilet is allowed, provided it is not placed within a road right-of-way, not closer than 20 feet from the Shoreline, and not within the 15-foot minimum setback from the side lot line. Fences or screening landscaping shall be placed between the toilet and the nearest lot line, the road, and the water.

Section 3.15 Airport Overlay Zone District (currently Section 7.9)

Notwithstanding any provisions of this Ordinance, any project located in the Airport Overlay Zone District shall comply with all standards of 14 CFR Part 77, "Standards for Determining Obstructions to Air Navigation," prepared by the Department of Transportation, Federal Aviation Administration (FAA). In the event of conflict between this Ordinance and any airport zoning regulations, the limitations and requirements most conducive to airport and air travel safety shall govern.

(A) Applicability.

(1) Every parcel of land which lies in whole or in part within the Airport Overlay Zone District as depicted on the Official Zoning Map is subject to the regulations of this Section.

(2) The regulations of this Overlay Zone are in addition to any regulations in the underlying zoning district; however, these regulations supersede all conflicting regulations of the underlying zoning district to the extent of such conflict, but no further.

(B) Height Limitations.

(1) No person shall erect any building or structure to an actual height in excess of the height limitations indicated below unless issued a permit by Peninsula township. Structure heights exceeding the following limitations may be granted a permit upon receipt of a favorable review in response to notice being filed with the FAA or State of Michigan Aeronautical Department by the applicant in response to the applicant's submission of a Form 7460.

(a) No structure within the inner horizontal surface area shall exceed the elevation of 774 U.S.G.S. (except as provided in Subsection D).

(b) (2) No structure will be allowed to penetrate the critical zone surface as depicted on Sheets 2 through 4 of the official Airport Zoning Plans (except as provided in Subsection D).

(c) No structure shall be allowed to penetrate the conical or outer horizontal surfaces as depicted on Sheets 2 through 4 of the Official Airport Zoning Plans (except as provided in Subsection D).

(d) Provided, however, a structure having a height of 38 feet or less, will be allowed to penetrate any surface area and will not be subject to this section. (REVISED BY AMENDMENT 204)

(C) Height Exemption. Any structure permitted in the district and having a height of 38 feet or less will be allowed to penetrate any surface area and will not be subject to *Section 3.15(B)(1)*.

Commented [DM49]: Fix

(D) Conflicting Federal or State Regulations.

(1) The regulations of the Airport Overlay Zone District are not intended to conflict with existing or future approach protection regulations promulgated by the United States

(Federal Aviation Regulation Part-77), the State of Michigan (P.C. 23 of 1950 as amended by P.C. 158 of 1976), or any agencies thereof.

(2) Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

(E) Unlawful Land Uses. It shall be unlawful to establish a use on any parcel within 3.00 miles (Airport Inner Horizontal Surface Area) of the Cherry Capital Airport to any use which would:

(1) Create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by the airport or by aircraft.

(2) Make it difficult for aircraft pilots to distinguish between airport lights and other lights or result in glare in the eyes of aircraft pilots using the airport.

(3) Create air pollution in such amounts as to impair the visibility of aircraft pilots in the use of the airport.

(4) Would endanger the landing, taking off, or maneuvering of aircraft.

(5) Abnormally attract birds.

(6) Would otherwise create an airport hazard.

(F) Official Zoning Map.

(1) Mapping of the Airport Zoning Plans also takes into account the need to protect the approaches to the Cherry Capital Airport from incompatible land uses that would limit or adversely affect the Airport's ability to serve the communities present and future air transportation needs.

(2) The Official Zoning Map illustrates the boundary between the Airport Inner Horizontal Surface Area and Outer Horizontal Surface as indicated by official adopted documents of the Cherry Capital Airport and based on FAA standards.

(G) In the CF District. In addition to the standards of this Section, airports and airfields in the CF District shall be owned or operated by a governmental body, a public authority, or a nonprofit organization, and shall be operated for the benefit of the general public. Airports and airfields operated primarily for private commercial gain, including privately owned general aviation facilities not open to the public, shall not be approved in the CF District. (2026 ADDITION)

Section 3.16 Reserved Residential Dwelling Sites Within Conservation Easement Restricted Farmland (currently Section 6.7.5)

(A) Intent. The Peninsula Township Purchase of Development Rights Ordinance allows future building sites under certain conditions and in specific locations as shown on recorded conservation easements. It is the intent of this Section to:

(1) Allow future building sites to be used for residents on the farm or to be sold along with all or a portion of the restricted farmland.

(2) Avoid the conversion of preserved agricultural land by allowing access to these individual future building sites without requiring a new public or private road to the site.

(B) Minimum Lot Size. The minimum lot size for a reserved residential building site is 1 acre.

(C) Means of Access. Restricted farmland may be divided without the requirement of providing access to a public or private road provided:

(1) A reserved dwelling site shall have access to an existing road by either a driveway or a shared driveway (See *Section 9.06*).

(2) Where access is provided by a private or shared driveway, the driveway must be located within a recorded access easement (See *Section 9.06*).

(3) Access by a private road shall be required if it serves 3 or more residences (See *Section 9.07*).

(D) Additional Front Yard Setback. Where access is provided by a driveway easement, the minimum front yard setback from the access easement is 50 feet.

Article 4 Schedule of Regulations

Section 4.01 Statement of Purpose (2019 SECTION)

The purpose of this Article is to provide area, height, and placement regulations for districts established by this Zoning Ordinance.

Section 4.02 Schedule of Regulations (Currently Section 6.8, MAXIMUM HEIGHT REVISED BY AMENDMENT 204, 2026 TEXT)

The Height, Bulk, Setbacks, and Density of Structures and Land Area by Zoning District.

Zoning District	Minimum Zoning Lot Size per Dwelling Unit		Maximum Height of Structures (ft.)	Minimum Yard Setback per Lot in Feet from Each			Ordinary High Water Mark Setback	Maximum % of Lot Area Covered by All Structures	Minimum Building Width (Principal Structure)
	Area	Width (ft.)		Front	Side	Rear			
R-1A, Rural & Hillside	1 acre	150 *(A)*	38 *(B)*	30 *(I)*	15 *(I)*	30 *(I)*	60 *(C)*	15%	24 feet
R-1B, Coastal Zone, One & Two Family	25,000 sq. ft.	100 *(A)*	38 *(B)*	30 *(I)*	15 *(I)*	30 *(I)*	60 *(C)*	15%	24 feet
R-1C, Suburban Residential, One & Two Family	20,000 sq. ft.	100 *(A)*	38 *(B)*	25 *(I)*	15 *(I)*	30 *(I)*	60 *(C)*	25%	24 feet
R-1D, Community Residential, One & Two Family	15,000 sq. ft.	100 *(A)*	38 *(B)*	25 *(I)*	15 *(I)*	30 *(I)*	60 *(C)*	30%	24 feet
R-1A PUD; R-1B PUD; R-1C PUD; R-1A PUD	*(D)*	*(D)*	38 *(B)*	30 *(D)*	15 *(D)*	30 *(D)*	60 *(C)*	15%	24 feet
C-1, Commercial	25,000 sq. ft.	150	38 *(B)*	35	10	30	60 *(C)*	35%	N/A
CF, Community Facilities	25,000 sq. ft.	150	45 *(B)*	30 *(D)*	15 *(D)*	30 *(D)*	60 *(C)*	50%	N/A
A-1, Agricultural	5 acres *(H)*	330 *(F)*, *(G)*, *(H)*	38 *(B)*	35 *(I)*, *(J)*	50 *(E)*, *(I)*	50 *(E)*, *(I)*	60 *(C)*	N/A	N/A

Footnotes are in *Section 4.03*, starting on the following page.

Section 4.03 Footnotes (Currently Section 6.8.1)

(A) See definitions of "Lot, Front of" and "Lot, Minimum Width" in *Article 2*.

(B) Allowable height and variations are subject to the provisions of *Section 7.10*.

(C) Does not include open decks, docks, and boat hoists as provided in *Section 3.14* .

(D) As approved under Planned Unit Developments in *Section 5.01*.

(E) The minimum setback for other than residential structures shall be 15 feet. The minimum side yard setbacks for residences shall be 15 feet on lots of record with lot widths of 199 feet or less that were recorded prior to the adoption of Amendment No. 91 by the Township Board on June 9, 1992.

(F) 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 its access from a private 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.

(G) 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.

(H) Access to and minimum area for 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 3.15*.

(I) See *Section 7.03(A)* for required setbacks of residences adjacent to agricultural lands.

(J) See *Section 3.15* for regulations for Reserved Residential Dwelling Sites within Conservation Easement Restricted Farmland.

Article 6 Standards Applicable to Specific Uses

Section 6.01 Accessory Dwelling Units (2026 SECTION)

(A) Statement of Intent. Accessory Dwelling Units (ADUs) shall be permitted as described below. A Land Use Permit, as described in Section 4.1.3, shall be required prior to construction. All ADUs shall be accessory to a single family home, which shall be considered the Principal Dwelling Unit for the purposes of this Section.

In a rural context, Accessory Dwelling Units can fill a niche in the housing market without sacrificing agricultural and natural character, if built in a way that is consistent with the Township's Master Plan and vision for itself, and that can be supported by existing infrastructure. Therefore, Accessory Dwelling Units meeting the standards of this section are considered appropriate and approvable:

(B) General Standards

(1) Minimum ADU Size:

(a) Attached ADUs must be at least 300 square feet.

(b) Detached ADUs must be at least 600 square feet.

(2) Maximum ADU Size:

(a) Attached ADUs shall not exceed 1/3 the gross floor area of the Principal Dwelling Unit.

(b) Detached ADUs shall not exceed 800 square feet.

(c) Space dedicated primarily to storage, or the parking of vehicles, within the same building as an ADU, shall not count towards the maximum dwelling unit size of an ADU.

(3) Setbacks. ADU's shall not be located in the front yard and must meet the required minimum setbacks of the corresponding zoning district for Principal Buildings as described in Section 6.8. Detached ADUs must be set back at least 25 feet from the Principal Dwelling Unit.

(4) Height. ADUs shall not exceed the maximum allowable height for Principal Buildings in the Zoning District they are located within.

(5) Lot Coverage. ADU's shall count towards all lot coverage maximums of the corresponding zoning district.

(6) **Lot Size.** An ADU shall only be permitted on a lot that is a minimum of two (2) times the minimum lot area required for the zoning district in which it is located.

(7) **Owner occupied Principal Dwelling.** The Principal Dwelling Unit must be owner occupied.

(8) **Compliance with County Building Department Requirements.** ADUs have a foundation in compliance with Michigan Residential Code and Approved by the Grand Traverse County Building Department.

(9) **Maximum ADUs per Parcel.** Amount of ADUs per Parcel. No more than 1 ADU per parcel shall be constructed. An ADU shall not be permitted on a lot containing a two-family or multiple-family dwelling.

(10) **Connection to Sanitary/Septic Facilities.** An ADU shall be connected to potable water and sanitary/septic facilities in compliance with the County Health Department.

(11) **Rental Prohibited.** Leasing or renting an ADU for remuneration is prohibited.

(12) **Driveway and Parking.** No additional off-street parking spaces are required for ADUs. In no case shall an ADU be permitted to have a separate driveway connecting to an adjacent roadway. However, a branch off the main Principal Dwelling Unit driveway may be created to serve the ADU.

Section 6.02 Accessory Outdoor Recreational Activities (2026 SECTION)

(A) **In the C-1 Commercial District.** Accessory outdoor recreational activities shall be permitted by right in the C-1 District subject to the following requirements:

(1) **Principal Use.** The use shall be accessory to a permitted principal use or approved special use on the same parcel.

(2) **Parking.** A minimum of five off-street parking spaces shall be provided per activity. Parking areas shall be paved.

(3) **Facilities.** Restrooms, trash receptacles, and potable water shall be provided on-site.

(4) **Setbacks.** All activity areas shall be set back at least 50 feet from all lot lines.

(5) **Health Department Approval.** The applicant shall demonstrate approval from the Grand Traverse County Health Department prior to issuance of a land use permit.

(6) **Electrical.** All electrical installations shall comply with applicable electrical codes.

Section 6.03 Adult Foster Care Facilities

(A) Adult Foster Care, Family Home (6 or Fewer Residents) (2019 SECTION). Adult Foster Care Family Homes shall meet the following requirements:

(1) An Adult Foster Care Family Home shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special land use permit or procedure different from those required for other dwellings of similar density in the same zone.

(2) Such uses shall be duly licensed by the State of Michigan.

(3) A maximum of 6 adults may receive foster care at any one time.

(4) The facility shall be operated within the primary residence of the caregiver.

(B) Adult Foster Care, Small Group Home (Between 7-12 Residents) (currently Section 8.7.3(9)). Adult Foster Care Small Group Homes shall meet the following requirements:

(1) Such uses shall be duly licensed by the State of Michigan.

(2) A maximum of 12 adults may receive foster care at any one time.

(3) The facility shall be operated within the primary residence of the caregiver.

(4) The minimum lot size shall be 5 acres.

(5) Such facilities shall be allowed only in areas which are and will remain free from concentrations of objectionable airborne chemical sprays and similar materials utilized by agricultural operations within close proximity.

(6) Such facilities shall be located where adult foster residents will be safe from traffic and other hazards.

(7) In addition to the setback requirements of the zoning district, no facility shall be closer than 50 feet to a lot line.

(8) An Adult Foster Care Small Group Home must have a connection to a sanitary sewer system.

Section 6.04 Barn Storage (currently Section 6.7.2(18))

(A) The intent of this use is to help make it economical for farmers to keep and maintain barns that might otherwise be allowed to decay because they are obsolete. Barn Storage shall not be a Self Service Storage Facility use (see *Section 6.28*) where there is regular access to the rental space by owners of the stored materials.

(B) It is prohibited for a property owner to build a barn just for rental storage, or to rent storage in a barn and then build a similar structure for farm use.

(C) The Zoning Administrator may issue a land use permit for rental of storage space in barns for boats, campers, farm equipment or similar items in barns in the Agricultural A-1 District, provided:

(1) The barn has been previously used for the storage of agricultural crops or for housing of livestock;

(2) The barn has been in existence in its present form for not less than 20 years prior to the application for a land use permit for this use;

(3) The Zoning Administrator has determined that the barn is no longer used for farm purposes because of farm consolidation or changes in operations; and

(4) The barn is not increased in size or the exterior modified for the use, however, doors or the interior may be modified if necessary to make the barn suitable for storage.

(D) The rental of storage space in a barn shall be discontinued if a new barn is constructed for a use that can be accommodated in the old barn.

(E) The Zoning Board of Appeals may grant a variance from the minimum 20-year requirement, provided the Zoning Board of Appeals determines that the request is consistent with the intent of this section to not allow a property owner to build a barn just for rental storage, or to rent storage in a barn and then build a similar structure for farm use.

Section 6.05 Bed and Breakfasts (currently Section 8.7.3(6))

(A) Statement of Intent. It is the intent of this subsection to establish reasonable standards for Bed and Breakfasts to assure that:

(1) The property is suitable for transient lodging facilities.

(2) The use is compatible with other uses in the district in which it is located.

(3) Adjacent properties shall not be subject to increased trespass.

(4) The impact of the establishment is no greater than that of a private home with overnight house guests.

(B) General Standards.

(1) Minimum Lot Area. The minimum lot size shall be 1 acre.

(2) Setbacks. Permanent structures must meet all applicable setback requirements.

(3) Parking. Off-street parking shall be provided in accordance with *Section 9.02* and *Section 9.03* of this Ordinance.

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

(5) **Sleeping Rooms Part of the Dwelling.** The rooms utilized for sleeping shall be a part of a dwelling that has received an occupancy permit prior to the application for a Bed and Breakfast Special Use Permit.

(6) **Minimum Area of Sleeping Rooms.** The rental sleeping rooms shall have a minimum size of 100 square feet for each 2 occupants with an additional 30 square feet for each occupant to a maximum of 4 occupants per room.

(7) **Required Permits and Approvals.** The bed and breakfast owner shall obtain all necessary permits or approvals required from the Grand Traverse County Health Department, Soil Erosion and Sedimentation Control Department, Road Commission, and all other applicable local, state, and federal agencies prior to issuance of a land use permit.

(8) **Fire.** The facility shall comply with all applicable fire codes. A floor plan drawn to an architectural scale of not less than 1/8 inch = 1 foot shall be on file with the Fire Department.

(9) **Electrical.** All electrical installations shall comply with applicable electrical codes.

(10) **Guest Registry.** Each owner oroperator shall keep a guest registry which shall be available for inspection by the Zoning Administrator, police , or fire officials at any time.

(11) **Maximum Length of Stay.** The length of stay for each registered guest shall not exceed 7 days within any 30-day period.

(12) **Fencing and Screening.** Where the Township Board determines that noise generation may be disturbing to neighbors, or that trespass onto adjacent properties is likely, the Township Board may require that fencing and/or an evergreen planting buffer be installed and properly maintained in accordance with Section 8.08.

(13) **Prohibited Rentals.** No motorized off-road vehicles including snowmobiles and all-terrain vehicles, or watercraft shall be rented or used on the property by registered guests.

(14) **Food and Beverages Served.** Breakfast shall be the only meal served and only to registered guests.

(C) **In the A-1 Agricultural District.** In addition to the general standards of Section 6.05(B), bed and breakfasts in the A-1 District shall meet the following requirements:

(1) **Principal Use.** The use shall be accessory to an approved Retail Farm Processing Facility on the same parcel.

(2) **Active Production.** At least 50 percent of the site shall be a Farm Operation in Active Production. At least 75 percent of the site shall be either a Farm Operation in Active Production or undeveloped natural space.

(3) **Owner-Occupation.** The Bed and Breakfast shall be the principal dwelling unit on the property and shall be owner-occupied when open for business.

(4) **Maximum Number of Sleeping Rooms.** The number of guest rooms shall not exceed 0.5 rooms per acre of parcel area, up to a maximum of 10 guest rooms.

(5) **Maximum Number of Overnight Guests.** The maximum number of overnight guests shall not exceed 2 per guest room.

(6) **Parking.** Parking areas shall be paved.

(7) **Special Use Standards.** A special use permit shall not be granted if the essential character of the site, in terms of use, traffic generation, or appearance, will be substantially changed by the bed and breakfast use, or if the active production acreage requirements of this section cannot be maintained.

(D) **In the C-1 Commercial District.** In addition to the general standards of Section 6.05(B), bed and breakfasts in the C-1 District shall meet the following requirements:

(1) A bed and breakfast may be a principal use or an accessory use.

(2) **Maximum Number of Sleeping Rooms.** The maximum number of guest rooms shall be determined as part of special use permit review, with reference to parcel size, parking capacity, and compatibility with adjacent uses.

(3) **Maximum Number of Overnight Guests.** The maximum number of overnight guests shall not exceed 2 per guest room.

Section 6.06 Boat Launch (2026 SECTION)

(A) **Open to the General Public.** As Grand Traverse Bay, and other naturally occurring naviagable waterways within and abutting Peninsula Township are available for navigation by the general public, all approved boat launches within Peninsula Township must be open to the general public. This section shall not preclude an approved boat launch from charging a fee to users.

(B) **Water Access Ramp.** Detailed design plans, signed and sealed by a licensed engineer, but must submitted for all water access ramps, detailed paving, grade, depth of water, hydrological impact, and other aspects as determined necessary by the Planning Commission. The Planning Commission shall use the plans as one factor in determining whether the boat launch meets the Special Use standards in Section 13.05.

(C) **Off-Street Parking.** All off-street parking shall be in compliance with Article 9 of this Ordinance, except the Planning Commission may require additional lane width, parking spaces, and loading areas for vehicles and trailers.

(D) Circulation Plan. The applicant shall provide a circulation plan which identifies vehicular queueing areas, loading areas, sufficient areas for vehicular and trailer turnaround, and designated pedestrian circulation areas.

(E) Solid Waste. Solid waste disposal facilities shall be provided. The applicant shall provide a mechanism for dumping such waste containers.

(F) Restrooms. Public restrooms shall be provided and shall be maintained in clean, workable order. If required, the Grand Traverse County Health Department may review such facilities. The applicant shall provide a mechanism for maintaining public restrooms.

(G) Utilities. Any proposed electrical and water hook-ups shall conform to the County-approved building, electrical, and maintenance codes.

Section 6.07 Child Care Center (2019 SECTION)

(A) Licensing. In accordance with applicable State laws, all child care centers shall be licensed by the State of Michigan and shall comply with the standards outlined for such facilities.

(B) Emergency Care. Each child care center shall employ a staff person with current CPR and first aid training and shall meet other State emergency care requirements.

(C) Hours of Operation/Care. Hours of operation may be up to 24 hours a day, with not more than 12 hours of continuous care at any time for any child.

(D) Separate Building/Parcel. Each child care center shall be located in its own distinct building and on its own separate parcel, except where proposed as accessory to an Institutional Use (*Section 6.17*), in which case it must be located entirely within the principal building exclusive of outdoor recreation areas as otherwise required.

(E) Outdoor Recreation Area. A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child, and the overall size of the recreation area shall not be less than 5,000 square feet. The outdoor recreation area shall be contiguous to and directly accessible from the building containing the child day care centers and shall not be separate from the building by parking, fire lane, or other vehicular circulation. The outdoor recreation area shall be completely fenced and enclosed and shall be suitably screened from any adjoining residentially-zoned or -used land by a greenbelt as required in *Section 8.08*.

(F) Frontage. Child care centers shall have frontage onto a paved thoroughfare or collector road and shall have ingress and egress through the same.

(G) Setbacks. In addition to all other setback requirements of the district, child care centers shall have a minimum side yard setback of at least 25 feet.

(H) In the CF District. In addition to the general standards of this Section, a child care center in the CF District shall be owned or operated by a governmental body, a public school district, a

nonprofit organization, or a religious institution. Child care centers operated primarily for private commercial gain shall not be approved in the CF District. (2026 ADDITION)

Section 6.08 Child Care, Family Home (6 or Fewer Children) (2019 SECTION)

(A) A Child Care Family Home shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special land use permit or procedure different from those required for other dwellings of similar density in the same zone.

(B) Such uses shall be duly licensed by the State of Michigan.

(C) A maximum of 6 children may receive care at any one time.

(D) The facility shall be operated within the primary residence of the caregiver.

Section 6.09 Child Care, Group Home (Between 7-12 Children) (currently Section 6.2.2(7))

(A) **State Licensing.** Such uses shall be duly licensed by the State of Michigan.

(B) **Location.** In accordance with Public Act 110 of 2006, as amended, the Township Board may deny the request if the proposed facility is located closer than 1,500 feet to any of the following:

(1) Another licensed group day care home,

(2) An adult foster care small group home or large group home as licensed under the Adult Foster Care Licensing Act, P.A. 281 of 1979, as amended.

(3) A facility offering substance abuse treatment and rehabilitation services to 7 or more people licensed under article 6 of the public health code, P.A. 368 of 1978, as amended.

(4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

(C) **Character.** In accordance with Public Act 110 of 2006, as amended, all facilities must maintain the property consistent with the visible characteristics of the neighborhood.

(D) **Hours of Operation.** In accordance with Public Act 110 of 2006, as amended, a facility may not exceed 16 hours of operation during a 24-hour period. Should the Township receive any written complaints regarding operating hours, the Township Board may limit the operation of a group child care home during the hours of 10:00 p.m. and 6:00 a.m. without prohibiting the use during those hours.

(E) Signs. In accordance with Public Act 110 of 2006, as amended, a facility's sign to identify itself must meet the applicable sign regulations of this Ordinance.

(F) Off-Street Parking. In accordance with Public Act 110 of 2006, as amended, a facility must meet applicable off-street parking regulations of this Ordinance.

(G) Fencing. A 4-foot high fence around the perimeter of all outdoor play areas shall be required in accordance with *Section 7.11*.

Section 6.10 Dwelling, Multiple-Family (2026 SECTION)

(A) For the purposes of this Section "Multiple-Family Dwelling" shall include any building containing more than one dwelling unit.

(B) Standards applicable to all types of Multi-Family Dwellings.

(1) All site plans shall have adequate means of ingress and egress throughout the project to permit circulation for safety equipment.

(2) All parking lots must be a minimum of 62 feet in width and if through traffic is permitted through the lot, the width must be increased to 64 feet.

(3) Minimum Setbacks from Roads and Pedestrian Ways. No building shall be closer than 30 feet to a right-of-way or internal roadway.

(4) Sidewalks. Sidewalks shall be provided parallel to all roadways whether public or private and shall further be provided to the satisfaction of the Planning Commission and Township Board to allow for convenient and safe pedestrian traffic throughout the complex.

(5) Lighting. Lighting shall be provided to allow for a safe use of sidewalks during non-daylight hours and shall meet the requirements of *Section 8.07*.

(C) Standards Applicable to Multi-Family Dwellings containing more than four dwelling units.

(1) In all multiple projects of over 100 dwelling units, parking shall not be allowed along the main circulation drive.

(2) Maximum Attached Units per Building and Building Length. The maximum number of dwelling units which may be attached in a single building is 8. Additionally, no building width shall have a dimension greater than 200 feet, and the structure shall contain offsets/recesses at least every 50 feet to avoid long blank walls.

(3) Building Lines. There shall be no more than 2 continuous, attached dwelling units with the same building line. No building lines in any continuous attached row shall, when extended, be closer than 2 feet, measured perpendicularly, to any other such building line. See definition of "Building Line" in *Article 2*.

(4) Minimum Building Spacing. Minimum spacing between buildings shall be 20 feet when the 2 buildings are end to end or the closest wall are garage walls or dwelling unit sidewalls. In all other situations minimum separation shall be 40 feet.

(5) Outdoor Areas. All dwelling units must be constructed to permit the development of an individual outdoor area not less than 100 square feet in area, either when the units are first developed or at some later date.

(6) Direct Outdoor and Common Area Access. All dwelling units shall have their main ingress/egress directly to the outdoors and a common area. Open porches, landings and stairs may be shared by more than 1 dwelling unit.

(7) Common Areas. Common open areas shall be provided for the use and enjoyment of the residents within the development. This area shall be provided as set forth in this Ordinance. In the case of condominium development a limited common area may be created for each dwelling unit.

Section 6.11 Event Venue, Indoor and Outdoor (2026 SECTION)

(A) General Standards. Indoor and Outdoor Event Venues shall be subject to the following general requirements in all districts where permitted:

(1) Principal Use. An event venue may be a principal use or an accessory use. Where a site includes both an event venue and a restaurant, the event venue shall be considered accessory to the restaurant, and the more restrictive standards applicable to either use shall apply to both.

(2) Parking. Off-street parking shall be provided at a minimum of one space per three seats of maximum capacity, in addition to any other parking required for other uses on the site. Parking areas shall be paved.

(3) Setbacks.

(a) Outdoor event venues shall be set back at least 100 feet from all lot lines.

(b) All permanent structures shall meet the minimum setback requirements of the C-1 District as specified in Section 4.02.

(4) Health Department Approval. The applicant shall demonstrate approval from the Grand Traverse County Health Department prior to issuance of a land use permit.

(5) Electrical. All electrical installations shall comply with applicable electrical codes.

(6) Fire. The facility shall comply with all applicable fire codes.

(7) Noise. Noise produced by an event venue shall comply with the standards of the Peninsula Township Noise Ordinance, No. 62, as amended.

(B) In the CF District. In addition to the general standards of this Section, a child care center in the CF District shall be owned or operated by a governmental body, a public school district, a nonprofit organization, or a religious institution. Child care centers operated primarily for private commercial gain shall not be approved in the CF District. (2026 ADDITION)

Section 6.12 Farm Stand (currently Section 6.7.2(8), Roadside Stand, REVISED BY AMENDMENT 203)

(A) A Farm Stand is an accessory use to the Active Production of Farm Products by a Farm Operation. A Farm Stand is subject to the following conditions:

(1) The Farm Stand shall be located on a parcel that is owned or controlled by the Farm Operation that produces the products offered for sale at the Farm Stand.

(2) One Farm Stand shall be allowed per parcel.

(3) The Farm Stand may be located on a parcel controlled by the Farm Operation that is not engaged in Active Production provided the Farm Operation controls another parcel(s) within Peninsula Township that is engaged in the Active Production of Farm Products.

(4) The only items that may be offered for sale at a Farm Stand are Raw Produce and processed products as noted below. Processed products will be considered as produced by the Farm Operation if at least 50 percent of the product's primary or namesake ingredient was produced on and by the Farm Operation, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

(5) A minimum of 50 percent of all items offered for sale must be produced and/or processed by the Farm Operation that controls the Farm Stand measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan.

(6) No Farm Stand shall be located within a road right-of-way.

(7) All Farm Stands shall meet the setback requirements of Section 6.8.

(8) No Farm Stand greater than 120 square feet in area shall be located closer than 165 feet from all existing non-farm residences.

(9) If a tent or table is used as a Farm Stand it shall be properly staked or weighted to withstand wind and severe weather.

(10) Parking surfaces for Farm Stands may be vegetative, ground, pavement, or other suitable material. All other aspects of parking for Farm Stands shall meet the requirements of Section 7.6. There shall be a minimum of five (5) parking spaces located outside of the road right-of-way. For structures or areas greater than 150 square feet, there shall be a ratio of one additional parking space per 150 square feet. (As an example, a 300 square foot structure or area will require 6 parking spaces.)

(11) Signage shall meet the requirements of Article 10.

(12) Exterior lighting shall meet the requirements of Section 8.07.

(13) A Land Use Permit is required for all Farm Stands.

(14) Access permits may be required from the Grand Traverse County Road Commission (GTCRC) or the Michigan Department of Transportation (MDOT). Private Road Association approval may also be required.

(15) All necessary Building, Electrical and Plumbing permits shall be obtained from the Grand Traverse County Building Department per Construction Code for all proposed Farm Stands.

Section 6.13 Food Processing Plant (currently 8.5)

(A) Authorization. The Township Board may authorize the construction, maintenance and operation in the Agricultural District of food processing plants related to local agricultural production, by the issuance of a special use permit, subject to the procedures and requirements of *Section 13.05* and provided that it has been demonstrated that the operation will not create any nuisance which will be detrimental to the health, safety and welfare of Township residents or adversely affect adjoining property owners. Food Processing Plants do not include wineries.

(B) Required Information. In addition to the site plan information requirements of *Section 13.04(B)*, the following information shall be submitted as a basis for judging the suitability of the proposed operation:

(1) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

(2) Engineering and Architectural Plans for:

(a) The treatment and disposal of sewage and industrial waste or unusable by-products.

(b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter or radiation.

(3) The proposed number of shifts to be worked and the maximum number of employees on each shift.

Section 6.14 Gas Stations (currently Section 8.8)

(A) Site Development Requirements. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:

(1) Minimum Site Size. 25,000 square feet with a minimum width of 150 feet.

(2) Site Location. The proposed site shall have at least 1 property line on a major thoroughfare as classified on the Master Plan for Peninsula Township.

(3) Building Setback. The building, or buildings, shall be set back 40 feet from all street right-of-way lines and shall not be located closer than 25 feet to any property line in a residential district.

(4) Access Drives. No more than 1 driveway approach shall be permitted directly from any major thoroughfare nor more than 1 driveway approach from any other public street.

(a) Driveway approach widths shall not exceed 35 feet measured at the property line.

(b) Driveways shall be located as far from street intersections as practicable, but no less than 50 feet.

(c) No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line.

(d) Any driveway giving access to a single street shall be separated from any other driveway by a landscaped island per *Section 8.08*, with a minimum dimension of 20 feet.

(5) Lighting. All lighting shall conform to the requirements of *Section 8.07*.

(6) Signs. Signs as allowed by *Article 10*.

(7) Off-Street Parking. As provided in *Article 9*.

Section 6.15 General Farming and Horticultural Use (currently Section 6.2.2(6))

Farming and horticultural use includes the carrying on of usual soil practices of cultivation, spraying, and fertilization, including the use of barnyard and poultry manure. It also includes migrant workers' quarters and roadside stands for the sale of agricultural products. It excludes the raising and grazing of farm animals and fowl in residential districts except those as permitted when complying with the Michigan Right to Farm Act provisions.

Section 6.16 Greenhouses and Nurseries (Retail Sales) (2019 SECTION)

Commented [DM51]: There is no Section for Greenhouses "without retail sales"

(A) General Standards.

(1) Site Area. There shall be no maximum size limitation for a greenhouse structure. Lot coverage for all structures, including greenhouse structures, however, shall not exceed 40 percent.

(2) **Structures.** All greenhouse structures shall conform in construction and design to the current accepted national industry standards for such structures, and shall be cleaned and maintained on a regular basis, including but not limited to a routine and spot replacement program for damaged, torn or faded materials and parts.

(3) **Wholesale Sales.** Wholesale sales of annual and perennial plants shall be permitted, provided that retail sales shall also be a principal component of the use of the site.

(4) **Fertilizer Applications and Other Similar Applications.** In addition to all environmental and performance requirements in this Ordinance, fertilizing and other similar application processes shall conform to all applicable Federal, State or other environmental guidelines.

(5) **Hours of Operation.** Operating hours of such uses shall be limited to normal business hours and may be permitted to vary dependent upon location, season and amount of daylight. All such limits shall be noted on the site plan.

(6) **Lighting.** See lighting standards of *Section 8.07*.

(7) **Equipment Operation and Storage.** All mechanical or motorized equipment operated in conjunction with such uses shall be stored in an enclosed buildings or adequately screened from rights-of-way and adjacent residentially zoned or used properties. Unless part of an agriculture operation, equipment shall be operated outdoors only between the hours of 7:00 a.m. and 9:00 p.m.

(8) **Merchandise and Material Storage.** Merchandise or materials shall be stored in an enclosed building or sufficiently screened from rights-of-ways and adjacent residentially-zoned or residentially-used properties to minimize noise, odor, smoke, dust, visual, storm water runoff and other impacts. The Planning Commission and Township Board may require screening by additional setbacks or buffering pursuant to *Section 8.08*. The only exceptions to this requirement shall be for planted or seasonal displays as indicated on an approved site plan. Temporary sales and seasonal sales of holiday trees and similar items shall be subject to other requirements of this Ordinance.

(9) **Outdoor Stacks and Piles of Bulk Materials.** Outdoor stacks and piles of bulk materials, such as soil, sand, mulch, peat moss and stones, as well as bagged or boxed items, are subject to the following standards:

(a) Outdoor stacks and piles of bulk materials shall not be located in front of principal building(s);

(b) Outdoor stacks and piles of bulk materials shall not be located where visible from any right-of-way or residential district or use;

(c) Outdoor stacks and piles of bulk materials shall not be located within any required rear or side yard setbacks;

(d) Outdoor stacks and piles of bulk materials shall be covered at all times with material capable of minimizing smoke, dust, storm water runoff, and other impacts;

(e) All outdoor stacks and piles shall be not greater than 12 feet in height; and

(f) The Planning Commission and Township Board may require they be enclosed on at least 3 sides by retaining walls or other permanent containment structures with concrete bases not greater than 6 feet in height.

(10) Pedestrian and Vehicle Access. Sidewalks and off-street parking and loading areas shall at all times be kept clear and free of all merchandise, materials and use-related vehicles and equipment.

(11) Parking. Off-street parking shall be provided in accordance with the retail parking requirement of Section 9.02(C)(6).

(B) In the A-1 Agricultural District. Greenhouses and nurseries with retail sales shall be permitted by special use permit in the A-1 District subject to the following requirements:

(1) The use shall be accessory to an approved Retail Farm Processing Facility on the same parcel.

(C) In the C-1 Commercial District. Greenhouses and nurseries with retail sales shall be permitted in the C-1 District and may be a principal use or an accessory use.

Section 6.17 Home Occupation (currently Section 6.2.3(2))

(A) Permit. A "Home Occupation Permit" shall be obtained from the Zoning Administrator prior to beginning a home occupation and shall be issued to the person conducting the home occupation and shall not run with the land. Such permit shall be revoked should the home occupation at any time not meet the provisions of this Ordinance. Any permit shall become null and void 1 year after issuing the permit unless the home occupation has been established and is operating.

(B) Allowable Uses Not Requiring a Permit. The following incidental uses are allowed and do not need a permit:

(1) Garage Sales provided they occur not more than twice in any calendar year.

(2) Party Sales for the purpose of selling merchandise or taking orders are allowed.

(3) An office in the residence is allowed provided there are no employees except family members living at the residence, and further provided that no customers or clients arrive at the residence.

(4) A pet sitter, provided not more than 4 pets may be cared for on the property at one time and all animal waste shall be removed on a regular schedule to minimize odor.

(C) Operator and Employees. Home Occupations are permitted in residential structures when carried on by the residents of the dwelling along with up to 2 full time equivalent employees within either the dwelling or an accessory building.

(D) Floor Area. The area utilized for the Home Occupation shall not exceed 1/4 of the floor area of 1 story of the dwelling including attached garages and excluding porches and decks whether or not the dwelling or an accessory building is so utilized.

(E) Outdoor Activities and Storage. No outdoor activities nor outdoor storage in excess of those normally found in the immediate residential neighborhood shall be allowed in connection with a home occupation. The Zoning Administrator shall make such a determination prior to issuing a land use permit.

(F) Environmental Impacts. Home Occupation activities shall not discharge any odor or dust, nor shall any vibration, noise, glare be discernable at property boundaries and all lighting shall conform to the requirements of *Section 8.07*.

(G) Large Deliveries Prohibited. Home Occupations shall not be permitted if the occupation would normally have deliveries or pick-ups by semi-trailer.

(H) Hazardous or Controlled Substances. No hazardous or controlled substances or materials shall be used or stored on the premises unless prior approval is obtained from proper authorities.

(I) Limited Sales. No retail sales shall be permitted on the premises; however, incidental sales previously made off-premises or by phone or internet may be picked up at the premises. Direct sales of products off display shelves or racks is not allowed.

(J) Parking. No more than 4 vehicles shall be parked in the driveway at any given time except for personal or private activities. Parking spaces shall be provided so that no cars are parked on the lawn or on the shoulders of the road.

(K) Instruction in a Craft or Fine Art Permitted. The occupants of a residence may give instruction in a craft or fine art within the residence, provided that the other requirements of this section are met and a Home Occupation Permit is issued. Sales of incidental items related to the instruction are allowed.

(L) Residential Character Preserved. In no event shall the use of a building for a home occupation alter the residential character of the building nor shall it require external alterations, construction or repair of any kind such as, converting a garage door into a store front with display windows, which is not customary to residential use.

(M) Signage. See *Article 10*.

(N) Garages. Existing garages shall be retained for inside parking of vehicles.

Section 6.18 Hotels and Motels (currently 8.10, REVISED BY AMENDMENT 205)

(A) Statement of Intent. It is the purpose of this section to establish reasonable requirements for transient lodging facilities exclusive of bed and breakfast establishments in the C-1, Commercial District. It is intended that those regulations will provide for such facilities in the Township that are appropriate in scale and location so as to not create undue traffic congestion, noise of other interference with the predominantly rural and residential character of the Township.

(B) Qualifying Conditions.

(1) Minimum Floor Area. Each guest room shall contain not less than 250 square feet of floor area.

(2) Maximum Guests Per Unit. The maximum number of guests per unit shall not exceed 5 persons.

(3) Minimum Lot Area. The minimum lot size shall be 5 acres with a minimum width of 300 feet.

(4) Maximum Lot Coverage. All buildings, including accessory buildings, shall not occupy more than 10 percent of the net area within property lines.

(5) Minimum Yard Dimensions. All buildings shall set back no less than 150 feet from any street line, and no less than 60 feet from any side or rear property line.

(6) Site Screening. The site may be closed by open structure wood or wire fences along any yard line, but shall not exceed 6 feet in height. Shrubs or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. Screening at least 4 feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than 75 feet to any street line, except for headlight screening which shall not be closer than 30 feet.

(7) Lighting. All lighting shall conform to the requirements of *Section 8.07*.

(8) Accessory Uses. Uses such as swimming pools and other outdoor recreational uses, meeting rooms, restaurants, taverns or bars, and a caretaker's or proprietor's residence shall be permitted provided that these uses are located on the same site as the principal use to which they are accessory. Appropriate permits shall have been obtained from regulating County or State agencies.

(9) Well and Septic System. 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.

(10) Fire Safety.

(a) All transient lodging facilities shall conform to the Michigan State Construction Code sections regarding fire safety.

(b) An on-site water supply shall be available and meet the requirements of the Peninsula Township Fire Department.

(c) A floor plan drawn to an architectural scale of not less than 1/8 inch = 1 foot shall be on file with the Fire Department.

(d) Each operator of a guest lodging facility shall keep a guest registry which shall be available for inspection by the Zoning Administrator and police and fire officials at any time.

(e) Master keys for all rooms shall be available at all times.

(11) Fencing or Planting Buffer. 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 in addition to the requirements of *Section 8.08*.

(12) Rental of Recreational Equipment: Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.

(13) Activities and Outdoor Gatherings. Activities made available to guests shall be on the lot used for the facility. Outdoor gatherings of guests or other individuals shall be carried out in such a manner and at such hours as to not be disruptive to neighboring properties.

(14) Density of Development. The maximum number of rental units which may be developed at any single location shall be 20. Accessory uses shall be as approved as a part of the special use permit approval process.

(15) Parking. Parking shall meet the requirements of *Article 9*.

(16) Additional Requirements. Such developments shall meet the requirements of *Section 7.03(A)* and *Section 7.03(B)*.

Section 6.19 Indoor Recreation (2019 SECTION with 2026 Revisions)

Indoor recreation facilities, such as, but not limited to, bowling establishments, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, arcades, and similar indoor recreation uses shall comply with the following regulations:

(A) Setbacks. Indoor recreation uses shall be set back a minimum of 200 feet from any property line which abuts a residential district.

(B) Adverse Impacts. The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.

(C) Access. Indoor recreation uses shall have direct access onto a major thoroughfare.

(D) In the CF District. In addition to the general standards of this Section, an indoor recreation use in the CF District shall be operated for the benefit of the general public and not primarily for private commercial gain. The use shall be owned or operated by a governmental body, a nonprofit organization, or a similar civic entity. Indoor recreation facilities operated primarily as private commercial businesses, including private membership clubs that restrict access to paying members, shall not be approved in the CF District. (2026 ADDITION)

Section 6.20 Institutional Structures and Uses (currently Section 8.6)

(A) Authorization. The Township Board may authorize the construction, maintenance and operation in any Residential or Agricultural district of certain institutional uses specified in this Section by the issuance of a special use permit. Such institutional uses are limited to the following:

(1) Religious Institutions. Churches or similar places of worship, including associated child care centers or day care centers (see *Section 6.04*), convents, parsonages and parish houses, and other housing for clergy.

(2) Educational and Social Institutions. Public schools (unless preempted by State law) and private schools, including associated child care centers or day care centers (see *Section 6.04*), auditoriums and other places of assembly, and centers for social activities.

(3) Public Buildings and Service Installations. Publicly owned and operated buildings (except recreation buildings in conjunction with the uses permitted in *Section 6.24*) and public utility buildings and structures, transformer stations and substations, radio, television and micro-wave towers, and gas regulator stations. Wireless Communications towers and facilities shall not be considered Public Buildings or Service Installations for purposes of this Ordinance.

(4) Mission Point Lighthouse and Lighthouse Park. Retail sales shall be allowed in a gift shop located within the existing Mission Point Lighthouse, provided:

(a) Items sold shall be limited to merchandise relating to the Mission Point Lighthouse, Michigan lighthouses, and local history.

(b) The Township Board may authorize the sale of other items related to the lighthouse park.

(c) Net proceeds from the gift shop shall be placed in a designated fund to be used for operation and maintenance of the Mission Point Lighthouse and Lighthouse Park.

(d) No general funds may be used for the operation of the gift shop.

Section 6.21 Junk Yard (2019 SECTION)

(A) Junk yards are subject to compliance with Ordinance No. 41, Peninsula Township Junk Ordinance, the provisions of all Township codes and Ordinances and safety standards of the State and County.

(B) All junk yards shall have solid masonry obscuring wall of at least 8 feet in height, of 1 uniform color and meeting the Building Code standards, constructed at least 50 feet from the side and rear lot line. A greenbelt shall also be planted and maintained outside of the wall pursuant to *Section 8.08*.

(C) Where a junk yard has frontage on a road or highway, a solid masonry obscuring wall of at least 8 feet, of 1 uniform color and meeting the Building Code standards, shall be setback not less than 150 feet from said road or highway right-of-way or easement line. A greenbelt shall also be planted and maintained outside of the wall pursuant to *Section 8.08*, except where entrance and exit driveways are located, in order to screen the junk yard activities from the road or highway. A sales or office building for keeping business records of the junk yard operation is permitted in the setback area noted above provided that front and side setback requirements of the district are met.

(D) Junk material shall be stored a minimum distance of 20 feet from any industrial or airport zoned property line. Storage of such materials on any site shall not be piled higher than the height of the 8-foot masonry wall or fence feet. A roadway shall be provided, paved, graded and maintained from the street to the rear of the property to permit free access of fire trucks at any time.

(E) There shall be no burning of tires, vehicle bodies, wiring, oil or waste products on the site, and all industrial processes, including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

(F) All trucks and other vehicles shall be stored or parked within the required walled or fenced enclosure.

(G) All truck loading and unloading shall be performed within the required walled or fenced enclosure.

(H) The operator of the junk yard shall be responsible to clean up all debris and junk accidentally deposited on any public right-of-way within 1 mile of the junk yard site.

(I) There shall be compliance with all site plan review requirements under *Section 13.04*.

(J) Hours of operation shall be between 8:00 a.m. and 6:00 p.m.

Section 6.22 Keeping of Animals (currently Section 6.2.2(5), 2026 REVISED SECTION)

The keeping of domestic pets and animals is permitted in all agricultural and residential districts, subject to the following requirements:

(A) General. All pets and animals shall be maintained so as not to constitute a public nuisance.

(B) Right to Farm Act. This section does not apply to farm animals on a permitted farm. Animals raised in conformance with the Generally Accepted Agricultural Management Practices adopted by the Michigan Department of Agriculture and Rural Development, shall not be subject to this section, consistent with the Michigan Right to Farm Act.

(C) Pets. The keeping of dogs, cats, and other typical household pets is permitted without restriction beyond the general requirement above.

(D) Chickens. The keeping of chickens shall comply with the following requirements:

(1) Land Use Permit Not Required. No Land Use Permit shall be required for the keeping of chickens. However, upon finding a violation of the requirements of this Section, the Township may order physical alterations to a site and/or the removal of some or all of the chickens, in order to correct the violation.

(2) General Standards and Applicability. The Following requirements apply to the R-1 and C-1 Districts.

(a) Number of Chickens. A maximum of 6 chickens shall be permitted per lot.

(b) Permitted Fowl. Only chickens shall be permitted under this Section. The keeping of other poultry or fowl, including but not limited to ducks, geese, turkeys, guinea fowl, peafowl, or similar animals, is prohibited. Roosters shall not be permitted.

(c) Slaughter. The slaughtering of any chicken is prohibited.

(d) Enclosure. Chickens must be provided with and kept within a covered enclosure at all times. Chickens shall not be allowed to roam the lot or any other property. The enclosed area where the chickens are kept shall be maintained in a clean and neat manner at all times. Materials used to construct the enclosed area shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

(e) Setbacks. The enclosed area where the chickens are kept shall be located within the rear yard and shall be setback at least twenty (20) feet from any side or rear lot line, and at least 50 feet from any body of water.

(f) Feed Containment. Chicken feed must be kept in a rodent-proof, sealed container.

(E) Horses and Livestock.

(1) Setbacks. The sheltering structure for horses or livestock shall be set back at least 200 feet from any lot line. The pasturing area shall be set back at least 100 feet from any lot line. Both the sheltering structure and pasturing area shall be set back at least 200 feet from any well or residence.

(F) Kennels. The keeping of five or more dogs, cats, or other household pets over the age of six months constitutes a kennel, as defined in [INSERT REFERENCE: DEFINITIONS], shall require a Special Use Permit in accordance with [INSERT REFERENCE: USE TABLE].

Section 6.23 Kennels (2019 SECTION)

The following regulations shall apply to kennels:

(A) Breeding. Breeding of animals shall be restricted to no more than 2 litters per year.

(B) Lot Size. A lot on which the kennel is located shall be a minimum of 5 acres in size.

(C) Setbacks. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 100 feet from any dwellings or buildings used by the public on adjacent property.

(D) Kennels Prohibited in Subdivisions and Site Condominiums. Regardless of lot size, private kennels shall not be permitted in platted subdivisions and site condominiums.

(E) Operation. Any kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.

(F) Sound Control. All animals shall be contained in a building which is fully soundproofed.

(G) Odor Control. Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule.

Section 6.24 Marinas (currently Section 8.7.3(5))

(A) Marinas are only permitted in accordance with the following:

(1) All ingress and egress to the site shall be from a primary road.

(2) All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any 2 streets or highways.

(3) Whenever any permitted use abuts property within any Residential District, a transition strip at least 200 feet in width shall be provided between all operations and structures, including fences, and the residential property. Plant materials, grass, and structural

screens or fences of a type approved by the Township Board shall be placed within the transition strip.

(4) A minimum yard of 100 feet shall separate all uses and operations permitted, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Township Board.

(B) **In the CF District.** In addition to the general standards of this Section, a marina in the CF District shall be operated for the benefit of the general public and not primarily for private commercial gain. The facility shall be owned or operated by a governmental body or nonprofit organization and shall provide public access to the waterfront consistent with the quasi-public character of the CF District. (2026 ADDITION)

Section 6.25 Mobile Homes (On Individual Lots: currently Section 6.7.2(3); In Residential Districts; currently 8.9)

(A) **Compliance with Federal Law.** Each mobile home shall bear a label required by Section 3282.362(c) (2) of the Federal Manufactured Home Procedural and Enforcement Regulation. Mobile homes shall meet the requirements of the National Manufactured Housing Construction and Safety Standards Act (24 CFR part 3280) and bear a HUD label so indicating.

(B) **Compliance with State Law and Manufacturer's Instructions.** Each mobile home shall be installed pursuant to the manufacturer's setup instruction and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

(C) **Removal of Towing Mechanisms, and Removal or Concealment of Undercarriage or Chassis.** Within 10 days following installation, all towing mechanism shall be removed from each mobile home. No mobile home shall have any exposed undercarriage or chassis.

(D) **Perimeter Wall.** Each mobile home shall have a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents and control heat loss .

(E) **Basement, Slab, or Crawl Space.** Each mobile home shall have within the perimeter wall a full or partial basement; any space not occupied by a basement shall have a full concrete slab which may be used as a crawl space for storage purposes.

(F) **Plumbing, Electrical, Insulation, and Roof.** All construction and all plumbing, electrical apparatus and insulation within and connected to each mobile home shall be of a type and quality conforming to the "Manufactured Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(G) **Exterior Finish, Light Reflection.** Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in

appearance, provided that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.

(H) Minimum Width. See *Article 4*.

(I) Design. Each mobile dwelling shall be aesthetically compatible in design and appearance with other residences in the coterminous area as defined in *Article 2*, particularly with regard to foundation treatment, siding and roofing materials, and perimeter walls. Compatible materials such as siding, screen walls, etc. may be added to assure compatibility. The compatibility shall be determined by the Zoning Administrator.

Section 6.26 Mobile Home Parks (currently Section 8.2 and Section 7.2.6)

(A) Uses That May Be Permitted. Any mobile home park may include any or all of the following uses, provided that a plan of the proposed development is approved by the State of Michigan in accordance with Act No. 96, Public Acts of 1987, as amended, and provided that the development plan meets the standards of this Section.

(1) Mobile Home. "Mobile Home" means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. “Mobile home” does not include a pick-up camper, travel trailer, motor home, modular homes, recreational vehicle, converted bus, tent trailer, or other transportable structure designed for temporary use.

(2) One permanent building for conducting the operation and maintenance of the mobile home park and such other accessory buildings including a caretaker's residence as may be necessary for the normal operation of the mobile home park.

(3) Parking requirements.

(a) Parking shall be prohibited on any street or access lane.

(b) No visitor vehicles shall be parked or stored within any required open space between mobile homes or any drive or street within the mobile home park.

(c) Space between mobile home units may be used for parking of motor vehicles provided that such space is paved and meets the requirements of *Article 9* of this Ordinance.

(d) Off-street group parking facilities shall be within 300 feet of all mobile home lots intended to be served.

(B) Site Development Requirements: All mobile home parks shall comply with the following site development and maintenance requirements:

(1) **State Law.** The mobile home park shall comply with all requirements of Act 96, Public Acts of 1987, as amended. In cases where higher standards have been adopted by the Township and approved by the Mobile Home Commission, the higher standards shall prevail.

(2) **Plans.** A preliminary plan filed in conformance with the requirements of Section 11 of the "Mobile Home Commission Act" shall be filed with the Zoning Administrator at the time of the filing of application for a special use permit.

(3) **License.** Every mobile home park shall be licensed by the State of Michigan as required by Rule 802 of the General Rules of the Michigan Mobile Home Commission.

(4) **Site Size.** Any mobile home park shall have a site of at least 15 acres.

(5) **Site Location.** Access to the mobile home park site location shall be from a public thoroughfare only. Access shall be designed with a capacity to safely and effectively handle any increased traffic which may be generated by the mobile home park.

(6) **Park Yard Dimension.** Mobile home parks shall also meet the zoning requirements of *Section 6.26* and *Section 7.03* of this Ordinance.

(7) **Site Access.**

(a) Each mobile home park shall be provided with a paved entrance or exit drive off a public thoroughfare.

(b) Entrance or exit drives shall be located no closer than 125 feet from the intersection of any 2 public thoroughfares.

(8) **Space Requirements.**

(a) The mobile home park shall be developed with sites having an average of 5,500 square feet per mobile home site being served.

(b) Said 5,500 square foot average may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet.

(c) For each square foot of land gained through the reduction of the site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirement be less than that required under R 125.1946, Rule 946, of the Michigan Administrative Code.

(9) **Yard Requirements.** No mobile home unit shall be located closer than 23 feet from any private street or roadway, 10 feet from a side site line, or 10 feet from a rear site line.

(10) **Wood Burning Heating Systems.** The installation of wood burning heating stoves or furnaces shall require a permit issued by the Grand Traverse County Construction Code Office.

(11) **Park Roads.**

(a) Each mobile home lot or premises shall have access to a park driveway, roadway or street which shall be paved to a minimum width of 24 feet; however, no parking shall be permitted on said roadway or street.

(b) If a one-way street pattern is proposed and adopted, then the street width may be paved to a minimum of 16 feet.

(12) **Mobile Home Unit Lot Improvement.** Each mobile home unit shall occupy at least a single lot size and shall comply with the following:

(a) All parking areas within the mobile home park shall be clearly defined.
(b) Each mobile home unit shall have skirting or equal treatment which shall be fire resistant, vented, and have access panels.

(13) **Building Height.** No mobile home unit or other building or structure shall exceed 25 feet in height; however, one permanent building in the mobile home park used for conducting the business operation may contain 2 stories with a maximum height of 35 feet.

(14) **Lighting.** All lighting shall conform to the requirements of *Section 8.07*.

(15) **Heating.** All above-ground fuel tanks shall be suitably screened.

(16) **Mobile Home Unit Sales.**

(a) The business of selling new or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited.

(b) New or used mobile homes located on lots within the mobile home park may be sold by a licensed dealer or broker.

(c) This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home park provided the mobile home park permits the sale.

(17) **Occupancy.** No completed mobile home unit shall be occupied until a park license covering the occupied site has been issued by the State of Michigan.

(18) **Periphery Setbacks (Section 7.2.6).**

(a) **Intent.** It is the intent of this Ordinance that residential developments other than conventional subdivisions be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity of the township in which they are located, and that such a use will

not change the essential character of the area in which it is proposed. In as much as mobile home parks may involve higher densities of land use, abut agricultural land, or have building types that distinctly differ from the single-family, conventionally-built dwellings which predominate the Township, periphery setbacks for such developments are established.

(b) General Setbacks. All buildings shall be placed at least 50 feet from any public right-of-way line for existing roadways bordering a site, and at least 30 feet from any property boundary line which is not a public road right-of-way. Setback spaces shall be occupied by plant materials and landscaped.

(c) Setback from Agricultural Areas. Planned unit developments abutting agricultural areas shall meet the setback requirements of *Section 7.03(a)*.

Section 6.27 Public Areas (Parks, Recreation, and Conservation Areas) (currently Section 6.7.2(13))

Public areas, parks, recreation, and conservation areas shall include forest preserves, game refuges, and similar public uses of low-intensity character.

Section 6.28 Recreational Outdoor Activity, Accessory (2026 SECTION)

(A) General Standards. Accessory Recreational Outdoor Activities shall be subject to the following general requirements in all districts where permitted:

(1) Remuneration. The activity shall not be independently ticketed, marketed, or accessible, and any remuneration shall be collected as part of a bundled admission or visit to the principal use rather than as a standalone charge. An outdoor recreational activity that is independently ticketed, marketed, accessible, or charged for shall be considered a Principal Outdoor Recreational Activity and shall be subject to the requirements of that use.

(2) Occupancy. The total number of persons participating in accessory outdoor recreational activities at any one time shall not exceed 50.

(3) Facilities. Restrooms, trash receptacles, and potable water shall be provided on-site.

(4) Health Department Approval. The applicant shall demonstrate approval from the Grand Traverse County Health Department prior to issuance of a Land Use Permit.

(5) Electrical. All electrical installations shall comply with applicable electrical codes.

(B) In the A-1 Agricultural District. In addition to the general requirements above, the following standards shall apply:

(1) Principal Use. The use shall be accessory to an approved Retail Farm Processing Facility on the same parcel.

(2) **Active Production.** At least 50 percent of the site shall be a Farm Operation in Active Production. At least 75 percent of the site shall be either a Farm Operation in Active Production or undeveloped natural space.

(3) **Parking.** A minimum of five off-street parking spaces shall be provided per activity. Parking areas need not be paved.

(4) **Setback.** All activity areas shall be set back at least 200 feet from all lot lines.

(C) **In the C-1 Commercial District**. In addition to the general requirements above, the following standards shall apply:

(1) **Principal Use.** The use shall be accessory to a permitted principal use or approved Special Use on the same parcel.

(2) **Parking.** A minimum of five off-street parking spaces shall be provided per activity. Parking areas shall be paved.

(3) **Setback.** All activity areas shall be set back at least 50 feet from all lot lines.

(D) **In the CF District.** In addition to the general standards of this Section, accessory recreational outdoor activities in the CF District shall be operated for the benefit of the general public. Such activities shall not be independently marketed or charged for in a manner that primarily serves private commercial interests rather than a public or civic purpose. (2026 ADDITION)

Section 6.29 Recreational Outdoor Activity, Principal (2026 SECTION)

(A) **General Standards.** Principal Recreational Outdoor Activities shall be subject to the following general requirements in all districts where permitted:

(1) **Remuneration.** The activity may be independently ticketed, marketed, or charged for, including by paid membership.

(2) **Occupancy.** The total number of persons participating in principal outdoor recreational activities at any one time shall not exceed 100.

(3) **Parking.** A minimum of five off-street parking spaces shall be provided per activity. Parking areas shall be paved.

(4) **Facilities.** Restrooms, trash receptacles, and potable water shall be provided on-site.

(5) **Setback.** All activity areas shall be set back at least 50 feet from all lot lines.

(6) **Health Department Approval.** The applicant shall demonstrate approval from the Grand Traverse County Health Department prior to issuance of a Land Use Permit.

(7) **Electrical.** All electrical installations shall comply with applicable electrical codes.

(B) **In the CF District.** In addition to the general standards of this Section, a principal recreational outdoor activity in the CF District shall be owned or operated by a governmental body, a nonprofit organization, or a similar civic entity, and shall be operated for the benefit of the general public. Uses that are independently ticketed or marketed primarily to generate private commercial revenue shall not be approved in the CF District. (2026 ADDITION)

Section 6.30 Recreational Unit Parks (currently Section 8.4)

(A) **Intent and Purpose.** The Recreational Unit Park shall be subject to the procedures and requirements in *Section 13.05*. This type of park is a "Destination Type" of park where lots can be rented for more than a few days and renters are there to enjoy the natural character of the Township. Buffers are required to protect permanent residents of the area from the nuisance aspects associated with the transient use of Recreational Unit Parks, such as increased traffic and noise. Recreational Unit Parks are for temporary use and are not intended for permanent occupancy.

(B) **Site Development Requirements.** Site developments shall comply with the provisions of Act 368 of the Public Acts of 1978, as amended (an Act to license and regulate campgrounds), and also with the following:

(1) **Frontage.** A Recreational Unit Park shall have a minimum of 330 feet of frontage on a county road or state highway.

(2) **Perimeter Setbacks and Buffering.** The Recreational Unit Park shall provide a 200-foot setback from all property lines for structures and Recreational Unit sites. Not less than 2 staggered rows of evergreen trees planted not more than 15 feet apart shall be planted and maintained within 50 feet of the property lines, and such evergreen trees shall be at least 8 feet in height at the time of planting.

(3) **Perimeter Fence Required.** The Recreational Unit Park shall be fenced with a minimum 6-foot high chain link fence, or as determined by the Township Board. The fence does not have to be on the perimeter of the Park, but shall enclose areas that are used by sites or for recreational use.

(4) **Entrance Road and Interior Roads.** The entrance road and interior roads shall meet either Peninsula Township Private Roads Standards or County Road standards, and shall meet the Commercial Driveway Entrance requirements of the County Road Commission or State Department of Transportation.

(5) **Entrance and Exit Through Subdivision or Condominium Prohibited.** Recreational Unit Park entrances and exits shall not be through a subdivision or condominium.

(6) **Entrance Requirements.** There shall be either:

(a) Two separate road entrances connecting a continuous interior road; or

(b) One entrance and a loop road beginning within 100 feet of the public road serving the park.

(7) Minimum Lot Area. The minimum parcel size for a Recreational Unit Park shall be 20 acres.

(8) Maximum Number of Recreational Unit Sites. The maximum number of sites shall be 200.

(9) Minimum Recreational Unit Site Dimensions. Each recreational unit site shall contain a minimum of 1,500 square feet, except that the minimum size for sites specifically designed for tents shall be 3,000 square feet. The minimum space dimensions per unit are:

(a) Width –30 feet

(b) Depth –60 feet

(c) These dimensions shall be increased as necessary to accommodate larger vehicles so that there is no less than 8 feet between a tent or recreational vehicle and the perimeter of the rental space. This 8-foot area (16 feet between recreational units) shall be planted with a row of shrubs and a minimum of 2 trees per recreational unit site line.

(10) Parking Surface. Parking spaces for recreational units other than tents shall either be paved or covered with a minimum of 4 inches of packed stone.

(11) Parking Spaces. Each site shall have a parking space for at least 1 vehicle other than the recreational unit.

(12) Time Limit on Rental of Unit Sites. Spaces in a Recreational Unit Park shall be rented by the day or week only and no recreational unit or occupant of such space shall remain in the same park for a period of more than 30 days in a 6-month period.

(13) Prohibited Rentals. No motorized off-road vehicles (e.g., snowmobiles, 4-wheelers, etc.) or watercraft shall be rented or used on the property by registered guests.

(14) Winter Rentals. Winter operations are permitted provided that all utilities, including central toilet and shower facilities, are provided during winter operations.

(15) Headquarters Building Parking. Parking for the headquarters building shall comply with *Article 9*.

(16) Flammable Liquid Sales Prohibited. Sales of bottled gas and other flammable liquids are prohibited on the premises. However, the sale of firewood and charcoal is permitted.

(17) **Emergency and Fire Protection Plan Required.** A plan for emergencies and fire protection shall be submitted with the application. The emergency and fire protection plan shall be reviewed by the Township Fire Chief and the Chief's comments submitted during Township review. The plan shall include the following information:

(a) Fire/Emergency Equipment access to each recreational unit site.

(b) Emergency access to the Management facility.

(c) Water storage tank on site or alternate water source to supply water for firefighting.

(d) Fire rings provided on all recreational unit sites where campfires are to be allowed.

(e) Emergency telephone service is provided in a visible, convenient location.

(f) Fire extinguishers at the headquarters building and at each public station facility building.

(18) **Outdoor Activities.** All outdoor activities shall be limited to uses such as hiking, cross-country skiing, volleyball, basketball, tennis, and horse shoes.

(19) **Shared Access.** If shared access is provided, each site having shared access privileges shall be considered as a separate family under the shared access provisions of this Ordinance.

(20) **Underground Utilities Required.** All utilities shall be placed underground.

(21) **Sewage Dumping Station.** A sewage dumping station shall be provided and shall be subject to the review and approval of the Grand Traverse County Health Department, however it shall not be located closer than 50 feet from the management building.

(22) **Electricity and Drinking Water.** Electricity and drinking water shall be provided to each recreational unit site designed for a travel trailer, motor home, or similar recreational vehicle.

(23) **Recreational Unit Site Identification.** Each recreational unit site shall be numbered, with numbers shown on the site so as to be readily available to emergency personnel.

(24) **Lighting.** All lighting shall conform to the requirements of *Section 8.07*.

(25) **Entrance Way Sign.** A sign located at the entrance is allowed and shall comply with *Article 10*.

(C) Support Uses.

(1) **Headquarters Building.** One headquarters building may be allowed on the premises, and may contain the following uses:

(a) Management headquarters, (including a Manager's Residence provided it meets the existing residential size requirements of the Zoning Ordinance).

(b) Laundry facilities.

(c) Vending machines are allowed, but not a Convenience store.

(d) Indoor recreation area.

(e) Swimming pool.

(2) Public Station Facilities. Public station facilities, housed in all-weather structures, shall be provided for the use of recreational unit park registered guests only and shall contain adequate water outlet, toilet, waste container, and shower facilities. Public station facilities shall be provided uniformly throughout the site at a ratio of not less than 1 such station for each 100 sites. A public station facility may be included in the headquarters building or in a separate structure(s).

(3) Limitations on Support Uses and Support Use Buildings:

(a) Support use buildings and the parking area primarily related to their operations shall not occupy more than 0.1 percent of the area of the park.

(b) Uses shall be restricted to occupants of the recreational unit sites.

(c) Support use buildings shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

(d) Support use buildings shall be screened from view of a public road or any adjacent residential district.

(D) Accessory Uses.

(1) Uses and structures customarily incidental to the operation of a Recreational Unit Park may be allowed at the discretion of the Township Board as accessory uses.

(2) An indoor or outdoor swimming pool may be allowed for registered guests of the Recreational Unit Park. See swimming pool requirements of *Section 7.12*.

(E) Development and Site Plan Requirements. The site plan shall include the information required in *Section 13.04(B)*.

(F) Phased Development. Where a Recreational Unit Park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as concepts for any subsequent stages.

(G) In the CF District. In addition to the general standards of this Section, a recreational unit park in the CF District shall be owned or operated by a governmental body, a nonprofit organization, or a similar civic entity, and shall be operated for the benefit of the general public. Recreational unit parks operated primarily for private commercial gain shall not be approved in the CF District. (2026 ADDITION).

Section 6.31 Remote Tasting Rooms (REVISED BY AMENDMENT 201)

(A) Statement of Intent: It is the intent of this Subsection to allow tasting of Alcoholic Liquor and non-alcoholic beverages in a tasting room that is not on the same property as the Farm Processing Facility with which it is associated by special use permit in the A-1 Agricultural District and to establish reasonable standards for the use.

Commented [DM52]: Make match in A-1 district.

(B) There shall be a minimum parcel size of five (5) acres.

(C) The five-acre parcel shall not have another use such as housing but may be used for the Active Production of agricultural crops.

(D) The building used for the Remote Tasting Room shall be consistent with the neighborhood character within one/half mile of the proposed building. Preliminary building elevations shall be submitted with the special use permit application showing roof type, pitch, and color, and siding type and color. The adaptive re-use of existing structures is encouraged.

(E) The Remote Tasting Room, the parcel on which it is located, and the Farm Processing Facility with which it is associated shall be exclusively controlled and operated by a Farm Operation that also exclusively controls and operates a minimum of 150 acres in Peninsula Township evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least 50% of the 150 acres shall be in Active Production of agricultural crops.

(F) Tasting of Alcoholic Liquor and non-alcoholic beverages produced by the Farm Operation that controls and operates the Remote Tasting Room shall be the only products tasted in the Remote Tasting Room.

(G) Sales of Alcoholic Liquor and non-alcoholic beverages by the bottle produced by the Farm Operation that controls and operates the Remote Tasting Room are allowed for off- premises consumption. Sales of Alcoholic Liquor by the glass produced by the Farm Operation that controls and operates the Remote Tasting Room are allowed pursuant to the minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture permits regarding the sales of limited food items for on-premises consumption, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.

(H) Those Remote Tasting Rooms that hold a liquor license may serve limited food items indoors to offset the effects of consuming alcohol. Food items are limited to snacks that require

minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. No restaurants, cafes or off-site catering shall be permitted as part of a Remote Tasting Room.

Section 6.32 Rental of Non-Owner Occupied Dwellings for 30 Days or More (currently Section 6.2.2(2) (e))

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

Section 6.33 Restaurants (2026 SECTION)

(A) Restaurants shall be shall be subject to the following general requirements in all districts where permitted:

(1) **Parking.** Off-street parking shall be provided in accordance with Section 9.02(C)(2). Parking areas shall be paved.

(2) **Outdoor Seating.** Outdoor seating shall comply with all applicable standards of this Ordinance and shall be set back at least 50 feet from all lot lines.

(3) **Setbacks**. All permanent structures shall meet the minimum setback requirements of the C-1 District as specified in Section 4.02.

(4) **Health Department Approval.** The applicant shall demonstrate approval from the Grand Traverse County Health Department prior to issuance of a land use permit.

(5) **Building Code Compliance.** All construction shall comply with applicable building codes.

(6) **Noise.** Noise produced by a restaurant shall comply with the standards of the Peninsula Township Noise Ordinance, No. 62, as amended.

Section 6.34 Retail Farm Processing Facility, Indoors Only (ADDED BY AMENDMENT 201)

(A) Statement of Intent: It is the intent of this Subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Retail Farm Processing Facility only where and when accessory to a minimum dedicated acreage of a Farm Operation's land in Active Production within the Township, and that accessory use does not predominate over the Farm Operation's Active Production within the Township. The Retail Farm Processing Facility accessory use includes wholesale sales and indoor retail sales of fresh and processed Raw Produce only. At least sixty-five percent (65%) of the Raw Produce sold fresh or processed shall be grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the accessory Retail Farm Processing Facility. Since a Retail Farm Processing Facility is considered to be an industrial and commercial use that is inconsistent with the A-1 Agricultural District when not accessory and subordinate to a Farm Operation, approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for an accessory Retail Farm Processing

Facility or the land dedicated to the Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Retail Farm Processing Facility use is discontinued or curtailed. This Subsection shall not supersede or amend the terms of any conservation easement.

(B) A Retail Farm Processing Facility is permitted by special use permit only as an accessory use subordinate to a Farm Operation in the A-1 Agricultural District and shall not predominate over the Farm Operation's Active Production within the Township. An accessory Retail Farm Processing Facility shall be subject to the following requirements:

(1) Retail Sales: Retail sales of fresh or processed Raw Produce are allowed subject to the requirements of Subsection (10)(b) 2 of this Section and the following additional requirements:

(a) All processing and retail sales shall be conducted indoors.

(b) At least 50% of the ingredients as measured by weight of any processed products sold at the Retail Farm Processing Facility shall be derived from Raw Produce grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the Retail Farm Processing Facility.

(c) The consumption of processed products on premises is permitted indoors only.

(d) A Tasting Room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed Raw Produce, including Alcoholic Liquor.

(e) Free entertainment may be provided within a retail sales/Tasting Room indoors only.

(f) The hours of operation for retail sales, including a Tasting Room, shall be limited to an opening time no earlier than 9:00 a.m. and a closing time no later than 9:30 p.m.

(g) If Alcoholic Liquor is proposed to be produced, consumed, or sold on the premises, the Michigan Liquor Control Commission shall grant applicable retail liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.

(h) The Michigan Department of Agriculture and Rural Development shall grant applicable retail food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.

(i) Those Retail Farm Processing Facilities that hold a liquor license may serve limited food items indoors in the retail sales area to offset the effects of consuming alcohol. Food items not processed within the Retail Farm Processing Facility are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. No restaurants, cafes or off-site catering shall be permitted as part of a Retail Farm Processing Facility.

(2) Sources of Raw Produce:

(a) Processing is limited to Raw Produce of the same species of Farm Products as are raised by the Farm Operation on the parcel on which the Retail Farm Processing Facility is located. For example, an apple may be processed into apple juice or applesauce.

(b) Not less than sixty-five percent (65%) of the Raw Produce sold fresh or processed by the accessory Retail Farm Processing Facility shall be grown on land that is controlled and operated by the specific Farm Operation that operates the accessory Retail Farm Processing Facility.

(c) If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the accessory Retail Farm Processing Facility, provided that the verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

(3) Parcel Requirements:

(a) At least fifty (50) acres of contiguous land shall be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales.

(b) The dedicated acreage shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Retail Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least sixty-five percent (65%) of the acreage dedicated to the Retail Farm Processing Facility shall be in Active Production.

(c) At least thirty (30) of the dedicated acres must be in a single parcel with a minimum parcel width of 330 feet and shall contain the Retail Farm Processing Facility. There shall be at least fifteen (15) acres in Active Production on the same parcel as the Retail Farm Processing Facility. The parcel shall not be divided for as long as the Retail Farm Processing Facility continues in operation.

(d) The remaining acreage necessary to meet the 50-acre minimum dedication shall consist of a single parcel or two contiguous parcels.

(e) Not more than one (1) single-family dwelling may be located on the parcel containing the Retail Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.

(f) None of the dedicated land shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Retail Farm Processing Facility continues in operation.

(4) Setbacks: The minimum setbacks for the Retail Farm Processing Facility including required parking shall be:

(a) Front Yard Setback: 50 feet.

(b) Side and Rear Yard Setback: 200 feet.

(c) No Retail Farm Processing Facility shall be located within a Viewshed, except as permitted by recommendation of the Planning Commission and approval of the Township Board. For those parcels where a Farm Processing Facility is proposed that is entirely within a Viewshed, a location will be considered that minimizes the negative impacts to the Viewshed.

(5) Retail Farm Processing Facility Size:

(a) The total floor area of the Retail Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land comprising the dedicated parcel that contains the Retail Farm Processing Facility and shall not exceed 30,000 square feet of total floor area above finished grade.

(b) The Retail Farm Processing Facility may consist of more than one building; however, all buildings used by the Retail Farm Processing Facility shall be located on the 30-acre minimum parcel that contains the Retail Farm Processing Facility and shall not collectively exceed the floor area allowed by Subsection (10)(b) 5 i above.

(c) Underground floor area may be allowed in addition to the maximum permitted square footage of floor area above finished grade provided it is entirely below pre-existing ground level and has no more than one loading dock exposed.

(d) Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.

(e) The area of any Tasting Room shall be included in the total allowed square footage for retail sales.

(6) Pre-existing Buildings: (built prior to December 13, 2022) may be used for a Retail Farm Processing Facility provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

(7) Vested Right: Approval of a special use permit for an accessory Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be

used for uses permitted by right in the event that the accessory Retail Farm Processing Facility use is discontinued or curtailed.

(8) Parking: Parking shall conform to the requirements of Article 9.

(9) Signs: All signage shall conform to the requirements of Article 10.

(10) Lighting: All exterior lighting shall conform to the requirements of Section 8.07.

(11) Access: Access shall be from a paved public road. An access permit from the Grand Traverse County Road Commission or Michigan Department of Transportation shall be required before a Land Use Permit may be issued.

(12) Water: Demonstration of adequate water for the Retail Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

(13) Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Retail Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

(14) Fencing or Planting Buffer: 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.

(15) Landscaping: The front yard area and/or any side yard adjacent to public right-of-way not used for access and parking shall be planted and maintained in accord with an appropriate landscape design to integrate the Retail Farm Processing facility into the site, as approved by the Township Board.

(16) Data and Records:

(a) The Farm Operation operating the Retail Farm Processing Facility shall annually by April 15 of each year provide data and records ftan!re previous c:alendaryearto the Director of Planning demonstrating that (a) a minimum of sixty-five (65%) percent of the Raw Produce processed as measured by weight is grown on land exclusively controlled and operated by that Farm Operation, (b) a minimum offifty percent (50%) of the ingredients as measured by weight of any processed products sold was derived from Raw Produce grown on land that is exclusively operated and controlled by that Farm Operation and (c) all land within the Township controlled and operated by the Farm Operation meets the dedicated acreage requirements.

(b) The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

(c) Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a

violation of this Ordinance and may be a basis for revocation of the special use permit.

(17) Approval Process:

(a) Approval of a Special Use Permit is required subject to all requirements of Article VIII, Section 8.1. followed by the administrative approval of a Site Plan.

(b) A Site Plan application with all required submittal materials shall be submitted to the Director of Planning. The site plan shall include at least:

(i) the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;
(ii) legal descriptions for all parcels;
(iii) all existing and proposed structures including setbacks from property lines;
(iv) proposed parking, landscaping and lighting;
(v) floor plan showing all processing areas; and
(vi) the name, email address, mailing address, and phone number of the Farm Operation.

(c) Site Plan approval for a Retail Farm Processing Facility shall be issued by the Director of Planning upon showing that it is compliant with this Ordinance, all conservation easements, and the Special Use Permit approval, including minimum parcel requirements, building size, building height, acreage in crop production, setbacks, landscaping and parking.

(d) Once the Site Plan is approved and signed by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.

(e) A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Retail Farm Processing Facility can be issued.

(f) No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.

(g) Such Land Use Permit shall not be issued until copies of all permits required by state, federal, and other local licenses and permits have been submitted to the Zoning Administrator and the Zoning Administrator has made an on-site inspection to verify compliance with all requirements of the zoning ordinance.

(h) Any violation of the Special Use Permit issued by the Township Board, the Site Plan Approval issued by the Director of Planning, or the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for revocation of the Special Use Permit, the Site Plan Approval and the Land Use Permit.

Section 6.35 Retail Farm Processing Facility, with Outdoor Seating (ADDED BY AMENDMENT 201)

(A) Statement of Intent: It is the intent of this Subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Retail Farm Processing Facility with outdoor seating only where and when accessory to a minimum dedicated acreage of land in Active Production within the Township, and that accessory use does not predominate over the Farm Operation's Active Production within the Township. The Retail Farm Processing Facility with outdoor seating accessory use includes wholesale sales, indoor retail sales of fresh and processed Raw Produce, and the consumption of fresh and processed Raw Produce within an indoor Tasting Room or outdoor seating area only. At least sixty-five percent (65%) of the Raw Produce sold fresh or processed shall be grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the accessory Retail Farm Processing Facility. Since a Retail Farm Processing Facility is considered to be an industrial and commercial use that is inconsistent with the A-1 Agricultural District when not accessory and subordinate to a Farm Operation, approval of a special use permit for a Retail Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for an accessory Retail Farm Processing Facility or the land dedicated to the Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Retail Farm Processing Facility use with outdoor seating is discontinued or curtailed. This Subsection shall not supersede or amend the terms of any conservation easement.

(B) A Retail Farm Processing Facility with outdoor seating is permitted by special use permit only as an accessory use subordinate to a Farm Operation in the A-1 Agricultural District and shall not predominate over the Farm Operation's Active Production within the Township. An accessory Retail Farm Processing Facility shall be subject to the following requirements:

(1) Retail Sales: Retail sales of fresh or processed Raw Produce are allowed subject to the requirements of Subsection (11)(b) 2 of this Section and the following additional requirements:

(a) All processing and retail sales shall be conducted indoors.

(b) At least 50% of the ingredients as measured by weight of any processed products sold at the Retail Farm Processing Facility shall be derived from Raw Produce grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the Retail Farm Processing Facility.

(c) The consumption of processed products on premises is permitted indoors and within an approved and clearly defined outdoor seating area.

(d) A Tasting Room may be included in the allowable square footage for retail sales to provide for the tasting of fresh or processed Raw Produce, including Alcoholic Liquor.

(e) Free entertainment may be provided within a retail sales/Tasting Room indoors only.

(f) The hours of operation for retail sales, including a Tasting Room and approved outdoor seating, shall be limited to an opening time no earlier than 9:00 a.m. and a closing time no later than 9:30 p.m.

(g) If Alcoholic Liquor is proposed to be produced, consumed, or sold on the premises, the Michigan Liquor Control Commission shall grant applicable retail liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.

(h) The Michigan Department of Agriculture and Rural Development shall grant applicable retail food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and special use permits granted hereunder.

(i) Those Retail Farm Processing Facilities with outdoor seating that hold a liquor license may serve limited food items indoors in the retail sales area to offset the effects of consuming alcohol. Food items not processed within the Retail Farm Processing Facility are limited to snacks that require minimal preparation such as cheese and crackers, dried fruit and nuts, and chocolates. Limited food items served indoors may be consumed within an approved outdoor seating area. No restaurants, cafes or off-site catering shall be permitted as part of a Retail Farm Processing Facility with outdoor seating

(2) Sources of Raw Produce:

(a) Processing is limited to Raw Produce of the same species of Farm Products as are raised by the Farm Operation on the parcel on which the Retail Farm Processing Facility is located. For example, an apple may be processed into apple juice or applesauce.

(b) Not less than sixty-five percent (65%) of the Raw Produce sold fresh or processed by the accessory Retail Farm Processing Facility shall be grown on land that is controlled and operated by the specific Farm Operation that operates the accessory Retail Farm Processing Facility.

(c) If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the accessory Retail Farm Processing Facility, provided that the verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Retail Farm Processing Facility with outdoor seating in such a year shall not exceed the highest volume of processed products produced by the Retail Farm Processing Facility in any of the preceding five (5) years.

(3) Parcel Requirements:

(a) At least sixty (60) acres of contiguous land shall be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales and an outdoor seating area for consumption only.

(b) The dedicated acreage shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the Retail Farm Processing Facility with outdoor seating. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least sixty-five percent (65%) of the acreage dedicated to the Retail Farm Processing Facility shall be in Active Production.

(c) At least forty (40) acres of the dedicated land must be in a single parcel with a minimum parcel width of 330 feet and shall contain the Retail Farm Processing Facility and outdoor seating. There shall be at least twenty (20) acres in Active Production on the same parcel as the Retail Farm Processing Facility. The parcel shall not be divided for as long as the Retail Farm Processing Facility continues in operation.

(d) The remaining acreage necessary to meet the 60-acre minimum dedication shall consist of a single parcel or two contiguous parcels.

(e) Not more than one (1) single-family dwelling may be located on the parcel containing the Retail Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.

(f) None of the dedicated land shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Retail Farm Processing Facility continues in operation.

(4) Setbacks: The minimum setbacks for the Retail Farm Processing Facility with outdoor seating including required parking shall be:

(a) Front Yard Setback: 50 feet.

(b) Side and Rear Yard Setback: 200 feet.

(c) Outdoor Seating Area: 350 feet from all property lines to minimize negative impacts to neighboring properties from noise, light and odors.

(d) No Retail Farm Processing Facility shall be located within a Viewshed, except as permitted by recommendation of the Planning Commission and approval of the Township Board. For those parcels where a Farm Processing Facility is proposed that is entirely within a Viewshed, a location will be considered that minimizes the negative impacts to the Viewshed.

(5) Retail Farm Processing Facility Size:

(a) The total floor area of the Retail Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land comprising the dedicated parcel that contains the Retail Farm Processing Facility and shall not exceed 30,000 square feet of total floor area above finished grade.

(b) The Retail Farm Processing Facility may consist of more than one building; however, all buildings used by the Retail Farm Processing Facility with outdoor seating shall be located on the 40-acre minimum parcel that contains the Retail Farm Processing Facility and outdoor seating area and shall not collectively exceed the floor area allowed by Subsection (11)(b) 5 i above.

(c) Underground floor area may be allowed in addition to the maximum permitted square footage of floor area above finished grade provided it is entirely below pre-existing ground level and has no more than one loading dock exposed.

(d) Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.

(e) The area of any Tasting Room shall be included in the total allowed square footage for retail sales.

(6) Pre-existing Buildings: (built prior to December 13, 2022) may be used for a Retail Farm Processing Facility provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

(7) Outdoor Seating Area Size:

(a) The outdoor seating area shall be limited to 750 square feet.

(b) The maximum occupancy for the outdoor seating area shall be 50 persons at all times.

(c) The limits of the outdoor seating area shall be clearly defined with a fence and/or combination of fencing and landscaping that provides year-round screening from adjacent properties.

(d) Table umbrellas or permanent shade structures are permitted.

(e) No temporary structures including tents or canopies are allowed.

(8) Vested Right: Approval of a special use permit for an accessory Retail Farm Processing Facility with outdoor seating shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Retail Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Retail Farm Processing Facility with outdoor seating use is discontinued or curtailed.

(9) Parking: Parking shall conform to the requirements of Article 9.

(10) Signs: All signage shall conform to the requirements of Article 10.

(11) Lighting: All exterior lighting shall conform to the requirements of Section 8.07.

(12) Access: Access shall be from a paved public road. An access permit from the Grand Traverse County Road Commission or Michigan Department of Transportation shall be required before a Land Use Permit may be issued.

(13) Water: Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

(14) Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

(15) Fencing or Planting Buffer: 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.

(16) Landscaping: The front yard area and/or any side yard adjacent to public right-of-way not used for access and parking shall be planted and maintained in accord with an appropriate landscape design to integrate the Retail Farm Processing facility with outdoor seating into the site, as approved by the Township Board.

(17) Data and Records:

(a) The Farm Operation operating the Retail Farm Processing Facility with outdoor seating shall annually by April 15 of each year provide data and records from the previous calendar year to the Director of Planning demonstrating that (a) a minimum of sixty-five percent (65%) of the Raw Produce processed as measured by weight is grown on land exclusively controlled and operated by that Farm Operation, (b) a minimum of fifty percent (50%) of the ingredients as measured by weight of any processed products sold was derived from Raw Produce grown on land that is exclusively operated and controlled by that Farm Operation, and (c) all land within the Township controlled and operated by the Farm Operation meets the dedicated acreage requirements.

(b) The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

(c) Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a

violation of this Ordinance and may be a basis for revocation of the special use permit.

(18) Approval Process:

(a) Approval of a Special Use Permit is required subject to all requirements of Article VIII, Section 8.1. followed by the administrative approval of a Site Plan.

(b) A Site Plan application with all required submittal materials shall be submitted to the Director of Planning. The site plan shall include at least:

(i) the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;
(ii) legal descriptions for all parcels;
(iii) all existing and proposed structures including setbacks from property lines;
(iv) proposed parking, landscaping and lighting;
(v) floor plan showing all processing areas; and
(vi) the name, email address, mailing address, and phone number of the Farm Operation.

(c) Site Plan approval for a Retail Farm Processing Facility with outdoor seating shall be issued by the Director of Planning upon showing that it is compliant with this Ordinance, all conservation easements, and the Special Use Permit approval, including minimum parcel requirements, building size, building height, acreage in crop production, setbacks, landscaping and parking.

(d) Once the Site Plan is approved and signed by the Director of Planning, a Land Use Permit application may be submitted to the Zoning Administrator.

(e) A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Retail Farm Processing Facility can be issued.

(f) No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.

(g) Such Land Use Permit shall not be issued until copies of all permits required by state, federal, and other local licenses and permits have been submitted to the Zoning Administrator and the Zoning Administrator has made an on-site inspection to verify compliance with all requirements of the zoning ordinance.

(h) Any violation of the Special Use Permit issued by the Township Board, the Site Plan Approval issued by the Director of Planning, or the Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for revocation of the Special Use Permit, the Site Plan Approval and the Land Use Permit.

Section 6.36 Retail Stores (2026 SECTION)

(A) Retail stores shall be subject to the following general requirements in all districts where permitted:

(1) **Setbacks.** All permanent structures shall meet the minimum setback requirements of the C-1 District as specified in Section 4.02.

(2) **Health Department Approval.** The applicant shall demonstrate approval from the Grand Traverse County Health Department prior to issuance of a land use permit.

(3) **Electrical.** All electrical installations shall comply with applicable electrical codes.

(4) **Fire.** The facility shall comply with all applicable fire codes.

Section 6.37 Riding Stables

(1) **Principal Use.** The use shall be accessory to an approved Retail Farm Processing Facility on the same parcel.

(2) **Parking.** Off-street parking shall be provided at a minimum of one space per horse stall. Parking areas need not be paved.

Section 6.38 Self Service Storage Facility (currently Section 6.6.5)

(A) **Uses.** Rental Space for storage of personal property only and no business activity other than rental of storage units shall be conducted on site.

(B) **Prohibited Uses.** Rental storage units shall not be used for the servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment; or for office, retail, manufacturing or other similar uses.

(C) **Prohibited Activities.** No activities such as miscellaneous or garage sales shall be conducted on the premises.

(D) **Indoor Storage Required.** All storage uses shall be inside an enclosed building.

(E) **Required Lease Provisions.** The lease shall include a statement of allowed uses and uses that are not allowed by this Section.

(F) **Manager Required.** There shall be a designated manager to provide a security function; to ensure that the conditions of the lease are met, and that the Self-Service Storage Facility is used for its designated purpose. For Self-Service Storage Facilities with storage area of 20,000 square feet or more, a residence for a resident manager shall be required on the site as shown on an approved site plan. For a facility of less than 20,000 square feet, an on-site residence for a resident manager may be required by the Township Board as part of the business.

(G) Minimum Lot Size. Minimum Lot Size shall be 45,000 square feet with a minimum width of 150 feet. (e.g., 80 10-foot by 20-foot units = 16,000 square feet, with a 35 percent lot coverage by structures requires a minimum lot area of 45,715 square feet.)

(H) Setbacks. Existing C-1 Zone Setbacks Front – 35 feet; Side 10 feet; Rear 30 feet. 35 percent lot coverage by structures.

(I) Fencing. Security fencing shall not include electrically charged, barbed wire or razor wire, and shall not be placed in a required front yard setback area.

(J) Separation Distance. Spacing between structures shall be a minimum of 20 feet and emergency access shall be provided to at least 3 sides of all structures.

(K) Lighting. All lighting shall conform to the requirements of *Section 8.07*.

(L) Signs. Signs shall comply with *Article 10*.

(M) Vehicle Access. Access drives shall be designed to handle automobiles, vans, light trucks, and other two-axle vehicles. Access to all structures shall be as determined by the Township Board in consultation with the Peninsula Township Fire Chief.

(N) Water and Sewer/Septic Prohibited for Storage Units. Self Service Storage Facility shall not have water or sewer/septic facilities connected to any of the storage units.

Section 6.39 Sewage Treatment and Disposal Installations (currently Section 8.7.3(2))

(A) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes.

(B) All operations shall be completely enclosed by a chain link fence not less than 6 feet high, with a staggered double row of 8-foot high evergreens spaced not more than 15 feet apart and planted on the outside of the fence.

(C) All operations and structures shall be surrounded on all sides by a transition strip at least 200 feet in width within which grass, plant materials and structural screens shall be placed on to minimize the appearance and odors of the installation. The Township Board shall approve all treatment of transition strips.

Section 6.40 Solar Energy Systems(2019 SECTION with 2026 Revisions)

(A) Purpose. It is the purpose of this sub-section to promote the safe, effective, and efficient use of solar energy systems to generate electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for solar energy systems.

(B) Roof-Mounted Solar Energy Systems: Roof-mounted solar energy systems for on-site use are allowed in all zoning districts, subject to the following regulations:

(1) Height. Roof-mounted systems shall not extend more than 3 feet above the roofline and shall not exceed the required permitted building height.

(2) Location. Roof-mounted solar energy systems may be located anywhere on a roof, but shall not protrude beyond the edge of the roof.

(C) Ground-Mounted Solar Energy Systems (10 kW or less). Ground mounted and freestanding solar energy systems of 10kW or less for on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

(1) Location and Setbacks. Solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall also meet the minimum setbacks of the zoning district.

(2) Height. The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.

(3) Screening. Landscaping shall be provided to screen the racking (i.e., the framing below the panels) from view on all sides.

(4) Area. Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.

(D) Ground-Mounted Solar Energy Facilities (over 10 kW). Ground mounted and freestanding solar energy systems over 10 kW capacity are permitted subject to special land use approval in the A-1 zoning district, and subject to the following regulations:

(1) Location and Setbacks. The solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.

(2) Height. The height of the solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

(3) Screening. Landscaping shall be provided to screen the racking (i.e., the framing below the panels) from view on all sides.

(4) Area. Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.

(5) Noise. No ground-mounted solar energy facility shall produce noise that exceeds 5 dB(A) above ambient sound pressure levels. An independent noise study may be required.

(6) In the CF District. Ground-mounted solar energy systems over 10kW in the CF District shall be accessory to and serve the energy needs of a principal use on the same parcel that is

otherwise consistent with the intent of the CF District. Solar installations whose primary purpose is commercial energy generation for sale to the grid or to third parties shall not be approved in the CF District. (2026 ADDITION)

(E) General Standards. The following requirements are applicable to all roof-mounted or ground-mounted solar energy systems.

(1) Land Use Permit. A Land Use permit shall be required for any ground-mounted solar energy system.

(2) Batteries. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

(3) Removal. If a solar energy system ceases to perform its intended function (generating electricity) for more than 12 consecutive months, it shall be considered junk (see Ordinance No. 41, Peninsula Township Junk Ordinance).

Section 6.41 Tenant Houses (currently Section 6.7.2(12))

A tenant house shall be part of farm property for full-time farm employees associated with principal use and subject to the same height and setback requirements as the principal dwelling.

Section 6.42 Warehousing and Light Industrial (currently Section 8.7.3(7))

(A) Uses allowed.

(1) Printing and publishing establishments.

(2) Small contractors' establishment having no outdoor storage of materials or equipment.

(3) Wholesale and limited retail activities related to on-site warehousing. High volume retail sales normally accommodated in the other retail districts would not be allowed.

(4) Research facilities, provided there is no use of radioactive, toxic, or explosive materials.

(5) Computer operations.

(6) Small warehousing structures such as controlled atmosphere apple storage or storage for food products processed in a food processing plant located on the farm, provided that the storage structures shall only be used for agricultural products grown on Old Mission Peninsula.

(7) Light manufacturing operations employing 25 or less.

(B) Enclosed Buildings. Activities in this District shall be carried on in completely enclosed buildings.

(C) Noise emanating from a use in this District shall not exceed 60 decibels at any property line.

(D) Uses in this District shall conform to the following standards:

(1) Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions.

(2) Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at the property line.

(3) Produce no heat or glare humanly perceptible at the property line.

(4) Produce no physical vibrations humanly perceptible at the property line.

(5) Shall be compatible with and in the best interest of farming uses either in general or on specific contiguous lands.

(E) **Supporting Evidence Required.** In all instances in which the Planning Commission or the Township Board considers the ability of a proposed use to meet all the requirements of this Section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his application. If such evidence is not presented, the land use permit shall not be issued.

Section 6.43 Wind Energy Conversion Systems (WECS) (currently Section 8.7.3(8))

(A) WECS shall be allowed in all zoning districts.

(B) In addition to the requirements of *Section 13.05*, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied dwelling units within 300 feet of the WECS.

(C) Each special use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall include the following:

(1) A standard foundation and anchor design or specifications for normal soil conditions;

(2) A detailed parts list;

(3) Clearly written detailed instructions for the assembly, installation, check out, operation and maintenance of the WECS on site; and

(4) The list of warning documents required by *Section 6.33(H)* herein; and

(5) Grounding and lighting procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters);

(6) Underwriters label, where appropriate;

(7) Proof of insurance.

(D) Electromagnetic Interference. The entire WECS (including turbines, alternators, generators, and systems electrically connected to the local electrical power utility system are capable of feeding power back into the local electrical power utility system) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub-parts A, D and H).

(E) Noise. The maximum level of noise permitted to be generated by any WECS shall be 50 decibels, as measured on the DBA scale, measured at the property line nearest the WECS.

(F) Setbacks. No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines and/or property lines than the total distance of the height of the tower and rotor combined.

(G) Height. The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be 100 feet, unless otherwise prohibited by State of Federal statutes or regulations or granted a variance by the Zoning Board of Appeals.

(H) Labeling.

(1) The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:

(a) Equipment weight of the tower subsystem;
(b) Manufacturer's name and address;
(c) Model number;
(d) Serial number;
(e) The following tower warning label or equivalent warning: Installation and Maintenance of This Product near Power Lines is a Danger. For Your Safety Follow the Installation and Maintenance Instructions;
(f) The survival wind speed in miles per hour and meters per second (survival wind speed is the maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation [not necessarily producing power] is designed to survive without damage to any structural equipment or loss of the ability to function normally);
(g) Name of installer;
(h) Name of person responsible for maintenance; and

(i) Current emergency telephone number in force for *Section 6.33(H)(1)(g)* and *Section 6.33(H)(1)(h)* above.

(2) The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily accessible location:

(a) Maximum power input (KW); rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
(b) Manufacturer's name and address;
(c) Model number;
(d) Serial number;
(e) Emergency and normal shutdown procedures;
(f) Underwriters label where appropriate.

(I) Ground Clearance. For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.

(J) Accessibility. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.

(K) Interconnected WECS. In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response to the notice. The property owner shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).

(L) Vibration. Under no circumstances shall a WECS produce vibrations humanly perceptible beyond the lot boundaries.

(M) In the CF District. A WECS in the CF District shall be accessory to and serve the energy needs of a principal use on the same parcel that is otherwise consistent with the intent of the CF District. Wind energy facilities whose primary purpose is commercial energy generation for sale to the grid or to third parties shall not be approved in the CF District. (2026 ADDITION)

Section 6.44 Wholesale Farm Processing Facility: (REVISED BY AMENDMENT 201)

(A) Statement of Intent: It is the intent of this Subsection to promote a thriving local agricultural production industry and preserve the rural character within the Township by allowing the construction and use of a Wholesale Farm Processing Facility only where and when accessory to a minimum dedicated acreage of a Farm Operation's land in Active Production within the Township, and that accessory use does not predominate over the Farm Operation's Active Production within the Township. The Wholesale Farm Processing Facility accessory use includes wholesale sales of fresh and processed Raw Produce only. At least sixty-five percent (65%) of the Raw Produce sold fresh or processed shall be grown on land that is exclusively

operated and controlled by the specific Farm Operation that operates and controls the accessory Wholesale Farm Processing Facility. Since a Wholesale Farm Processing Facility is considered to be an industrial use that is inconsistent with the A-1 Agricultural District when not accessory and subordinate to a Farm Operation, the approval and operation of a Wholesale Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for an accessory Wholesale Farm Processing Facility or the land dedicated to the Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Wholesale Farm Processing Facility use is discontinued or curtailed. This Subsection shall not supersede or amend the terms of any conservation easement.

(B) A Wholesale Farm Processing Facility is permitted only as an accessory use subordinate to a Farm Operation in the A-1 Agricultural District and shall not predominate over the Farm Operation's Active Production within the Township. An accessory Wholesale Farm Processing Facility shall be subject to the following requirements:

(1) Wholesale Sales: Wholesale Sales of fresh or processed Raw Produce are allowed subject to the requirements of Subsection (19)(b) 2 of this Section and further provided:

(a) All processing shall be conducted indoors.

(b) At least 50% of the ingredients as measured by weight of any processed products sold at the Wholesale Farm Processing Facility shall be derived from Raw Produce grown on land that is exclusively operated and controlled by the specific Farm Operation that operates and controls the Wholesale Farm Processing Facility.

(c) No retail sales or consumption of Raw Produce or processed products on the premises is permitted.

(d) If Alcoholic Liquor is proposed to be produced or sold at wholesale on the premises, the Michigan Liquor Control Commission shall grant applicable wholesale liquor licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.

(e) The Michigan Department of Agriculture and Rural Development shall grant applicable wholesale food licenses and regulate compliance with those licenses, subject to the requirements of this Zoning Ordinance and permits granted hereunder.

(2) Sources of Raw Produce:

(a) Processing is limited to Raw Produce of the same species of Farm Products as are raised by the Farm Operation on the parcel on which the Wholesale Farm Processing Facility is located. For example, an apple may be processed into apple juice or applesauce.

(b) Not less than sixty-five percent (65%) of the Raw Produce sold fresh or processed by the Wholesale Farm Processing Facility shall be grown on land that is controlled and

operated by the specific Farm Operation that operates the Wholesale Farm Processing Facility.

(c) If crop conditions or natural disaster result in a shortage of locally-grown fruit for a particular year; the Township Board may for that year approve a larger proportion of Raw Produce grown off the land within the Township that is controlled and operated by the specific Farm Operation that operates the accessory Wholesale Farm Processing Facility, provided that the verification of such conditions by the United States Department of Agriculture Farm Service Agency. Processed products produced by the Wholesale Farm Processing Facility in such a year shall not exceed the highest volume of processed products produced by the Wholesale Farm Processing Facility in any of the preceding five (5) years.

(3) Parcel requirements:

(a) At least forty (40) acres of land shall be dedicated to the operation of a Wholesale Farm Processing Facility.

(b) The dedicated acreage shall be located within Peninsula Township and shall be exclusively controlled and operated by the same Farm Operation that exclusively controls and operates the accessory Wholesale Farm Processing Facility. Control of the dedicated acreage must be evidenced by a deed, lease, or memorandum of lease in the name of the Farm Operation recorded with the Grand Traverse County Register of Deeds. At least sixty-five (65%) percent of the acreage dedicated to the Wholesale Farm Processing Facility shall be in Active Production.

(c) At least twenty (20) acres of the dedicated land must be in a single parcel with a minimum parcel width of 330 feet and shall contain the Wholesale Farm Processing Facility. There shall be at least ten (10) acres in Active Production on the same parcel as the Wholesale Farm Processing Facility. The parcel shall not be divided for as long as the Wholesale Farm Processing Facility continues in operation.

(d) The remaining acreage necessary to meet the 40-acre minimum dedication shall consist of a single parcel or two contiguous parcels.

(e) Not more than one (1) single-family dwelling may be located on the parcel containing the Wholesale Farm Processing Facility. Not more than one (1) additional single-family dwelling may be located on the remaining dedicated acreage.

(f) None of the dedicated land shall be used to satisfy acreage density or open space requirements of any other use in the Township while the Wholesale Farm Processing Facility continues in operation.

(4) Setbacks: The minimum setbacks for the Wholesale Farm Processing Facility including required parking shall be:

(a) Front yard 50 feet.

(b) Side and rear yards 200 feet.

(c) No Wholesale Farm Processing Facility shall be located within a Viewshed, except as permitted by recommendation of the Planning Commission and approval of the Township Board. For those parcels where a Farm Processing Facility is proposed that is entirely within a Viewshed, a location will be considered that minimizes the negative impacts to the Viewshed.

(5) Wholesale Farm Processing Facility Size:

(a) A Wholesale Farm Processing Facility shall not include retail space.

(b) The total floor area of a Wholesale Farm Processing Facility above finished grade shall not exceed 250 square feet per acre of land comprising the dedicated parcel that contains the Wholesale Farm Processing Facility and shall not exceed a maximum of 30,000 square feet of total floor area above finished grade.

(c) The Wholesale Farm Processing Facility may consist of more than one building; however, all buildings used by the Wholesale Farm Processing Facility shall be located on the 20-acre minimum parcel that contains the accessory Wholesale Farm Processing Facility and shall not collectively exceed the floor area allowed by Subsection (19)(b) 5 ii above.

(d) Underground floor area may be allowed in addition to the permitted square footage of floor area above finished grade, provided it is entirely below the pre-existing ground level and has no more than one loading dock exposed. (REVISED BY AMENDMENT 197)

(6) Pre-existing Buildings: (built prior to December 13, 2022) may be used for Wholesale Farm Processing Facilities provided they are not greater in size than the maximum allowable square footage per acre as referenced above. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing buildings in accordance with Section 5.7.3, giving special attention to avoiding adverse impacts on surrounding property owners.

(7) Vested Right: Approval of a special use permit for an accessory Wholesale Farm Processing Facility shall not create any Vested Right in the continued non-agricultural use of any structures built or used for a Wholesale Farm Processing Facility. Such structures shall only be used for uses permitted by right in Section 6.7.2 in the event that the accessory Wholesale Farm Processing Facility use is discontinued or curtailed.

(1) Parking: Parking shall conform to the requirements of Article 9.

(2) Signs: All signage shall conform to the requirements of Article 10.

(3) Lighting: All exterior lighting shall conform to the requirements of Section 8.07.

(4) Access: Access to the Wholesale Farm Processing Facility shall be from a public road. An access permit from the County Road Commission or Michigan Department of Transportation shall be required before a land use permit can be issued.

(5) Water: Demonstration of adequate water for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

(6) Sewage and Wastewater Disposal: Demonstration of adequate sewage and wastewater disposal for the Wholesale Farm Processing Facility shall be provided by the appropriate agencies. Conformance to agency requirements shall be required.

(7) Fencing or Planting Buffer: 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.

(8) Data and Records:

(a) The Farm Operation operating the Wholesale Farm Processing Facility shall annually by April 15 of each year provide data and records from the previous calendar year to the Director of Planning demonstrating that (a) a minimum of sixty-five percent (65%) of the Raw Produce processed as measured by weight is grown on land that is exclusively controlled and operated by that Farm Operation, (b) a minimum of fifty percent (50%) of the ingredients as measured by weight of any processed products sold was derived from Raw Produce grown on land that is exclusively operated and controlled by that Fann Operation and (c) all land within the Township controlled and operated by the Farm Operation meets the dedicated acreage requirements.

(b) The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

(c) Any change in the above shall be submitted in writing to the Director of Planning within 60 days of said change. Failure to submit such changes shall be considered a violation of this Ordinance and may be a basis for revocation of the Land Use Permit.

(9) Approval Process:

(a) Site plan review shall be required for all Wholesale Farm Processing Facilities. A site plan drawn to scale (one or more sheets as appropriate) shall be submitted to the Director of Planning along with the appropriate site plan review fee as established by the Township Board.

(b) The site plan shall include at least:

(i) the parcel or parcels with parcel numbers dedicated to the Wholesale Farm Processing Facility with calls and dimensions on all property lines;
(ii) legal descriptions of all parcels;
(iii) all existing and proposed structures including setbacks from property lines;
(iv) proposed parking, landscaping and lighting;
(v) floor plan showing all processing areas; and

(vi) the name, email address, mailing address, and phone number of the Farm Operation.

(c) iii. Site plan approval for a Wholesale Farm Processing Facility shall be issued by the Director of Planning upon showing that the minimum requirements of this Ordinance, including parcel(s), building size, building height, minimum acreage in crop production, setbacks, and parking are met as well as any requirements of a conservation easement.

(d) Once the site plan is approved by the Planning Director, a Land Use Permit application may be submitted to the Zoning Administrator.

(e) A permit from the Grand Traverse County Health Department is required before a Land Use Permit for a Wholesale Farm Processing Facility can be issued.

(f) No processing or wholesale sales of products shall take place until a final site plan approval is issued by the Director of Planning and a Land Use Permit is issued by the Zoning Administrator. The Land Use Permit shall not be issued until copies of all permits required by state, federal, and other local licenses and permits have been submitted to the Zoning Administrator, and the Zoning Administratorhas made an on-site inspection to verify compliance with all the requirements of the Zoning Ordinance.

(g) Any violation of the Site Plan Approval issued by the Director of Planning or Land Use Permit issued by the Zoning Administrator for this use shall, in addition to the provisions of Section 4.2.1 Violations and Penalties, serve as grounds for revocation of the Site Plan Approval and the Land Use Permit.

(10) Residence within a Wholesale Farm Processing Facility. (ADDED BY AMENDMENT NO 146) A single-family dwelling may be allowed as part of a structure containing a Wholesale Farm Processing Facility provided the following requirements are met:

(a) The dwelling and Wholesale Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above;

(b) The dwelling shall be the only dwelling on the 20-acre parcel containing the Wholesale Farm Processing Facility.

(c) The dwelling shall meet all dimensional requirements of Section 6.8 for the A-1 Agricultural District. (UPDATED BY AMENDMENT 201)

Section 6.45 Wireless Communications Facilities (currently Sections 7.12 and 8.7.3(12))

(A) Intent. The Telecommunications Act of 1996, Federal Communications Commission (FCC), and Michigan Zoning Enabling Act set forth provisions concerning placement, location and construction of towers and related facilities for wireless communications services.

In order that such towers not cause visual pollution or create a safety hazard or reduce property values on adjacent properties, reasonable regulations for the location, use of existing structures (e.g., water towers, school and church steeples, tall buildings), design of structures and towers, is appropriate. Wireless communications service are specifically determined to NOT be essential services nor to be public utilities as such terms are used in this Ordinance.

Peninsula Township has adopted policies and the voters have approved increased property taxes to purchase development rights on certain farmlands to preserve the agricultural industry, retain the rural character of the township and preserve the unique scenic views of farms and shoreline. A considerable amount of property value in Peninsula Township is directly related to these efforts to retain the scenic qualities, agricultural land and management of growth in the township. It is consistent with these policies and programs to allow towers to be constructed in locations and to such heights that they do not interfere with these efforts to preserve the scenic views and township character.

It is the intent of these regulations to allow antennae to be located on monopoles as short as possible so as to maintain property values on surrounding properties, not impair scenic views, and provide reasonable service to Peninsula Township residents. It is not the intent to create "antennae farms" with a number of monopoles and antennae in a small area.

Taller towers may be allowed if it is proven to the satisfaction of the Township Board that reasonable service to Peninsula Township residents cannot be provided by lower monopoles.

It is not the intent to regulate amateur radio antennae under this section.

(B) General Requirements.

(1) Option A. Wireless communications facilities are a permitted use of property and are not subject to special land use approval or any other approval if all of the following requirements are met:

(a) Co-location. The wireless communications facilities may be co-located on an existing wireless communications support structure or in an existing equipment compound, provided the proposed co-location complies with the terms and conditions of any previous final zoning approval by the Township and that the co-location will not do any of the following:

(i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.

(ii) Increase the width of wireless communications support structure by more than the minimum necessary to permit co-location.

(iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.

(b) Existing Facilities. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Township.

(2) Option B. Wireless communications equipment is subject to special land use approval, in accordance with *Section 13.05* of the Zoning Ordinance, if the equipment does not meet requirements of *Section 6.37(B)(1)(a)*, but the equipment meets all of the following requirements:

(a) The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.

(b) The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township.

(3) Option C. Wireless communication equipment is subject to special land use approval, in accordance with *Section 13.05* of the Zoning Ordinance if the proposal does not involve co-location (e.g., a new facility).

(C) Approval Procedures. The following procedures have been established to achieve approval of a proposed wireless communications facility:

(1) Option A. Option A wireless communication equipment plans require approval by the Zoning Administrator, as delegated by the Township Board.

(2) Option B. Option B wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures in *Section 13.05* and the following special procedures:

Steps	Action
Step 1	Applicant submits plan and required fee.
Step 2	Within 14 business days Township Zoning Administrator or Planning Director determines if application is complete, as delegated by the Township Board.
Step 3	If application is incomplete, Zoning Administrator or Planning Director notifies applicant.
Step 4	If application is complete, Zoning Administrator or Planning Director initiates Special Land Use review by scheduling special land use public hearing. Special land use review must be complete 60 days after the application is considered complete.
Step 5	Township Zoning Administrator or Planning Director reviews plan, transmits letter to Planning Commission.
Step 6	Planning Commission reviews plan, makes recommendation to Township Board.

Step 7	Township Board approves or denies application.

(3) **Option C.** Option C wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures outlined for Option B, except that in Step 4 the special land use review must be complete not more than 90 days after the application is considered complete.

(D) **Standards and Conditions.** All applications for wireless communication facilities shall be reviewed in accordance with the standards in this Ordinance that apply generally to site plan review and special land use review, and subject to the following standards and conditions. If approved, such facilities shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed by the Planning Commission and Township Board.

(1) **Right-of-Way and Access Easement Location Prohibited.** Wireless communication towers and equipment shelter buildings shall not be placed in any road right-of-way or in any easement for road purposes.

(2) **Zoning Districts.** Wireless communication towers and facilities may be located only in the Agricultural A-1 Zone or the Commercial C-1 Zone. No towers are permitted in the area shown on the Scenic Viewshed Map of the Township Master Plan.

(3) **Public Health and Safety.** Facilities and/or support structures shall not be detrimental to the public health, safety and welfare, including preserving unique scenic views of farms and shoreline. Peninsula Township has adopted policies and the voters have approved increased property taxes to purchase development rights on certain farmlands to preserve the agricultural industry, retain the rural character of the township, and preserve the unique scenic view of farms and shoreline. A considerable amount of property value in Peninsula Township is directly related to these efforts to retain the scenic qualities, agricultural land, and management of growth in the township..

(4) **Harmony with Surroundings and Prohibited Location in Scenic Areas.** The entire facility must be aesthetically and architecturally compatible with its environment.

(5) **Compliance with Federal, State and Local Standards.** Wireless communication facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics Commission. Wireless communication support structures shall comply with all applicable building codes. All tower proposals of more than 35 feet shall be submitted to the Cherry Capital Airport Commission and FAA for review and approval prior to approval by Peninsula Township.

(6) **Maximum Height.** The maximum height of a new or modified support structure and antenna shall be no more than required for reasonable communication by the applicant (and by other entities to co-locate on the structure) according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

The Township may engage the services of an independent technical and engineering evaluation of the need for a tower. Where the independent evaluation shows that service can be provided by a lower tower or co-location on an existing tower, the tower shall be lowered accordingly or the equipment must be co-located on an existing tower. In no case shall the maximum height of a new or modified support structure and antenna exceed 120 feet. Higher towers may be permitted, however, only if necessary to achieve co-location. The buildings, cabinets, and other accessory structures shall not exceed a height of 12 feet.

(7) **Minimum Setbacks.** All setbacks for the zoning district shall be met and in addition, no new or modified tower shall be placed closer than the total height of the tower from any lot line.

Buildings and facilities accessory to the wireless communication facility (other than the support structure) shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

(8) **Access.** Unobstructed permanent access to the support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The permitted type of surfacing, dimensions and location of such access route shall be subject to approval by the Planning Commission and Township Board, based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.

(9) **Minimum Lot Area.** Wireless communication towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner), that have an area no less than the minimum parcel size for the district. The division of property for the purpose of locating a wireless communication facility shall be permitted only if all zoning requirements, including lot size and lot width requirements, are met.

(10) **Equipment Enclosure.** If an equipment enclosure is proposed as a building or ground-mounted structure, it shall comply the required setbacks and other requirements specified for principal buildings in the Schedule of Regulations for the zoning district in which the facility is located. The use of compatible materials such as wood, brick, or stucco is required for associated support buildings, which shall be designed to architecturally match the exterior of residential structures within the neighborhood. In no case will metal exteriors be allowed for accessory buildings. If an equipment enclosure is proposed as a roof appliance on a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The service building shall be no larger than necessary to house the equipment.

(11) **Design Requirements.** The support structure and all accessory buildings shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. Accordingly, support structures shall be painted with a rust preventative paint of an appropriate color to harmonize with the surroundings and shall not have lights unless required otherwise by the Federal Aviation Administration

(FAA). Equipment buildings shall have a brick exterior. No signs or logos visible from off-site shall be permitted on a support structure. The Planning Commission may recommend to the Township Board that the tower be camouflaged to be less intrusive.

(12) **Fencing.** The tower and its accessory buildings shall be enclosed by a vinyl-coated chain link fence having a maximum height of 6 feet with a locked gate.

(13) **Structural Integrity.** Wireless communication facilities and support structures shall be constructed and maintained in structurally sound condition, using the best available technology, to minimize any threat to public safety.

(14) **Maintenance.** A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.

(15) **Screening.** The fenced site shall be completely screened on all sides by evergreen screening planted no farther than 3.5 feet apart. The plants shall be at least 6 feet in height at the time of planting. Other evergreen trees or shrubs may be permitted or required, provided that the Planning Commission and Township Board finds that the substitute plant material will provide a complete screen around the facility. The Township Board may require additional landscape screening of the service building and fencing. The screening must be maintained.

(16) **Underground Wires.** With the exception of connecting wires between the equipment enclosure building and the tower via 1 ice bridge not higher than 12 feet in height, all other connecting wires from towers to accessory buildings shall be underground. All electrical and other service wires to the facility shall be underground.

(17) **Monopole Tower Only.** The tower itself must be of monopole design, and there shall be no guyed or lattice towers.

(18) **Lighting.** Lighting shall be limited to that which is absolutely necessary and required by appropriate agency and shall conform to the requirements of *Section 8.07*. Strobe lights are prohibited.

(E) **Co-location Provisions.** In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on Peninsula Township, co-location, or the provision of more than 1 antenna on a single tower may be allowed or required by the Township Board.

(1) The Applicant shall be required to provide information regarding the feasibility of co-location at proposed sites. Factors to be considered in determining feasibility of co-sharing include available space on existing towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, and any FCC limitations on tower sharing.

(2) The applicant shall be required to send a certified mail announcement to all other tower users in the area, stating their citing needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied or deny space on a tower unless mechanical, structural, or regulatory factors prevent them from sharing.

(3) Further the applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:

(a) Respond to any requests for information from another potential shared use applicant;

(b) Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and;

(c) Make no more than a reasonable charge for a shared use lease.

(F) Removal. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

(1) The maximum time which an unused tower may stand is 12 months. The applicant or owner is responsible for the removal of an unused tower. Failure to do so shall be sufficient for the Township to remove the structure according to the provisions under the Dangerous Buildings Ordinance adopted by the Township. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

(2) 12 months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.

(a) The situations in which removal of a facility is required, as set forth in *Section 6.37(F)(1)* above, may be applied and limited to portions of a facility.

(b) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition, removal, and site restoration.

(c) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected or enforced from or under the security posted at the time application was made for establishing the facility.

(G) Application Requirements. Applications shall include the following in addition to any other specific requirements under *Section 13.04*:

(1) Evidence of Ownership or Lease. Evidence of ownership or lease of the property on which the facility is to be placed.

(2) Name and Address. Name and address of the proposed owner or operator of the site.

(3) Service Requirements. Engineering requirements for the service to be provided at the site.

(4) Contact Person. Name, address, and phone number of the person to contact for engineering, maintenance, feasibility of co-location as provided in this section, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

(5) Site Plan. Site plan showing location of all proposed and existing structures on the property, including the location, size, and screening of all buildings, outdoor equipment, and structures.

(6) Landscaping Plan. A detailed landscaping plan illustrating the number, species, location, and size at the time of planting of all proposed trees and shrubs. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

(7) Design of Structures. Preliminary design of all proposed structures.

(8) Surrounding Property Owner Information. Name and address of all adjacent property owners within 300 feet of the property.

(9) Structural Specifications. Structural specifications for the support structure and foundation shall be submitted for review, including a registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 100 miles per hour. The structural specifications shall state the number of various types of antennae capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer.

(10) Security. The application shall include a description of security to be posted immediately upon issuance of a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as previously noted. The amount of security shall be determined by the Township Engineer. In this regard, the security shall, at the election of the applicant, be in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.

(11) **Service Area Documentation.** The application shall include a map showing existing and known proposed wireless communication facilities in the Township and in areas surrounding communities, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If such information is on file with the community, the applicant shall be required only to update as needed. Any such information which is a trade secret or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy {MCL 15.243(1)}. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.